



Appeal Decision

Site visit made on 31 July 2018

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

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2018

Appeal Ref: APP/Y2736/W/18/3200877

Kirkdale Lodge, Highfield Lane, Nawton, Helmsley, YO62 7TU

- 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 John Sugarman against the decision of Ryedale District Council.
 - The application Ref 17/00844/FUL, dated 5 June 2017, was refused by notice dated 19 January 2018.
 - The development proposed is the erection of a 4 bedroom house and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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.

Main Issues

3. The main issues are:
 - Whether or not the proposal would provide a suitable site for housing, having particular regard to the development strategy for the area; and
 - The effect of the proposal on the landscape character of the area.

Reasons

Development Strategy

4. The appeal relates to a parcel of undeveloped land formerly used as a paddock. It is located adjacent to, but outside the Development Limits of Beadlam and Nawton. For the purposes of the *Ryedale Plan – Local Plan Strategy*, the site is therefore within the open countryside.
 5. 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, and the settlement hierarchy in Policy SP1.
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6. Situated on the edge of the village the appeal scheme would not be remote or inaccessible. Existing mature trees also partially screen the site, which is surrounded by residential development on three sides. As such, it does not form part of the wider open countryside which extends beyond the village 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. At this moment in time there is nothing to suggest that they are out-of-date or inconsistent with the Framework.
7. The rationale behind Policy 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. In the smaller non-service villages and the countryside the Council applies a Local Needs Occupancy policy to ensure that the relatively limited sources of new housing better reflect the requirements of local people. 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, and could lead to unsustainable patterns of development.
8. I therefore conclude that by reason of its location within the open countryside the proposal would not provide a suitable site for housing and is contrary to the development strategy for the area set out in Local Plan Policies SP1 and SP2. The Framework is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Landscape Character

9. The appeal site is located within the Fringe of the Moors Area of High Landscape Value, an area recognised for its significant historic landscape. At present its open, verdant appearance contributes positively to the character and appearance of Highfield Lane.
10. Although the scheme would introduce residential development onto the site, the size of the dwelling would be commensurate with its plot. The proposal would also be well-screened from public viewpoints due to a combination of its siting and the mature trees on Highfield Lane. Additional landscaping on the opposite side of the road would further limit the visual impact of the scheme, as would the position of Kirkdale Lodge to the north. For these reasons the landscape value of the Fringe of the Moors would be preserved.
11. I therefore conclude that the proposal would not harm the landscape character of the area. In this regard there is no conflict with Policy SP13 of the *Ryedale Plan – Local Plan Strategy* which states that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities. For the same reasons there is also no conflict with the Framework which states that planning decisions should contribute to, and enhance the natural and local environment by protecting and enhancing valued landscapes.

Other Material Considerations

12. The proposal would not result in the loss of any agricultural land or protected trees. Potential future occupiers would also be within walking distance of

education, services and public transport. In addition, no issues have been raised with regard to the living conditions of neighbouring residents, highway safety or the design of the house, which would be in keeping with its surroundings and would not harm the landscape character of the area. The proposal would also provide additional employment during the construction and occupation phases of development, would contribute to housing land supply and would not set a precedent for more development on Highfield Lane.

13. Nevertheless, the socio-economic benefits associated with a single dwelling, and the contribution that it would make to housing land supply, would only be very limited. In this case the location of the site on the edge of the village, its relationship to existing properties and the benefits of a single dwelling do not justify a departure from development plan policy.

Conclusion

14. The proposal would not harm the landscape character of the area. However, it conflicts with Policies SP1 and SP2 of the *Ryedale Plan – Local Plan Strategy* which seeks to limit new residential development in the countryside. For the reasons give above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR