



Appeal Decisions

Inquiry held on 16 December 2014 and 24, 25, 26 and 27 February 2015

Site visit made on 27 February 2015

by M Middleton BA(Econ) DipTP DipMgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 May 2015

Appeal A Ref: APP/G2713/A/13/2194376

The Pavilion, Robin Lane, Huby, North Yorkshire, YO61 1HH

- 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 The Playing Fields Association against the decision of Hambleton District Council.
 - The application Ref 12/01244/FUL, dated 11 June 2012, was refused by notice dated 13 November 2012.
 - The development proposed is the demolition of the existing sports pavilion building and the construction of a new multi-use two storey building. Associated works to include the provision of car parking.
 - This decision supersedes that issued on 3 September 2013. That decision on the appeal was quashed by order of the High Court.
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Appeal B Ref: APP/G2713/A/13/2194410

Land off Robin Lane, Huby, North Yorkshire, YO61 1HH

- 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 Whitfield Homes Ltd against the decision of Hambleton District Council.
 - The application Ref 12/01243/FUL, dated 13 June 2012, was refused by notice dated 18 December 2012.
 - The development proposed is a new residential development comprising of 34 new build 2, 3, 4 and 5 bedroom dwellings with associated car parking arrangements/garaging, new school drop off area, new access arrangements to the proposed development and alterations and new single storey extension to No. 1 South View.
 - This decision supersedes that issued on 3 September 2013. That decision on the appeal was quashed by order of the High Court.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The Appeal is dismissed.

Procedural Matters

3. These appeals relate to proposals that affect land on either side of Robin Lane, Huby. Appeal A involves the redevelopment of a community sports facility and

Appeal B the construction of 34 dwellings. Appeal B is seen by the Appellants as enabling development to provide finance to support the construction of the new facility that would be built if Appeal A is allowed. The applications have been refused planning permission by the Council for completely different reasons. Appeal A was refused solely because of the highway implications of the increased use of Robin Lane by users of the community sports facility. Appeal B was refused planning permission because the Council considers it to be contrary to a number of Development Plan policies in terms of its sustainability credentials. Consequently, the issues involved are not the same. Whilst considering the appeals together, I have therefore provided separate reasoning for each appeal.

4. The Inquiry was opened on 16 December 2014. Because of unexpected illness, the Appellants' main witness was unable to attend and it was agreed that the Inquiry be adjourned until 24 February 2015. It then sat for a further four days. As well as on an accompanied site visit on 27 February 2015, I visited the appeal sites and other parts of the village unaccompanied on 15 December 2014 and 23 February 2015.
5. With regard to Appeal B, that Appellant submitted a signed Agreement made under Section 106 of the Town and Country Planning Act 1990 between itself, the land owners and Hambleton District Council. In this document the Appellant and the land owners agree, if planning permission is granted and development takes place, to construct 14 affordable houses on the site and to transfer them to a Registered Provider at an agreed Transfer Price. They also agree to pay a sum of £650,000 to the District Council to be used to procure the construction of the multi-use community sports building that is the subject of Appeal A.
6. Following the refusal of planning permission, North Yorkshire County Council confirmed that the additional demand for primary school places, generated by the residential development, could now be accommodated at the local primary school and without the need for additional capacity. The Council did not therefore offer any evidence with regard to reason for refusal 4.
7. The Council now agrees that the provision of £650,000 towards the construction of a new multi-purpose community building, as provided for in the Section 106 Agreement, would secure additional sport and recreational provision in the area to an extent that satisfied the requirements of Local Development Framework (LDF) Policy DP37. No defence was provided to support reason for refusal 3.
8. I discuss the details of the matters proposed in the Agreement and their appropriateness, in the body of my decision letter. The Deed includes a clause that says that the covenants and obligations shall not apply or be enforceable, if I state in the decision letter that such obligations are incompatible with or otherwise fail to meet the relevant statutory tests. I return to this later.
9. On 27 February 2015 (the last sitting day), the Department for Communities and Local Government (DCLG) published its 2012 based household projections in England 2012-37. To enable the parties to take on board this more up-to-date household projection and if necessary to revise their housing need forecasts, in the light of this new information, I allowed each party a further fourteen days to comment on the information and to make whatever revisions to their housing need forecasts they considered appropriate.

10. During the course of the Inquiry the Council published a draft Interim Guidance Note 'Development in Villages' (GN) in relation to the Settlement Hierarchy and Housing Developments outside Development Limits. This relaxes the policy constraints on development within or adjacent to the District's villages. More significantly, in the context of this appeal, it also reviewed the status of settlements in the Hambleton Settlement Hierarchy. The draft document proposed the elevation of Huby from a Secondary Village to a Service Village. Was this change to be confirmed, in the adopted document, then the consideration of the appeal proposal, in the context of adopted policy, would be different. I therefore agreed to defer my completion of the decision letter until after the adoption of the document by the Council on 7 April 2015.

Main Issue for Appeal A

11. Whether the proposal would have a severe impact on highway safety and the free flow of traffic along Robin Lane.

Main Issues for Appeal B

12. Draft issues were circulated by me before the Inquiry and were discussed at its beginning. From all that I have read, seen and heard I consider the main issues to be:-

a) Whether the policies in the Local Development Framework are up to date in the context of the National Planning Policy Framework;

and/or

b) Whether the Council has a five year supply of housing land within the meaning of paragraph 47 of the National Planning Policy Framework;

and if not

c) Whether the proposal is sustainable development within the meaning of paragraph 7 of the National Planning Policy Framework;

and if so

Whether any harm to the locational policies of the Hambleton Local Development Framework and any other harm attributable to the developments, outweigh the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development in areas where Development Plan policies are out of date and/or the Local Planning Authority cannot demonstrate an up-to-date five year supply of deliverable housing sites.

Reasons

Planning Policy

13. The Development Plan (DP) for the area now consists of the Hambleton LDF. A Core Spatial Strategy (CS) was adopted in April 2007, a Development Policies Document in 2008 and an Allocations Document (AD) in 2010.
14. The CS seeks to meet Hambleton's development needs up to 2021. The Spatial Strategy is underpinned by four considerations that seek to meet twelve strategic objectives. It is based on three principles that define an area of opportunity in the centre of the District, areas of restraint to its north and south and a sustainable hierarchy of settlements. This hierarchy includes

