
Appeal Decision

Site visit made on 16 February 2016

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 19th February 2016

Appeal Ref: APP/N2739/W/15/3135170

Land at Selby Road, North Duffield, North Yorkshire YO8 5TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sally Ginley against the decision of Selby District Council.
 - The application ref 2015/0240/OUT, dated 4 March 2015, was refused by notice dated 18 September 2015.
 - The development proposed is residential development on land to the south of Selby Road in North Duffield.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved. An indicative layout plan showing 81 dwellings on the site served by an access from Selby Road (A163) was submitted with the planning application for illustrative purposes only rather than as a formal part of the proposal. Plans of the potential access arrangements were also submitted at the application stage, including a revised plan indicating the provision of a pedestrian crossing facility on the A163.
3. I have dealt with this appeal on the same basis as the Council, or in other words that it simply seeks to establish the principle of residential development on the site. However, I have taken into account all of the information provided, including the indicative layout and potential access arrangements.

Policy Background

4. The Council's reasons for refusal refer to just two saved policies from the Selby District Local Plan (2005). However, I have been referred to a number of other saved local plan policies, as well as to policies in the Selby District Core Strategy (2013). I have taken account of all relevant development plan policies to which I have been referred, as well as policies in the National Planning Policy Framework (NPPF), in coming to my decision.
5. North Duffield is a Designated Service Village identified in core strategy policy SP2 meaning that it is expected to have some scope for additional residential growth. However, the site is outside the existing Development Limits defined in the local plan meaning that, for the purposes of planning policies, it is regarded as being in the open countryside. Core strategy policy SP5 makes it clear that additional allocations will be brought forward in Designated Service

Villages and that specific sites will be identified through the forthcoming Site Allocations part of the local plan. The appellant accepts that, given the location of the site outside existing Development Limits, the proposal would not be in accordance with the development plan.

Main Issues

6. The main issues are:

- the effect that the proposal would have on the character and appearance of the area; and
- whether safe and suitable access to and from the site could be achieved for all people.

Reasons

The Site and its Surroundings

7. The site comprises around 2.7 hectares of essentially flat agricultural land to the south of the A163 on the edge of North Duffield. Between the eastern part of the site and the main road is a small collection of buildings, including some recently built houses on Meadowgate, a few older dwellings, a church, and a chapel. The remainder of the site's northern boundary along the road is defined by an intermittent hedgerow. To the south east are some substantial agricultural buildings, and to the south and west open farmland separated from the site by post and rail fences.

Character and Appearance

8. Other than the limited number of buildings close to the site and a few more slightly further to the east, the village of North Duffield, which comprises development of varied age and type, is entirely located to the north of the A163 around a limited number of streets off the main road. The village shops and other facilities are located away from the A163, and most of the dwellings along it have rear elevations and back gardens facing south giving a clear impression of a settlement edge. In effect, the A163 by-passes, rather than runs through, the village.
9. The countryside around the village is not subject to any special designations, and I have no reason to disagree with the evidence before me that suggests that the landscape to the south of the A163 has moderate sensitivity to change or that, provided development was appropriately located, designed and landscaped, the impact on the wider landscape would be limited.
10. However, to my mind the A163 forms a clear edge to the main part of the village, and the open farmland to the south contributes positively to its setting. Whilst the development would not project further to the south than nearby agricultural buildings and would be seen from some perspectives in the context of these and the other buildings on the main road, the introduction of around 80 dwellings onto the appeal site would be wholly disproportionate in scale to the limited amount of development that currently exists on the south side of the main road. Furthermore, the location and scale of the proposal would mean that it would appear as an intrusive and incongruous development,

divorced from, and quite out of character with the form and layout of, the main part of the village on the other side of the A163.

11. For these reasons, however well designed and landscaped the proposal were to be, the location and scale of the site means that the development would be visually intrusive and have a significantly harmful impact on the setting of the village and the pleasant nature of this part of the countryside.
12. I conclude on the first main issue that the proposal would cause significant harm to the character and appearance of the area, contrary to national policy¹, core strategy policies SP2, SP5 and SP19, and local plan policy ENV1 which collectively recognise the intrinsic quality and beauty of the countryside, steer housing development to within specified towns and villages and allocated sites, and expect new development to achieve high quality design and have regard to the local character, identity and context of its surroundings including settlement patterns and open countryside.

