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## Appeal Decision

Site visit made on 27 March 2018

**by Katie McDonald MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2018**

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**Appeal Ref: APP/U2370/W/18/3192554**

**Land Adjacent Moss Lane, Hambleton FY6 9DA**

- 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 James Cornthwaite against the decision of Wyre Borough Council.
  - The application Ref 17/00412/FUL, dated 27 April 2017, was refused by notice dated 3 July 2017.
  - The development proposed is erection of a new dwelling and creation of access to the highway.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) the effect of the proposal upon the character and appearance of the area; and
  - ii) whether the proposal would be in a suitable location in terms of development plan locational policy.

### Reasons

#### *Character and appearance*

3. The site is part of a larger, undeveloped and open agricultural field. Although located close to the village of Hambleton, the area surrounding the site is rural with an open landscape interspersed with farms, stables and sporadic dwellings. The site is identified as countryside within the Wyre Borough Local Plan 1991-2006 (July 1999) (LP).
4. The proposal is for a 4 bedroom bungalow style dwelling with detached garage that would be located adjacent to an existing stable yard. Opposite the site and to the rear and east are undeveloped agricultural fields.
5. Whilst the dwelling would be of a single storey height, it would have a considerable footprint and large detached garage, linked by a tall wall. Additionally, the proposed size of the garden would also be of a significant scale.
6. Even with the landscaping scheme, the proposal would represent a severe, obvious and considerable intrusion into the countryside. It would change the

fundamental character and landscape of the area by the introduction of its urban and incongruous built form and associated domestic activities and paraphernalia.

7. Consequently, the proposal would cause significant harm to the character and appearance of the area. I find conflict with Policy SP14 of the LP, which seeks to ensure that proposals are compatible with adjacent existing land uses and the development should be acceptable in the local landscape. I also find conflict with the National Planning Policy Framework (the Framework), which recognises the intrinsic character and beauty of the countryside.

#### *Location of the dwelling*

8. Policy SP13 of the LP seeks to restrict development in the countryside to that which has a proven requirement for such a location, or meets other exceptions. It is accepted by the appellant that the proposal would not comply with the development plan.
9. Whilst Policy SP13 does not actively promote sustainable development in rural areas, it is my view that it is relatively in line with the approach of Paragraph 55 of the Framework, which seeks to avoid new isolated homes in the countryside unless there are special circumstances or that housing would be located where it will enhance or maintain the vitality of rural communities. Indeed, the justification for Policy SP13 sets out that the overriding intention to redirect development and investment to the settlements and, in doing so, to protect the inherent qualities and rural characteristics of the countryside.
10. Access to the site from Hambleton is via narrow rural lanes that, based on observations from my site visit, features no pavements, bus stops or street lights. Whilst there are off-street footpaths nearby that would link the development to the village, one is through a field and the other is through a park which closes in the evening. Thus, on a day to day basis, although the site is moderately close to the village, I find that it would not provide direct or safe access to key community services and infrastructure in the village by any other means than a private vehicle.
11. The location of the development is such that it is detached from the village to the extent that the dwelling would make very little contribution towards enhancing or maintaining the vitality of the rural community. Furthermore, car borne travel would be encouraged.
12. Therefore, the location of the proposal would not be suitable in terms of development plan locational policy. I find conflict with both Policy SP13 of the LP and the Framework in this regard. The conflict with the development plan locational approach is an important consideration in a plan-led system.

#### **Other Matters**

13. It is accepted by both parties that the Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances paragraph 49 of the Framework establishes that relevant policies for the supply of housing should not be considered up-to-date. In turn, the test in the fourth bullet point of paragraph 14 of the Framework applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

14. Even taking account of the national objective of boosting significantly the supply of housing and the Council's housing land supply position, there is direct conflict between the proposal and Policies SP13 and SP14 of the LP, which should be given considerable weight in this appeal, as they are relatively in line with the approach of the Framework.
15. Additionally, the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework. The Framework also seeks to make the fullest possible use of public transport, walking and cycling.
16. Furthermore, set against the harm identified to the environmental dimension of sustainability, there would be some harm to the social and economic dimensions. The proposal would not benefit from accessible local services and it would not ensure the right place of development at the right time. These points weigh against the proposal.
17. With regard to the benefits, these would be limited. An additional dwelling would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would be insignificant.
18. I have seen the appeal decisions<sup>1</sup> presented by the appellant that appear to support their case. The circumstances of the appeals are different to that before me, as both sites appear to be in rather more developed locations. Equally, both Inspectors found no harm to the character and appearance of the area or that the location of development was inappropriate.
19. In terms of Policy SP13, whilst my thoughts on the policy differ from both Inspectors' findings, I am unaware of what evidence was presented in those cases. Moreover, I note that in the Council's evidence, it is detailed that recent appeal decisions have found Policy SP13 to be broadly consistent with, and reflective of the objectives of Paragraph 55. As each appeal must be considered on its own merits, and the facts and matters of these cases differ, these decisions add little weight in favour of the appeal before me.

## **Conclusion**

20. Taking everything into account, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted. The presumption in favour of sustainable development does not apply.
21. Therefore, in the circumstances of this appeal, there are no material considerations to justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

*Katie McDonald*

INSPECTOR

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<sup>1</sup> APP/U2370/W/17/3177796 and APP/U2370/W/17/3172417