- Service Centres, Service Villages and Secondary Villages. Service Villages are promoted as the main location for services outside of the Service Centres and limited development is to be supported there.
15. Policy CP1 sets out criteria against which development proposals will be assessed, whilst Policy CP2 seeks to locate development so as to minimise the need to travel. Policy CP4 supports a scale of development, within the development limits of each settlement, to its sustainability as established by its position in the Settlement Hierarchy. Development in other locations will only be supported when an exceptional case can be made in terms of Policies CP1 and CP2 and where the proposal would meet one of six specified purposes.
 16. Policy CP5 sets out the net annual additional dwellings required to be built in the District in each of three distinct periods between 2004 and 2021. 290 dwellings per annum (dpa) are required between 2011 and 2016 and 260 thereafter. Policies CP5A and CP6 establish targets for housing completions within each Service Centre together with their hinterland. The targets are set out as proportions of the overall Hambleton housing requirement.
 17. Policy CP9 says that new housing development must make provision for an element of affordable housing. It seeks a proportion of 50% in the Easingwold sub-area. CP9A supports housing schemes outside of the Development Limits where 100% affordable housing is to be provided to meet a local need.
 18. Policy CP3 supports proposals that enhance existing community assets or lead to the provision of additional assets that improve community well-being. Policy CP19 gives support to proposals that retain or enhance existing recreational assets.
 19. The LDF was prepared in the context of the Regional Spatial Strategy for Yorkshire and the Humber (RSS) which has now been revoked. It was used to inform the basis of the housing requirements set out in the CS at Policy CP5. This was a constrained figure aimed at directing some of the growth that would have otherwise occurred in the region's rural areas, such as Hambleton, to its cities and conurbations. It was consequently not based on the area's full objectively assessed housing need (FOAHN) for market and affordable housing in the housing market area (HMA), as required by paragraph 47 of the National Planning Policy Framework (Framework). Policy CP5 is clearly out of date. The Council has recognised this and is in the process of preparing a review of the CS. This is not at a sufficiently advanced stage to be given any weight in these appeals.
 20. Notwithstanding this, the Council has also accepted that there is an urgent need for more flexibility in the control of housing development within the District's smaller settlements. It has consequently prepared and adopted the GN as Interim Planning Policy, with the aim of creating more housing development opportunities in the smaller settlements. A draft document was the subject of public consultation and certain changes were made to the GN in response to the comments. The guidance seeks to respond to the greater emphasis, placed on the community dimension of sustainable development, advocated in the Framework when compared to its predecessors. Now that it is adopted I should give full weight to this document.
 21. The GN supports small scale housing development in all villages where it contributes towards achieving sustainable development by maintaining or

- enhancing the vitality of the local community and where it meets six criteria. However, small scale is defined as normally comprising of up to five dwellings.
22. Additionally, the opportunity has been taken to update the settlement hierarchy, following a comprehensive survey and analysis of services and facilities within the settlements. Huby has been upgraded to a Service Village and even before the GN, CS Spatial Principle 3 envisaged limited development in such locations. CS Policy CP6 says that new houses will be supported in Service Villages at a level appropriate to the needs of the defined communities and within the defined Development Limits. Elsewhere the DP makes the point that development in such locations is aimed at maintaining the sustainability of the rural communities rather than assisting in meeting the overall district housing need.
 23. The AD allocated a residential development site in each of the four villages, which were designated as Service Villages at the time and within the Easingwold sub-area. There is a target of 50% affordable housing applicable to each of them. Had Huby, which has a larger population than any of the other four settlements, been a Service Village at the time then no doubt (a) site(s) would have been allocated in the AD and not necessarily within the defined Development Limits. The Council argued that in the context of Huby, such allocations should not amount to more than twenty dwellings in total to be locationally sustainable. I agree with its judgement in this respect.
 24. The LDF was prepared and adopted before the publication of the Framework in 2012. This establishes National Planning Policy and at paragraph 215 it says that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework" by decision takers.
 25. The criteria in Policy CP1 seek to ensure that development is sustainable. With the exception of the need to assess development proposals against the now out of date housing and economic requirements, it is consistent with the Framework as is CP2 which seeks to minimise the need to travel.
 26. Policies CP4 and CP9A restrict development outside of the Development Limits, apart from 100% affordable housing schemes and other development in exceptional circumstances. The Development limits were defined in the context of the restrained development strategy and cannot be considered up to date in a situation where the Council has to meet a higher FOAHN. The use of some greenfield land outside of the Development Limits is inevitable and this aspect of Policy CP4 is clearly out of date. The limitation of support for housing in these areas, to that which is affordable, provided by Policy CP9A is similarly questionable. The requirement for exceptional circumstances seems extreme and along with the absence of any more moderate planning balance, which is a feature of the Framework, it renders this aspect of Policy CP4 also out of date.
 27. The need to revise the District's housing supply figures to meet the FOAHN clearly has ramifications for the levels of housing proposed in the Service Centres and their hinterlands. Nevertheless the need to revise housing targets upwards does not necessarily undermine the distributional strategy within Hambleton District. This appears to have been arrived at through a reflection of Strategic Objectives 2, 3 and 4 and the LDF Spatial Principles.
 28. The former seek to reduce the need for travel, support thriving and sustainable communities and accommodate future population growth in line with the RSS

requirements. The latter refer to an area of opportunity where there is scope for sustainable development based on accessibility and development opportunities, an area of restraint where it is desirable to reduce in-migration and the related out-commuting and the hierarchy of settlements.

29. This strategy and the non-numerical delivery policies (CP5A and CP6) are consistent with the Framework's Core Planning Principles, particularly the need to actively manage patterns of growth and to focus significant development in locations that are sustainable. It is also consistent with the achievement of sustainable development as expounded in the Framework and the "golden thread of sustainability" to which paragraph 14 of the Framework gives a presumption in favour. Whilst the RSS may have been revoked that does not mean that all elements of its strategy or policies were not consistent with the Framework or that policies within the Hambleton LDF that were influenced by it are necessarily out of date. The proportional distribution of housing set out in Policies CP5A and CP6 are clearly up to date and relevant.
30. Policy CP9 is at odds with the recent update to Government policy in the Planning Practice Guidance on rural affordable housing. The update makes it plain that it is not appropriate to ask for affordable housing contributions through Section 106 Agreement at developments with fewer than 10 dwellings. It is therefore no longer appropriate to require the provision of affordable housing on residential developments with two or more dwellings. The lifting of the threshold to 10 will have ramifications for the overall provision of affordable housing in the rural areas and is likely to necessitate a new approach to its delivery if the need is to be satisfied.
31. Paragraph 73 of the Framework points out that access to opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Policies CP3 and CP19, which seek to protect and enhance community and recreational assets, support the promotion of healthy communities. They are clearly up to date and relevant to this appeal.
32. Paragraph 14 of the Framework says that where the relevant DP Policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. The DP Policies that regulate the supply of market and affordable housing within the District of Hambleton are out of date. The provisions of paragraph 14 of the Framework therefore apply to appeal B.

Appeal A

33. The Council considers the redevelopment of the sports facility to be acceptable in all respects, apart from the continued use of Robin Lane as the vehicular access. At the Inquiry, Huby Playing Fields Association declared that they no longer wished to pursue access to the new facility via Robin Lane but rather would rely upon the provision of a new access from Baston Lane via the other appeal site. In these circumstances this Appellant accepted that if Appeal B were to fail then Appeal A should be dismissed on highway grounds.
34. The appeal proposal would develop a modern community sports facility that would be likely to hold events that could generate significant increases in vehicular traffic beyond the existing situation. Having familiarised myself with

the nature of the access via Robin Lane, on my site visits, I do not consider it to be a suitable access for the likely revised usage. The highway geometry and configuration of the Lane leaves much to be desired. It has no pavements or street lighting and in part has substandard widths that in some instances are as narrow as 2.8 metres. Whilst there are a number of private areas between the highway and the brick walls and hedges that bound the lane, many of these are clearly used for parking. This severely limits the ability for cars to pass in the lane. The lane also has a bend that restricts forward visibility.