Safe and Suitable Access?

13. Whilst access is a reserved matter, a plan was submitted with the application that shows the layout of a new junction on the A163 to serve the proposed development on the site, along with a footway along the site frontage and a new pedestrian crossing facility on the main road. The appellant's transport consultant advises that the access arrangements would meet requisite standards, and officers of both the Council and highway authority agree with that assessment.
14. Whilst the proposal would not be well integrated with the village, and future residents would have to walk some distance and cross a busy road to reach the local facilities, neither the length of the journey nor the nature of the road would be likely to act as a significant deterrent provided that improved pedestrian facilities were provided. Furthermore, despite the busy nature of the A163 and the significant bend to the east of the proposed access, there is no substantive evidence to indicate that the amount of additional traffic using the road, or the provision of an appropriately designed access in the position proposed, would have a significantly detrimental effect on highway safety.
15. I conclude on the second main issue that safe and suitable access could be provided for all people and that the proposal would be consistent with the objectives of local plan policies T1 and T2 which require development to be well related to the existing highways network; that existing roads have adequate capacity; and that the creation of a new access should not be to the detriment of highway safety. Furthermore, the proposal would be consistent with more recent national policy which advises that development should only be refused on transport grounds where the residual cumulative impacts would be severe².

Planning Obligations

16. A completed section 106 agreement was submitted during the appeal process in December 2015. This would put appropriate arrangements in place to ensure that 40% of the dwellings were affordable in line with core strategy

¹ NPPF paragraph 17, 5th bullet point, and section 7.

² NPPF paragraph 32.

policy SP9 and a recently adopted supplementary planning document. The agreement would also ensure that appropriate on-site open space was provided and maintained. I have taken these planning obligations into account in coming to my decision.

17. The Council advises that, following the adoption of its Community Infrastructure Levy Charging Schedule in January 2016, the planning obligations making provision for financial contributions towards off-site open space and education facilities would not comply with legal and policy requirements. I have no reason to disagree, and have not therefore taken those obligations into account.

Other Matters

18. The Council published its latest monitoring report in December 2015 and on the basis of this claims that it can demonstrate that there is currently 5.8 years supply of deliverable housing sites. There is no substantive evidence before me to indicate otherwise. However, the NPPF aims to boost significantly the supply of housing, and even if there is in excess of the minimum requirement of a five year supply³ this does not mean that further planning permissions should not be granted. This has been confirmed in many recent appeal decisions, various of which I have been referred to by the appellant. However, the weight to be attached to the benefits that any individual proposal would bring will vary depending on the particular circumstances in each case and is not set out in the NPPF or predetermined by other appeal decisions.
19. The proposal before me would create a significant number of new homes, 40% of which would be affordable, thereby delivering social and economic benefits and helping to achieve an important national planning policy objective. However, as the core strategy was only adopted in 2013, and because the Council is currently able to demonstrate a five year supply, I attach moderate weight to the benefits that the proposal would bring at this time.
20. I am aware that the site was considered for residential development at an early stage in the preparation of the Site Allocations plan, that Development Limits continue to be under review as part of that plan-making process, and that the current proposal was recommended for approval by officers. However, the site is not currently allocated for development in the statutory development plan, there is no certainty that it will be in the future, and the formal decision of the Council was to refuse planning permission meaning that the appeal is before me for determination.

Overall Assessment

21. Because the site is located in the countryside outside the defined Development Limits of North Duffield, and due to my findings on the first main issue, the proposal would not be in accordance with the development plan meaning that planning permission should not be granted unless material considerations indicate otherwise⁴.

³ NPPF paragraph 47.

⁴ NPPF paragraph 11.

22. As the evidence before me shows that the Council is currently able to demonstrate a five year supply of deliverable housing sites, and the recently adopted core strategy sets out a process by which additional housing land will be brought forward through a Site Allocations plan, existing development plan policies for the supply of housing can be regarded as being up to date.
23. I have found that the proposal would cause significant harm to the character and appearance of the area. This would not be outweighed by the social and economic benefits that I have identified.
24. Accordingly, material considerations do not indicate that planning permission should be granted for a proposal that is not in accordance with the development plan.

Conclusion

25. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

Richborough Estates