



Appeal Decisions

Site visit made on 31 July 2018

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2018

Appeal A Ref: APP/Y2736/W/18/3201096

Land to the south of Back Lane, Harome, North Yorkshire, YO62 5JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Dale Sunley against the decision of Ryedale District Council.
 - The application Ref 17/01299/OUT, dated 25 October 2017, was refused by notice dated 4 January 2018.
 - The development proposed is the construction of 2no. local needs dwellings.
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Appeal B Ref: APP/Y2736/W/18/3201098

Land to the south of Back Lane, Harome, North Yorkshire, YO62 5JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Dale Sunley against the decision of Ryedale District Council.
 - The application Ref 17/01300/FUL, dated 25 October 2017, was refused by notice dated 4 January 2018.
 - The development proposed is a change of use from a paddock to domestic garden and the erection of a double garage (to serve Overdale Cottage).
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are two appeals on the same area of land to the south of Back Lane, Harome. Whilst I have considered each case separately on its own merits, to avoid any duplication of description or policy I have addressed both together in the same decision letter.
 4. The application in respect of Appeal A was submitted in outline with all matters reserved. I have therefore determined the appeal on the same basis, treating the access, appearance, landscaping, layout and scale of development as indicative.
 5. Prior to the site visit the revised National Planning Policy Framework ('the Framework') was published. Both parties have been provided with an opportunity to comment on the revised Framework, which I have taken into account in reaching my decision, along with the latest national planning policy.
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Main Issues

6. The main issues are:

- Whether or not the proposal in Appeal A would provide a suitable site for housing, having particular regard to the development strategy for the area; and
- The effect of both proposals on the character and appearance of the area, including the setting of the Harome Conservation Area.

Reasons

Development Strategy

7. The appeal sites form part of a paddock to the south of Back Lane. Despite being on the edge of the village, the paddock is beyond the Development Limits of Harome. For the purposes of the *Ryedale Plan – Local Plan Strategy*, it is within the open countryside.
8. Outside Development Limits Policy SP2 restricts new residential development to dwellings essential to support the land-based economy, the conversion of traditional rural buildings, the change of use of tourist accommodation, replacement dwellings and rural exception sites in accordance with Policy SP3. The proposed development does not meet any of these criteria. It is therefore contrary to Local Plan Policy SP2.
9. The appellants argue that Policy SP2 permits local needs housing on infill sites under the heading of 'Other Villages', and does not explicitly state that they have to be within Development Limits. However, in policy terms the paddock is located in an area designated as open countryside. It is not within a village where infilling applies. Further clarification is provided in the supporting text to Policy SP1 which sets out the settlement hierarchy for the area. It confirms that in 'Other Villages' the Plan seeks to consolidate new development "...within current development limits, with the expansion of settlements for housing justified only in exceptional circumstances."
10. I also appreciate that following the recent construction of an agricultural building the paddock is now surrounded on all sides by existing development. The proposed schemes would therefore be well-related to the main built-up area of the village and would not be perceived as part of the wider open countryside to the north. Nevertheless, Policies SP1 and SP2 have been examined, found to be sound and formally adopted as part of the development plan for the area. No convincing evidence has been provided to suggest that at this moment in time they are out-of-date or inconsistent with the Framework.
11. The rationale behind Policies SP1 and SP2 is set out in the supporting text. It confirms that in order to achieve the sustainable objectives of the Plan housing is focused towards Malton and the market towns. Whilst the site would be visually associated with existing built development, the proposal is therefore directly at odds with the spatial strategy for the area. Allowing the appeal without any robust reasons to justify a departure from the development plan would undermine this strategy. In turn this would lead to unsustainable patterns of development, contrary to the aims and objectives of the Local Plan.