35. There was agreement that the construction of a new multi-use facility would noticeably increase the usage of the sports/community complex and the number of vehicles visiting it. A number of the uses of the building would follow one another so that people would be arriving at the complex at the same time as others would be leaving. This would inevitably impact on the free flow of traffic along Robin Lane to a significant extent. Consequently the use of Robin Lane, as the access to the new facility, could have severe impacts on highway safety and the free flow of traffic at the times when events were organised in the new community facility or team sports were being played at the sports ground.
36. The access via site B would be built to adoption standards that would be capable of safely accommodating the predicted traffic flows to and from the new facility. The proposal is clearly supported by CS Policies CP3 and CP19. I nevertheless conclude that Robin Lane would not be a safe and suitable access for the proposed development and that without an alternative access via the site of Appeal B then it would be contrary to Policies CP1 and DP4 of the Hambleton District Council Local Development Framework (LDF) and should be dismissed.

Appeal B

37. The appeal site is outside of the Development Limits of Huby and although immediately on the edge of the village it is technically within the open countryside. The proposal would provide affordable housing and contribute towards the provision of a community facility which meets a local need and Huby is a settlement within the defined hierarchy. Indeed it is one that has recently had its status upgraded from a Secondary Village to a Service Village. To this extent it is supported by CS Policies CP4 and CP6. However, Spatial Principle 3 only promotes limited development in Service Villages and for the purpose of helping to meet the needs of rural communities. It would be stretching the definition of "limited" somewhat to include a development of 34 dwellings within that. Whilst the affordable housing would, through the letting arrangements contained in the Section 106 Agreement, meet an identified local need, there is no restriction on the occupation of the twenty market houses. Consequently, there would be no control over their occupation and no guarantee that the market housing would in fact be meeting the needs of this rural community as opposed to households whose head works in York or commutes to employment centres elsewhere. There is nevertheless clear support from CS Policies CP3 and CP19 because of the contribution the proposal could make to the provision of community recreational assets.
38. The development of green fields in this rural location does not protect or enhance the natural environment or minimise energy consumption and the need to travel. To this extent the proposal does not meet the requirements of

CS Policy CP1. Paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport in rural areas will be different to those in urban areas. In a similar context CS Policy CP2 promotes the location of development within the settlement hierarchy so as to minimise the need to travel. The upgrading of Huby to a Service Village suggests that in the context of this rural location limited development would be a sustainable outcome but there is no evidence to suggest that Huby and its hinterland are in need of twenty market houses now. The proposal therefore fails to meet the requirements of CS Policies CP1 and CP2.

39. As the proposal is not solely for affordable housing, it is not supported by CS Policy CP9A. Indeed as it only provides affordable housing to the level of 41%, which is noticeably below the requirement in the Easingwold Sub-area, even within the Development Limits (50%), it is contrary to CS Policy CP9. I therefore conclude that the proposal is contrary to all or parts of CS Policies CP1, CP2, CP4, and CP9 and does not derive support from CS Policies CP6 and CP9A.

Housing land supply

Full objectively assessed housing need

40. The Framework at paragraph 47 says that local planning authorities should meet the FOAHN for market and affordable housing in the HMA. The National Planning Practice Guidance (NPPG) says that a housing market area is a geographical area defined by household demand and housing preferences. It also points out that such needs are rarely constrained precisely by local authority boundaries and that a HMA is a geographical area reflecting the key functional linkages between places where people live and work. Local Planning Authorities should therefore establish their housing needs through joint working with other local authorities in the relevant housing market area. Such joint working is also a requirement of the duty to cooperate when preparing DPs.
41. Research funded by DCLG suggests that there is not a Hambleton HMA. Whilst the majority of the District, along with Richmondshire District and adjacent parts of Harrogate District, comprise the Northallerton HMA, in this analysis, Huby and the rest of the Easingwold sub-area are within the York HMA. A similar sized area in the north of the district relates to Middlesbrough.
42. I accept that it is not realistic to prepare a detailed assessment for the constituent parts of the District in advance of such work as a part of the CS review. Nevertheless, I consider the unfettered application of information that relates to a proxy HMA for Hambleton, to those parts of the District that have clear commuting and migration links with other areas, to be inappropriate.
43. The assessment of FOAHN suggested by the NPPG involves three stages. The adjustment of the latest household projections on the basis of robust demographic evidence, further adjustments to account for job trends and a final adjustment to reflect changing market signals in quantity and price. In the current context of Hambleton's lack of a Framework compliant FOAHN, the use of modified household projections is an acceptable proxy for the whole district in the absence of anything better. However, once adjustments for changes in job numbers and then market signals are introduced, the comparison of the resultant FOAHN to the housing land supply to establish

- whether there is a five year supply or not and its direct application to the whole District is perverse.
44. There is no evidence to suggest that there is likely to be significant or indeed any job growth in and around Huby or within the Easingwold sub-area as a whole, over the next decade or so. The forecasted job growth, if it occurs, will largely be in the area of development opportunity in the central part of the District, as defined in the CS and centred upon the towns of Bedale, Northallerton and Thirsk. Huby is about 48, 37 and 22 kilometres respectively from these towns. It is not appropriate to build dwellings in locations such as Huby to meet the housing needs of persons working in this area.
 45. Housing development in Huby, to meet housing need generated because of employment growth in and around these towns, would not meet the Framework's principle of promoting sustainable transport by locating significant development where the need to travel can be minimised and the use of sustainable transport modes can be maximised. Despite the hourly bus service to Easingwold and York, the proposal would not meet its objective to actively manage patterns of growth to make the fullest use of public transport, walking and cycling in this context.
 46. Nevertheless, there is still a requirement to consider whether or not Hambleton has a five year supply of Housing land. Given the circumstances, whatever the results for the whole District, I consider it appropriate to apply the proportional targets contained in CS Policies CP5A and CP6, which have been tested at a DP examination, to the overall requirement and to then compare the Easingwold result to the supply of housing land in that area.
 47. The Appellants originally assessed the overall dwelling requirement for the period 2012 to 2026 to be 380 dpa. The Council estimated it at 368 and then revised it to 398 before the Inquiry opened to reflect an agreement with another Appellant at another Inquiry. During the course of the Inquiry, the Appellant increased its requirement to 515 dpa. The magnitude of these changes alone suggests that the derivation of a FOAHN is far from an exact science.
 48. Both parties agreed that the substitution of the 2012 household projections, for those previously used, made a difference of about 2 dwellings. The detailed assumptions and analysis that underlie both calculations are not easy to follow and understand. It nevertheless seems to me that the principle differences arrive from different starting points and assumptions on unemployment, commuting and job growth.
 49. The Council's analysis assumes an unemployment rate of 5.8% declining to 2.9%; the Appellant assumes a constant 4.2%. In a situation where significant job growth is being proposed (even the Council assumes 197 jobs per annum (jpa)), it is unlikely that unemployment rates would remain constant if the predicted scenario actually happened. The Council's initial unemployment rate (5.8%) is based on an average of the Annual Population Survey 2009-12. This is reduced to 2.9%, which is the pre-recession average for Hambleton in the years 2004-08. The Appellant has used the 2011 Census level of unemployment (4.2%).
 50. However, although the Annual Population Survey results are based on quarterly averages, the samples used are quite small and the individual results can

consequently oscillate significantly. On the other hand, although a single snapshot in time, the Census figure, based on almost the entire population, is likely to be much more accurate. The Census date of April 2011 is only a year before the base date of the need analysis, whereas the Council's unemployment assessment uses some information as old as 2008, when the recession was approaching its height and unemployment was likely to be higher than it was in 2012. I therefore consider an unemployment rate based on the 2011 Census information to be more robust.

51. Whilst noting that the Appellant's 2011 Census unemployment rate is quoted as 4.2% and that in an analysis for another appeal that I was referred to, it is stated to be 3.8%, I consider 4.2% to be an appropriate common starting point for this case. Accepting this implies that too many of the new jobs are taken up by the existing unemployed in the Council's analysis. I calculate that reducing the Council's 2012 unemployment rate from 5.8% to 4.2% would imply that about another 24 dpa would be required.
52. The reduction in unemployment from 4.2% in 2012 to 2.9% in 2026 would reduce the need for in-migration in the Appellant's calculation. It suggests a reduction in dpa of 32.
53. The Council has assumed that commuting would reduce from a ratio of 1.03 to 1.0 in 2026. The Appellant has assumed it would remain constant at 1.00. However, the commuting ratio of 1.03 relates to 2001 and although the 2011 travel to work data has still to be made available, an analysis of the latest workday population suggests that in 2011 there was probably on balance a net inflow of commuters into Hambleton. In such circumstances it is inappropriate to assume that an element of the job growth would contribute to reducing an out commuting balance that probably did not exist. In the circumstances the Appellant's decision to maintain an assumed commuting balance is to be preferred. This has the implication of adding a further 30 dpa to the Council's total.
54. Putting all of the above considerations together would increase the Council's estimate of housing need by 56 to 454. The Appellant's estimate would reduce by 30 to 485.
55. The principal cause of the remaining difference appears to stem from different assumptions used in the job growth forecasts. The Appellant used 211 jpa, which is the average of forecasts put forward by Cambridge Econometrics (229), Oxford Economics (215) and Experian (189); the Council, 197, the average of Oxford Economics (215) and the local REM (179). Not surprisingly both have discounted the forecast that least favours their preferred outcome. An average of all forecasts is 203, which is marginally closer to the Council's forecast than the Appellant's.
56. The Appellants also point out that a later forecast from Experian is for an annual change of +240 (2012 to 2026) but at the same time accept that the 197 jpa used by the Council is broadly in line with actual job changes between 1997 and 2011(+192 jpa according to Experian). However this was clearly influenced by the recession years when job growth was not as buoyant as in the years prior to 2008. In the absence of any conclusive evidence from either party a FOAHN that is approximately mid-way between the assessments of both parties, as revised above to account for my observations on the unemployment and commuting assumptions, seems appropriate.

57. Neither party advocated a further uplift to account for market signals. Hambleton has one of the highest affordability ratios in the region but the ratio itself has been falling since 2007 and it is now slightly closer to the regional and national averages than it was then. I consequently agree with this conclusion. For the purposes of this appeal I therefore propose to use a FOAHN of 470 dpa.

Overall five year requirement

58. As well as using a rate of house-building based on the FOAN, the Framework requires local planning authorities to add a buffer to the five years requirement to ensure choice and competition in the market for land. The buffer is not, as the Council alleges, a device to increase housing need even further. Consequently the fact that the past under delivery (2012-14) has been added into the requirement is irrelevant. All the buffer seeks to do is to widen the choice of available sites for immediate development to give authorities and the building industry, a better chance of meeting their housing targets within the five year period. The Council initially agreed with the Appellant that a 20% buffer was appropriate but during the course of the Inquiry it changed its mind and argued for 5%.
59. Section 3 of the NPPG says that an assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market. Unfortunately, there is no evidence on completions prior to the commencement of the CS plan period in 2004. However, in the subsequent period and until after the onset of the recession, indeed until 2009, Hambleton only once failed to meet its housing target and that was in 2004-5. Overall there was a comfortable surplus during this period. Although the CS housing targets have not been met since 2009 that is not untypical. Many authorities with a housing land supply well in excess of five years have failed to meet their housing delivery targets in recent years. The building industry has been in recession, largely because of the financial situation and the shortage of mortgages that resulted, as well as the prudence of some potential home owners in a period of financial austerity. In such circumstances and in the absence of any evidence to suggest that low completion rates have been a product of housing land shortages, I am not persuaded that it is appropriate to apply a buffer greater than 5%.
60. It has become established practice to add all of any previous under-delivery during the plan period into the five year equation unless local circumstances suggest otherwise. The NPPG supports this 'Sedgefield' method of dealing with under-delivery and I have followed that practice. Furthermore, the Gresty¹ Lane Secretary of State decision confirms that the buffer should not be applied to the backlog.
61. It is agreed that the backlog is 468. A five year requirement based on an annual need of 470 dpa is 2350 dwellings. With the backlog added in there is a requirement for 2,818. When account is taken of a 5% buffer, to ensure choice and competition in the market for land, the housing land supply should be able to demonstrate a supply of specific deliverable sites sufficient to provide 2,936 dwellings.

¹ APP/R0660/A/13/2209335, Land bounded by Gresty Lane, Rope Lane, Crewe Road and A500, Crewe, Cheshire

Specific deliverable sites

62. The Council originally put forward a supply of 3,274 dwellings which was sourced from its 2014 Strategic Housing Land Availability Assessment. Unlike the 2013 edition, which put forward a supply of 2,267 deliverable dwellings, this update was not formally endorsed by the local Housing Market Partnership. In discussion with the Appellant this was reduced to 2696 by the time the Inquiry opened. Subsequently the Council sought to add in a further 500 dwellings as a windfall allowance, whilst agreeing further site reductions with the Appellants. Its final figure at the close of the Inquiry was 3,019 (including 500 windfalls). The Appellant's assessment at the start of the Inquiry was 1,624. It now advocates a potential supply of 2,006 (including the windfalls).
63. Just over 40% of the dwellings included in the Council's revised supply are now on sites with planning permission. Consequently, a significant number are provided from other allocated sites and windfalls. The Appellant was very critical of the ability of a number of the sites without planning permission to deliver the numbers of new dwellings forecasted by the Council, if any.
64. It is not the purpose of a Section 78 appeal to undertake a forensic site by site analysis of the Council's alleged housing land supply. As the NPPG points out, the examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual appeals where only the appellant's evidence is likely to be presented to contest an authority's position. Unfortunately the results of such an assessment, which were undertaken as a part of the Hambleton DPD examination process, are now out of date and the results of an update to this work, which is a part of the Hambleton CS Review, are not yet available.
65. Nearly 60% of the houses that are assumed to be delivered within the five year period, which now has no more than four years to run, do not have planning permission. Despite the Appellant's criticism, I accept that there is evidence that justifies the inclusion of a windfall allowance of 100 dpa. Whatever the correct figures, even the Appellant's summary of the net windfall completions 2004-12 show a healthy surplus in such completions each year. The Government's decision to amend policy so as to restrict the requirement for affordable housing provision to sites with ten or more dwellings and the relaxation of small scale development in villages, introduced by the GN, will both encourage a higher rate of windfall development than has occurred in the recent past. In the overall circumstances an allowance of 100 dpa in this rural district with a wide range of small sites, that have the potential for windfall housing development, seems conservative.
66. Although some development may be achieved on the allocated sites, if the Council takes a positive approach to granting planning permissions at an early date, their early development is by no means a certainty. Significant infrastructure requirements or ownership issues, in particular, could cause delays at some sites. There was a distinct lack of credible hard evidence to justify the projections for some of these sites and consequently it would be unwise to place too much reliance on the potential for delivering a significant amount of the housing requirement from such sources. About 35% of the identified dwellings are meant to come from allocated sites that do not have

planning permission. I am not persuaded that the evidence confirms that such optimism is justified in every case.