12. I therefore conclude that by reason of its location within the open countryside the proposal in appeal A would not provide a suitable site for housing and conflicts with the development strategy for the area in Local Plan Policy SP2. The Framework confirms that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

Character and Appearance

13. The Harome Conservation Area is situated to the south and east of the paddock focused around the historic core of the village and the surrounding fields. It is characterised by the use of traditional local materials and the historic layout of the village, with buildings typically fronting onto Main Street with long narrow plots leading to farmland at the rear. The 'toft and croft' settlement pattern is still evident along Back Lane and is an important part of the conservation area's significance as a designated heritage asset.
14. Evidence provided by the appellants shows that up until the mid-late 19th century the paddock consisted of two linear plots. The original layout has since been lost following the construction of Saxon House and the realignment of the adjacent gardens. The traditional appearance of the immediate surrounding area has also been further eroded by modern infilling and housing on Knavesmire Close. By seeking to create narrow garden plots both proposals have therefore sought to reflect the original settlement pattern.
15. However, by introducing two houses at the rear of Main Street, accessed from Back Lane, the location and siting of the proposal in respect of Appeal A would be at odds with the original form and layout of the village. In addition, the paddock currently forms part of the setting of the conservation area due to its proximity to the centre of the village and its open, agricultural appearance. Although the final design would be determined as part of the reserved matters process, in allowing Appeal A views towards the original buildings on Main Street would be replaced by two detached houses with garages. The important connection between the core of the village and the surrounding fields in this location would therefore be lost, and the ability to appreciate the significance of the conservation area would be significantly reduced.
16. In respect of Appeal B the Council accepts that a new garage could be acceptable in principle due to the presence of other outbuildings in rear gardens along Back Lane. Based on observations at my site visit I agree. However, the other garages nearby are typically small scale, subservient outbuildings situated close to, or immediately adjacent to the road. In contrast, the appeal scheme would introduce a large double garage with a substantial pitched roof that would occupy almost the full width of the plot. It would also be set-back from the roadside behind a turning and car parking area. The siting and design of the garage would therefore result in an incongruous form of development that would be harmfully out of place.
17. In reaching this view I have taken into account that historically, outbuildings were located closer to Main Street than Back Lane under the 'toft and croft' settlement pattern. But this does not justify such a large and unsympathetic structure that would fail to relate to either the host property or other outbuildings nearby. The size, siting and suburban appearance of the garage would be detrimental to the character of the area.

18. The harm to the significance of the conservation area would be less than substantial. Nevertheless, because the traditional settlement pattern is an important feature of the village, and due to the proximity and relationship of the paddock to Main Street, it would still be material. Based on the evidence provided this harm would not be outweighed by the public benefits of either development.
19. I therefore conclude that the proposals in Appeals A and B would fail to adequately respect the character and context of the area and would be harmful to the setting of the Harome Conservation Area. As a result, they conflict with Local Plan Policies SP12 and SP20 which seek to conserve important elements of Ryedale's historic environment, and require new development to respect the character and context of the immediate locality and wider townscape character. For the same reasons the proposals are also contrary to Local Plan Policy SP16 which, amongst other things, requires developments to reinforce local distinctiveness.

Other Material Planning Considerations

20. At present Back Lane provides a distinction between the main built-up area of Harome and the countryside to the north. Both appeals would therefore be viewed in the same context as the village, and the rural landscape of the surrounding area would be maintained.
21. Appeal A would also provide new local needs housing in a ward where lower quartile house prices are amongst the highest in the district, and expressions of interest have been provided from two local families in support of the scheme. Potential future occupiers would help to support local shops, services and facilities in the area, and the submitted evidence suggests that the use of a local needs occupancy condition would make the properties more affordable.
22. Furthermore, economic benefits would be created through additional employment in the construction process and from Council tax revenue, CIL and the New Homes Bonus. The garage in Appel B would also provide additional car parking, and the Council has not raised any concerns regarding accessibility, parking arrangements or the living conditions of neighbouring residents.
23. However, the socio-economic benefits associated with the schemes, and the contribution that two dwellings would make to housing land supply, would only be limited. The Council also confirms that a supply in excess of 5 years' worth of housing land already exists and that windfall sites have consistently come forward. As a result, in this particular case the other material considerations do not justify allowing either appeal.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I conclude that both appeals should be dismissed.

Matthew Birkinshaw

INSPECTOR



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Your Ref: 17/01299/OUT
Our Ref: APP/Y2736/W/18/3201096
Further appeal references at foot of letter

Karen Hood
Ryedale District Council
Development Control
Ryedale House
Malton
North Yorkshire
YO17 7HH

03 September 2018

Dear Karen Hood,

**Town and Country Planning Act 1990
Appeals by Mr and Mrs Dale-Sunley
Site Addresses: Back Lane, Harome, YO62 5JB and Land to the South of Back Lane, Harome, YO62 5JB**

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Darren Cryer

Darren Cryer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/Y2736/W/18/3201098