67. The 2013 analysis was prepared in full consultation with the development industry. It appears to have been far less involved, if at all, with the more recent analysis. The NPPG says that the advice of developers and local agents will be important in assessing lead-in-times and build-out rates by year. Whilst the use of standard information on the lead-in-times and build-out rates is often used to assess the rate of development at individual sites during the five year period, no such information was placed before the Inquiry. This further undermines the confidence that I have in the Council's findings.
68. The realisation of over 180 dwellings from three associated sites in Aiskew seems optimistic, given that only one of the sites has planning permission and that was only obtained in 2014. A supply of 120 from these sites seems more reasonable. The Council revised the delivery from Site 769, which is in Bedale, downwards. However, this is an allotment site and without any planning permission. In these circumstances any dwellings by March 2019 seems optimistic.
69. The two sites in dispute within Easingwold (778 & 779) would deliver 136 dwellings. A planning application is being considered and the Appellant's evidence advocates an urgent need for housing in the Easingwold sub-area, which is accepted as being a desirable location for such development by house purchasers. An output of 130 is not therefore an unreasonable target.
70. Although the site at Brompton (799) may be challenging, there is clear developer interest so that the achievement of 20 dwellings within the supply period does not seem to me to be an unrealistic expectation. Similarly a local builder is pursuing the site for 48 dwellings in Morton-on-Swale. Assuming the market picks up, and I should assume that it will, then there is no reason to suppose that these dwellings could not be completed within the truncated five year period.
71. There are four sites on the northern edge of Northallerton that will eventually deliver 1050 dwellings. The Council expects a hybrid application for three of these in 2015. Whilst there is no indication that the owners of site 787 intend to proceed at this point in time, that does not prevent the others from building housing and even the absence of the new railway bridge until year three would not prevent up to 495 dwellings being constructed. The Council's target of 337 seems ambitious but the sites ought to be capable of delivering 250 by March 2019.
72. Although a part of a care scheme, the Appellant produced no conclusive evidence to demonstrate that the 44 units, included by the Council at Cleveland Lodge, Great Ayton (site 804), are not extra to the proposed care home. I therefore find that they are dwellings for the purpose of the five year supply. The completion of 70 dwellings, which the Council reduced from 85, now seems to be an appropriate output for this site.
73. The remaining sites in dispute all have planning permission. The Framework says at footnote ¹¹ that sites with planning permission should be considered deliverable, until permission expires, unless there is clear evidence that the schemes will not be implemented within five years. The Council conceded that no more than 140 dwellings would be delivered at Yafforth Road, Northallerton

- (site 788). Dwellings are already occupied on this site and if market conditions allow there is no reason why this number of dwellings could not be completed within the five year period.
74. There was disagreement as to whether 52 units at Cherry Garth, Thirsk (site 810) was extra care housing or not. However, the Appellant offered no concrete evidence to demonstrate that these units were not, as the Council allege, extra care apartments that involve independent living.
75. Two sites at Sowerby will eventually deliver over 1,000 dwellings. Correspondence from North Yorkshire County Council suggests that the 90 assumed for site 839, which are bungalows and apartments, would be delivered. The Council indicated that conversations with the developer had suggested that 107 would be completed by October 2015 on site 808. This would leave 313 of the Council's suggested 420 dwellings to be completed in about 3.5 years to meet its target. There are two builders developing this site and no other major market housing development is taking place in the Thirsk area at the present time. In these circumstances this seems reasonable to me.
76. In the light of the above considerations I have reduced the Council's five year dwelling supply by 178 to 2,841. This represents a supply of just over 4.8 years.
77. The NPPG points out that where evidence in LPS has become outdated then information provided by more up-to-date assessments of housing need should be used. However, it also says that the weight to be given to them should take account of the fact that they have not been tested. The assessments used for this appeal have not been tested in a DP examination and as I have indicated, slight variations in input data and related assumptions can have a major influence on the resultant FOAHN. Additionally I have not been able to scrutinise the deliverability of individual sites in the way that would be done in a Site Allocations DPD examination. On the basis of my analysis, the Council is less than two months short of a five year supply, which is well within the margins of error for such a calculation. I therefore conclude that I cannot give significant weight to the outcome of the housing land supply analysis and its supporting evidence.

Housing land supply in the Easingwold sub-area

78. Because of my concerns about the definition of a Hambleton Housing Market Area covering the entire District, I indicated in paragraph 44 that I did not consider the direct application of a five year land supply, for the district as a whole, to the Easingwold sub-area to be meaningful. CS Policy CP5A allocates 14% of the District's housing need for the period 2011-16 and 11% thereafter to this area. Based on the updated FOAHN this would translate into a need for about 360 dwellings of which, according to CS Policy CP6, at least two thirds should be concentrated at Easingwold itself. There is therefore a requirement now for less than 120 dwellings within the area that includes Huby in the five years.
79. The housing supply analysis suggests that there were 362 dwellings expected to be delivered within the sub-area between 2014 and 2019, excluding windfalls, which are likely to be significant. Overall there is no reason to suppose that my enhanced housing requirement for the Easingwold sub-area, for the five year period, would not be met without any additional planning

permissions. In November 2014 there were 63 dwellings expected to be delivered on the allocated sites in the rural part of the sub area and a further 9 windfalls had planning permission within this area. Whilst this is noticeably less than one third of the sub-area requirement and substantially more than two thirds is being provided at Easingwold, the policy says 'at least' two thirds. There is consequently no support for the appeal proposal from the five year land supply position.

Sustainable development

80. The Framework says at paragraph 14 that where the relevant Development Plan Policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
81. Paragraph 14 the Framework also says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meaning of locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

Economic role

82. At paragraph 47 the Framework seeks to boost significantly the supply of housing. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the construction industry. These help to support sustainable economic development to deliver the homes, business and infrastructure that the country needs. This is emphasised further in paragraphs 17 and 18 of the Framework.
83. The appeal site is available. A well-established building company, with a track record of delivering new dwellings, has agreed to acquire the site to undertake a development in the short term. A condition could ensure that reserved matters are expedited without undue delay so that development could commence at an early date and thereby make a positive contribution to the need to boost the supply of housing now.
84. However, in the absence of any justified need for additional market housing in the Easingwold sub-area, these considerations, as well as the new homes bonus and the additional funds the new dwellings would contribute to council tax receipts, can only attract minor weight.
85. The provision of facilities in Huby is good for a settlement of its size, there being a well-stocked store with a post office that caters for the village's daily convenience needs, as well as two public houses that serve food and a fish and chip shop. Additional population, residing in the appeal development, would

undoubtedly generate more expenditure to support these businesses, which in many rural communities are under threat. However there is no evidence to suggest that these facilities are under threat at Huby. Nevertheless, the contribution that the development could make to sustaining local services attracts minor weight.

86. There would be some benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period but the majority of this would be likely to be spent elsewhere. Nevertheless, these economic benefits of the development, as discussed above, weigh in favour of the proposal in the sustainability balance and I find that the proposal would contribute positively to the economic dimension of sustainability if only in a small way. These considerations overall attract a small amount of weight in favour of the proposal in the overall sustainability balance.

Social Role

87. Although Huby has a long linear form, it nevertheless appears to be a socially cohesive settlement. As well as the sports facilities, which are located on the site that is the subject of Appeal A, there is a Village Hall and a bowls club. There is clearly a thriving local community with numerous activities taking place throughout the week in the Village Hall and elsewhere. Along with the sports and bowls facilities, the shop, the primary school and community centre are all within easy walking distance of the appeal site, as are the local pubs/eating facilities.
88. The Framework at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Both are within easy walking distance of this site. A well laid-out area of public sports facilities, with play equipment, is also adjacent to the site. These considerations weigh in favour of the appeal proposal and suggest that if housing of the scale proposed is needed in Huby then the appeal site is probably a good location for it.

Affordable housing

89. The proposal would contribute to the supply of both market and affordable housing at a time when there is an urgent need to increase the supply of the latter in this area. The evidence suggests that there is an acute need for affordable housing both at Huby and within the wider Easingwold sub-area, not in small part due to the very high ratio between average median house prices and average median income (8.69 in Hambleton compared to 6.72 in England and Wales in 2013). Consequently a higher proportion of households are unable to afford home ownership in this area than occurs nationally.
90. The North Yorkshire Strategic Housing Market assessment 2011 identified 49 households who were in housing need in Huby and Sutton ward and 247 in the Easingwold sub-area overall. A survey in 2014 identified a need for 11 affordable homes in Huby itself and now being a Service Village, Huby is an appropriate location in which to meet some of the needs of the surrounding more rural area. This survey excluded persons working in the locality but currently residing elsewhere and those with historic connections with the village and now wanting to return to live there. The overall current local need at Huby itself is therefore likely to be in excess of 11 dwellings.

91. At the Inquiry the urgent need for affordable housing in the village was also emphasised by a number of independent witnesses whilst, in supporting the appeal proposals, Broadacres Housing Association pointed to the very high demand for relets in the village. At the same time it emphasised the existing low provision. Only 7% of the dwellings in the village are now affordable properties.
92. Through the Section 106 Agreement 41% (14) of the dwellings would be provided as affordable housing. This is below the 50% that CS Policy CP9 seeks to achieve on allocated sites in the Easingwold sub-area and substantially below the 100% envisaged in locations outside but adjacent to the development limits of Service Villages by CS Policy CP9A.
93. Notwithstanding this, the proposed provision at the appeal site would clearly contribute towards meeting an identified need at a time when the means to create affordable housing on a large scale are limited. Paragraph 54 of the Framework says that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. They should also consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.
94. Although CS Policy CP9A envisages 100% affordable housing on sites outside of development limits, there is no evidence to suggest that such development has occurred in the vicinity of Huby or even elsewhere within the District to any significant extent. The need for affordable housing in the area and the contribution that the appeal development could make towards satisfying it, should weigh significantly or even substantially in favour of the proposal in the right circumstances. The provision of affordable housing would clearly be directly related to the development and necessary to make the development acceptable in planning terms. If it were found to be fairly and reasonably related in scale and kind to the development it would be consequently CIL compliant.

A formal review of the Council's affordable housing thresholds as set out in CS Policy CP9 was undertaken by Aspinall Verdi in 2014. Together with practical experience at two allocated sites within the development limits of Easingwold, it suggests that 50% is viable in this area and on sites, within the Development Limits, where there is clearly a development value. Affordable housing has not been provided at Huby in recent years. This suggests that it could now be appropriate to relax the 100% requirement on appropriate site(s) outside of the development limits. Was this to happen however, the evidence suggests that the chosen site should be capable of providing in excess of 50% affordable dwellings whilst still being viable, given that it would not otherwise be appropriate to develop the land at all. As the appeal proposal only provides 41% I cannot give this aspect any more than moderate weight.

Community sports facility

95. The proposal would facilitate the redevelopment of the adjacent sports/community facility by making a contribution of £650,000 towards its redevelopment. It is supported by CS Policies CP3 and CP19 in this respect. The improved community facilities and the adjacent sports and play facilities would be available for use by the development's residents. Policy DP37 requires new housing development to 'contribute towards the achievement of

the local standards by reducing qualitative deficiencies in provision related to the development'. The standard set out in section 4 of the DPD suggests that about £129,000 would be the appropriate contribution towards off-site recreation provision. Again this would be directly, fairly and reasonably related in scale and kind to the development and needed to make it acceptable in planning terms. It would be CIL compliant.

96. The existing changing facilities at Robin Lane and the associated community rooms are in a poor state of repair and their standards fall far short of the requirements expected at such facilities in the twenty first century. The Village Hall is another largely wooden building with a concrete frame and is in a similar condition. Both buildings would require substantial expenditure to bring them up to modern standards and to prolong their life. I have no reason to doubt that the redevelopment of both buildings and their replacement with a new complex would be the optimum long term solution for this community.
97. There was argument as to whether the additional contribution to the community/sports facility (£521,000) was CIL compliant. I was referred to the recent High Court Case at Horsham² where it was found that whilst recognising that planning permission may not be bought or sold, the scope for enabling development is wide and that if two proposals were mutually dependent, in that case economically as well as juxtaposed, and for a proper planning purpose from which the public benefits, then one development could be lawful development that enabled the other development to proceed.
98. The two proposals are on adjacent sites and the new access to site A is to be provided through site B. The development of site B is contrary to the DP and would be unlikely to be given planning permission for the proposed amount of development, if at all, without its relationship with site A. The two proposals are clearly mutually dependent and in effect a comprehensive scheme for the development/redevelopment of both sites. The developments are for proper planning purposes and the public would clearly benefit from the use of much improved sporting and community facilities, for which in principle there is an undisputed need. Providing the combined overall benefits of the two proposals are sufficient to outweigh the identified harm to the DP then the proposal would meet the requirements of paragraph 204 of the Framework.
99. I was given an estimate of the construction costs of the new facility and a breakdown of the anticipated funding by Huby Playing Fields Association. The site B Appellant provided a financial viability report and a review of the appraisal variables. The Council did not question any of the financial information used in the calculations and I can find no basis on which to challenge it. It also did not criticise any of the accompanying background information or refer to the changes to the legal agreements between the two appeals.
100. However, I note in the context of the community sports facility that the funding does not include any loan, even though loan sources are identified elsewhere. Additionally, despite the identification of potential grant funding amounting to £280,000, only £125,000 is included in the assessment. Whilst I accept that not all applications for grant support will be successful, the estimate appears somewhat pessimistic, given the credentials of the proposal. As Mr Smith pointed out, many grant funders will not commit themselves until

² High Court Judgement, Case No. CO6530/2014, Thakenham Village Action Ltd v Horsham District Council

the majority of a project is funded and in the absence of a planning permission for the residential development that point has not been reached in this case.

101. Whilst I note that the developers profit, at 10%, is below what is normally expected, this is far from a difficult site to develop and the overall risks and uncertainties are far lower than on many sites. In any event I was told that the developer had only become involved because he wanted to help facilitate the construction of a new community sports facility in Huby.
102. His decision to include a clause in the Section 106 Agreement whereby if I found that the contribution to the community sports facility was not CIL compliant, then the contribution would not have to be paid, seems odd if his prime objective is to assist the ambitions of the Huby Playing Fields Association. If I were to allow the appeal in such circumstances then there would be no guaranteed contribution from the residential development towards the construction of the community sports building. There is no such condition in the Unilateral Undertaking that accompanied the first appeal.
103. Whilst the land purchase price at £400,000 may be below the market value that is on the assumption that site B would receive an unfettered planning permission for residential development. Without such permission the value is substantially less and without the link to the community sports facility the site would be unlikely to obtain planning permission for 34 dwellings. Again I was told that the landowners were fully supportive of the project and had made a significant discount to the price accordingly.
104. I also note that the package of financial contributions has reduced somewhat from that contained in the Agreement that accompanied the first appeal. Both the Affordable Housing Contribution and the Education Contribution, contained in the Planning Obligation that accompanied the original application, are not a part of the Agreement that was presented to the Inquiry. This represents a reduction of nearly £150,000 in development contributions. A comparison of the 'District Council's Transfer Price'³ and the affordable housing construction costs⁴ suggests that the development would be discounting the affordable housing from the net cost by less than £7,000 per dwelling (£95,000 in total) but that excludes any contribution to site development costs, which I accept are not insignificant.
105. Nevertheless, the above suggests to me that with a different financial model it should be possible for the Playing Fields Association to fund and construct a new facility, whilst at the same time the housing development could provide an appropriate level of affordable housing.
106. The Affordable Housing Supplementary Planning Document allows for commuted provision, provided such payment results in the provision of affordable housing in the locality. If the overall viability genuinely requires at least twenty market houses for the scheme to be financially viable then there is clearly scope for the additional affordable dwellings to be provided in the vicinity if not on the appeal sites.
107. In my opinion the provision of housing, for persons in need of it should attract much greater weight than the improvement of community sports facilities. I therefore conclude that the reduced affordable housing provision is

³ As set out in the Definitions Section to the Planning Obligation by Deed of Agreement (Document 39)

⁴ As set out in the Keppie Massie Appraisal, Appendix 4 to the Financial Viability Report

not justified in planning terms or financially and that the proposal is contrary to CS Policy CP 9. Overall I consequently find that the contribution of this proposal to social sustainability should attract little weight.

Environmental role

Countryside

108. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.
109. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7. CS Policy CP1 also requires development proposals to enhance the natural environment.
110. The appeal site does not lie within any designated area of special landscape value. Nevertheless, that does not mean that the local countryside landscape has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. Having said that, all landscapes are likely to be valued by someone and there is no dispute that some areas of countryside will have to be lost to development if the District's development needs are to be met. It therefore seems to me that countryside protection should be weighed in the sustainability balance against the other relevant considerations, which in effect is what CS Policy CP1 seeks to do.
111. Whilst the appeal site is greenfield no substantive evidence has been put forward to suggest that it is of importance to its landscape context or the setting of the village and some greenfield land adjacent to Huby is likely to be lost to development now it has been upgraded to a Service Village. This is not the best and most versatile agricultural land so that overall its loss to development can attract no more than minor weight.
112. Huby may have traditionally been a linear settlement but there are a number of examples of small estate development extending beyond the frontages of Sand Lane (Main Street) and the four roads that lead out from it. These have occurred at different times during the last century. Consequently its urban form is no longer strictly linear and the argument that the development's layout would be contrary to the village's traditional form has little merit. Additionally linear development, beyond the current extent of the village, would be a considerable distance from facilities and unlikely to encourage the use of sustainable transport modes to access them. The appeal site's location, being within walking distance of all of the village's facilities is to be preferred in this respect.
113. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna, through the implementation of the Habitat

Management Plan, which could be made the subject of a condition. This weighs in favour of the proposal but only in a minor way.

114. The proposal would also provide a designated drop-off point for vehicles bringing children to the adjacent school. This would be likely to reduce parking on Baston Lane, which would be of benefit to the free flow of traffic. This attracts minor weight in favour of the proposal.

Locational considerations

115. The Framework at Paragraph 34 says that decisions should ensure that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. A development of 34 new homes would generate significant movement.
116. Although acceptable for a rural settlement, the provision of facilities and public transport in Huby is far from good, in comparison to the more urban parts of the District. In consequence, a disproportionate number of its residents use the private car for journeys. Development at the appeal site is less likely to result in modal shifts in favour of public transport than would developments in or adjacent to the urban areas, including Easingwold.
117. Employment and facilities in Huby fall far short of the level that would be necessary to sustain the local population. Consequently, most residents of the appeal site would travel elsewhere for work, probably to York which is a 15 kilometre drive away. Despite the increasing use of internet shopping and home delivery, the likelihood is that most families would travel by car to this destination, for some considerable time to come, in order to undertake comparison shopping and to visit related services. They would also be likely to drive to larger supermarkets elsewhere for many of their convenience purchases, probably at Easingwold and York. Although only 7 kilometres away and within the cycling capabilities of most people, my experience suggests that most people would not cycle to Easingwold, particularly to do shopping or to visit health and other local facilities.
118. Whilst there is a bus service, with no more than an hourly frequency it is unlikely to attract regular patronage from persons who have alternative means of transport. The Appellant has not offered a Travel Plan to accompany a successful appeal with the objective of encouraging car sharing or a greater use of public transport, presumably because it does not consider that such measures would be successful in the circumstances of Huby.
119. Paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. I am not convinced that the appeal proposal would meet this requirement, although I recognise that it also says that this needs to take account of other policies set out elsewhere in the Framework. Overall I find that the site's locational disadvantages are significant and that this weighs heavily in the sustainability balance against the proposal. I give significant weight to the overall environmental disadvantages of this site.

Sustainability conclusion

120. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Nevertheless, it is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
121. I have found that the proposal would make a positive contribution to the economic aspects of sustainable development through its contribution to economic development and regeneration but in the circumstances of Huby and the existence of a five year supply of housing sites in the Easingwold sub-area, this can only attract minor weight. Whilst the proposal would contribute positively to housing supply and other aspects of social sustainability, the proposal's failure to even meet the affordable housing requirements for allocated sites must reduce the weight that I can attach to this. Whilst the contribution to the community sports facility is a positive benefit, in the context of the reduced affordable housing provision, which I do not consider to be financially justified, I must reduce the weight that I attach to it. In consequence, overall I give little weight to the social aspects of sustainable development.
122. The proposal would undoubtedly have a negative impact on the countryside and the natural environment but with the implementation of mitigation measures only in a minor way. However, the disadvantages of Huby's location must attract significant weight, particularly in the context of a development of 34 dwellings, twenty of which would be market houses. The overall travel needs of the extra population would contribute adversely to greenhouse gas emissions and adversely impact upon climate change. I give significant weight to this disadvantage.
123. It is therefore my judgement that the economic and social benefits of the scheme as proposed would not significantly and demonstrably outweigh the environmental harm so that the appeal proposal would not deliver sustainable development within the meaning of paragraphs 18-49 of the Framework. Consequently the proposal does not meet the provisions of Framework Paragraph 14.

Planning balance

124. CS Policy CP1 seeks to balance any harm to the natural environment, including through energy consumption and the need to travel, against the community's housing, economic and social needs.
125. I have found that on balance the proposal is not sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework. For similar reasons I find that environmental harm caused by the proposal is not out-weighed by the proposal's contribution to meeting the community's housing and social needs. The proposal is therefore contrary to CS Policy CP1.
126. By not minimising the need to travel or encouraging a reduction in travel by the private car, the proposal is contrary to CS Policy CP2. Although the proposal would provide affordable housing and community facilities that definitely meet a local need, the site is not within the Development Limits and

it has not been satisfactorily demonstrated that the level of private sector housing is appropriate to secure the sustainability of the settlement. It is therefore contrary to CS Policy CP4 in as much as it is up to date. Despite being outside the Development Limits, the proposal even fails to provide 50% affordable housing and is clearly contrary to CS Policy CP9. Whilst fully supported by CS Policies CP3 and CP19, this does not outweigh the harm to CS Policies CP1, CP2, CP4 and CP9 that I have discussed above. The proposal is clearly not in accord with the DPDs.

Other decisions

127. I was referred to a number of recent appeals that dealt with similar situations where the DP had policies that were out of date. Apart from the Gresty Lane decision, referred to above, I have not referred to any of these in my decision. It is rarely the case that other appeal decisions are so similar as to significantly influence the outcome of an appeal and that is the position here. I have determined it on the merits of the evidence put before me by all of the parties and have given minimal weight to the overall outcome of the other appeals referred to me.

128. I was also referred to a number of High Court decisions, which I have had regard to in formulating my decision. However, apart from the Horsham judgement and the matters of law that some of the others resolved and which I have followed, the respective cases were not so similar to the appeal proposal for them to further influence the outcome of this appeal.

Overall conclusions

Appeal B

129. On balance I consider that the negative aspects of this proposal, particularly its failure to provide an adequate number of affordable dwellings, significantly and demonstrably outweigh the benefits. The proposal is in conflict with the DPDs in a number of respects and is not supported by the Framework. The other material considerations to which I have been referred do not indicate that planning permission should be granted. I therefore conclude for the reasons discussed above and having taken account of all of the representations received, including those from local residents, both orally and in writing, that the appeal should be dismissed.

Appeal A

130. Without the construction of a new access road via the site of Appeal B, the implementation of Appeal A would be likely to result in unsafe highway conditions on Robin Lane, such that the proposal would be contrary to LDF Policies CP1 and DP4. I therefore find for the reasons discussed in paragraphs 31-33 that Appeal A should be dismissed.

M Middleton

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathon Easton of Counsel	Instructed by Hambleton District Council
He called	
Mark Harbottle BSc, MRTPI	Hambleton District Council
Tim Wood MRTPI BSC, MRTPI	Hambleton District Council
Susan Walters Thompson BA, MA, MRTPI	Hambleton District Council

FOR THE APPELLANTS:

Andrew Williamson Solicitor	Instructed by Whitfield Homes Ltd and The Huby Playing Fields Association
He called	
Darren Howell	The Huby Playing Fields Association
Kathryn Jukes BA, DipTP, MRTPI	Directions
Dan Mitchell BA, DipTP, MRTPI	Barton Willmore
James Donagh BA, MCD, MIED	Barton Willmore

INTERESTED PERSONS:

Betty Tyson	Huby Parish Councillor
Chris Marshall	Huby resident
Terry Wolf	Huby resident
Alan England	Sutton on the Forest resident
Mike Rigby	Local Councillor
Dudley Valentine	Huby resident
Mike Smith	Huby resident
Ken Piercey	Huby resident

DOCUMENTS SUBMITTED AFTER THE OPENING OF THE TO THE INQUIRY

- 1 Notice of the reconvened Inquiry
- 2 Updated version of the proof of Darren Howell
- 3 Supplemental Statement to the Proof of Dan Mitchell on the Interim Policy Guidance Note
- 4 Supplemental Statement to the Proof of Dan Mitchell on Housing Land Supply
- 5 Addendum to the Proof of Evidence of James Donagh on Full Objective Assessment of Housing Need
- 6 Addendum to the Proof of Evidence of James Donagh on Jobs-led Sensitivity Test
- 7 Statement from Betty Tyson (Huby Parish Councillor)
- 8 Statement from Christopher Marshall (neighbouring resident)
- 9 Statement from Alan England (Sutton-on-the-Forest resident)
- 10 Statement from Derek McLuckie (local resident)
- 11 Statement from Bill Evers (local resident)

- 12 Supplementary statement from Bill Evers (local resident)
- 13 Extract from National Planning Practice Guidance concerning prematurity
- 14 in the context of planning applications, submitted by the Appellants
- 15 Settlement Hierarchy and Housing Development in the Rural Areas –
- 16 Draft Interim Policy Guidance Note, submitted by the Council
- 17 Comments on the Interim Policy Guidance Note, submitted by the
- 18 Appellants, 20 March 2015
- 19 Email of 8 April 2015 from the Council, confirming the adoption of the
- 20 Interim Policy Guidance Note without change
- 21 Huby Memorial Hall – Structural Report, submitted by the Appellants
- 22 Land off Robin Lane, Huby – Viability Report, submitted by the Appellants
- 23 Easingwold sub-area – Settlement Hierarchy, Facilities and Population 2013,
- 24 submitted by the Council
- 25 Hambleton District and Easingwold sub-area, working population. Hambleton
- 26 District, travel to work flows 2011 census, submitted by the Council
- 27 Easingwold sub-area, Housing Supply 2014, submitted by the Council
- 28 Hambleton District, Housing Supply, January 2015, submitted by the Council
- 29 Joint Statement on Housing Requirements and Housing Land Supply,
- 30 February 2015
- 31 Email on behalf of the Council pointing out that it now considers a 5%
- 32 buffer to be appropriate
- 33 Agenda for the Housing Round Table session
- 34 Housing completions within Hambleton District and its sub-areas 2004-15
- 35 Expected Housing Delivery from allocated sites without planning permission,
- 36 submitted by the Council
- 37 Updated Housing Supply Position on 26 February 2015, submitted by the
- 38 Appellants
- 39 Updated Housing Supply Position on 26 February 2015, submitted by the
- 40 Council
- 41 2012 DCLG Household Projection Model for Hambleton, submitted by the
- 42 Council
- 43 Appeal Decision APP/R0660/A/13/2209335, Land bounded by Gresty Lane,
- 44 Rope Lane, Crewe Road and A500, Crewe, submitted by the Council
- 45 High Court Case CO/6530/2014 between Thakeham Village Action Ltd and
- 46 Horsham District Council
- 47 High Court Case No. CO/2468/2014 between Ivan Crane and Secretary of
- 48 State for Communities and Local Government and Harborough District
- 49 Council
- 50 Appeal A, Draft conditions
- 51 Appeal B, Draft conditions
- 52 Appeal A, Revised conditions
- 53 Appeal B Revised conditions
- 54 Additional condition concerning the submission of a scheme for procuring
- 55 the construction of the multi-use community facility
- 56 Planning Obligation by Deed of agreement under Section 106 of the Town
- 57 and Country Planning Act 1990