

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPEALS BY VICTOR HOMES LIMITED

LAND AT BROOKFIELD, HAMPSTHWAITE

RULE 6 STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

DoE Refs APP/APP/A2715/A/90/146971
APP/A2715/A/90/162501

LPA Refs 6/92/111/A. PA
6/92/111/B. OA

October 1990

The Council's evidence will deal with -

1. Location and description of the appeal sites and surroundings.
2. Description of the applications under appeal and their consideration by the local planning authority. It should be noted that the Council has now formally withdrawn the third reason for refusal in respect of both appeals. The Appellants were notified of this, through their Solicitors, on 4th October 1990
3. Previous planning history of appeal site and surrounding areas.

The planning history of the appeal site will be described in detail. The important elements are as follows: -

In 1963 the possibility of residential developments on two fields in the village was raised with the then Local Authority, the Nidderdale Rural District Council. It is unclear from Council records whether this was by way of a planning application or informal inquiry. As a result, the Surveyor to the Rural District Council wrote to the Area Planning Officer, West Riding County Council, stating that pressures for further development were expected in Hampsthwaite and asking for a village plan to be prepared. A plan was subsequently produced with the intention that it would be used as a basis for development control decisions in the village. It was never the subject of a public participation exercise and there is nothing on any relevant files to suggest that it was ever approved by the Parish Council, the Rural District Council or the County Council. The "status" of this document is confirmed by a senior officer of the Borough Council who was responsible for planning matters in Hampsthwaite at that time. Searches in the Planning Department have failed to produce either a copy of the plan or the short report which apparently accompanied it although it is clear from file references that the plan identified 26 acres of land between Hollins Lane and Rowden Lane, including the appeal site, as suitable for development.

Drainage constraints prevented residential development in the village in the 1960's and into the early 1970's and although a number of planning applications were submitted for residential development on the appeal site and adjacent land during this period, in each instance permission was either refused on drainage grounds or the application as withdrawn.

In December 1983 permission was refused in respect of an outline application for residential development on the appeal site and adjacent land for reasons which may be summarised as: -

- (i) development on this scale would adversely affect the character of Hampsthwaite,
- (ii) the proposal would be detrimental to the amenities of the area, and
- (iii) prematurity in relation to the adoption of policies in an emerging plan - the Rural Areas Study.

A subsequent appeal against that decision was dismissed.

4. Relevant planning policies.

(i) The West Riding County Development Plan First Review

The whole of Hampsthwaite, including the appeal site, is unallocated for development (white land) in the Development Plan Review.

(ii) The North Yorkshire Structure Plan

The Structure Plan, as modified by Alteration No 2 approved in August 1989, includes quantitative housing policies relating to the period up to 1996 and a number of general policies relevant to this appeal, which are not end-dated. A third Alteration, which is intended to roll forward the quantitative housing policies to 2001 and to deal with certain housing distribution matters in the Greater York Area (which are not relevant to this appeal), is in the course of preparation.

Policy H1 sets the total and general distribution of land for residential development in the County to 1996. The provision is to be made "MAINLY IN AND AROUND MAIN URBAN AREAS, MAIN TOWNS AND SMALL TOWNS..."

Policy H3 provides that outside the major urban areas and market towns provision will be made for the majority of new housing development in the rural areas to be located in service villages. Hampsthwaite is not designated as a service village.

Policy H4 provides that outside the main urban areas, market towns and service villages, new housing development will be limited to conversions, infilling and small scale development which is compatible with the form and character of the settlement, consistent with the existing or proposed level of services and facilities and consistent with the housing growth guidelines specified in Policy H1.

Policy H6 requires priority to be given in allocating land for development to the use of land particularly

vacant or derelict land within the boundaries of existing settlements.

Policy H7 requires that there should always be a 5 year supply of land available for housing development.

Policy A1 requires non agricultural land and low grade agricultural land to be used for development in preference to higher grade land and preference to be given to the use of derelict, underused or degraded land.

(iii) The Rural Areas Study

This is a non-statutory plan adopted by the Council as a basis for development control in October 1985 following widespread public consultation. It has been accepted by appeal Inspectors as a document to which weight should be attached in the determination of appeals.

The main objectives of the Rural Areas Study are as follows:-

- i) to maintain and enhance the environment in the rural areas;
- ii) to maintain and enhance local facilities, for example, schools, shops and surgeries;
- iii) to cater for the housing, environmental and economic needs of the rural population;
- iv) to seek to reduce rates of population growth in areas which have experienced substantial levels of in-migration;
- v) to maintain the present pattern of settlements and prevent unnecessary development;
- vi) to ensure that there is sufficient land for house building.

The current appeals are concerned principally with (i) and (iv) above.

The housing policies of the Rural Areas Study seek to ensure that new housing in rural settlements is small scale and normally takes place on sites which can be regarded as infilling sites within the main bodies of settlements. Occasionally small scale development will be acceptable to round off a settlement in line with clearly established visual boundaries.

The Study identifies Hampsthwaite as a village where a

more detailed appraisal MAY be necessary. No such appraisal has been carried out.

The County Planning Authority endorsed the Rural Areas Study in relation to those policies and provisions which are relevant to this appeal.

Although the housing needs identified in the Study are based on the first County Structure Plan and have not been updated as a result of subsequent Structure Plan Alterations, the Study's underlying philosophy and its policies remain valid and the Study continues to be accepted by appeal Inspectors as a material planning consideration.

(iv) Possible Nidderdale Moors Area of Outstanding Natural Beauty

Consultants acting for the Countryside Commission are approximately half way through a year-long study with a view to producing a draft AONB for public consultation in the Summer of 1991. The "working boundary" used as the consultants' starting point is based on a plan contained in the Hobhouse Report published in 1947. That boundary lies some distance from Hampsthwaite but it is known that representations have already been made to the Countryside Commission by interested parties that Hampsthwaite should be included in the AONB.

5. Housing land availability.

A Study based on the guidance set out in PPG 3 has recently been completed. A report prepared with the HouseBuilders' Federation was submitted to the Council's Planning Committee on 4th October 1990. This report concluded that, at worst, there was fractionally over a 5 years' supply of readily available housing land and, at best, in the order of 6 years'. On 3rd October 1990, a representative of the HouseBuilders' Federation informed the Local Planning Authority that the Federation wished to reconsider previously agreed assessments on two of the sites and requested that the Study be revised to reflect the new assessment. This provided at best, in the Federation's opinion, a few days less than a 5 years' supply. The Council's position remains unchanged. The Planning Committee resolved to note the Federation's view of housing land availability as amended.

6. Planning considerations.

The Council's evidence will consider the following matters -

(i) There is no commitment on the part of the Council to

the development of the appeal site and/or adjacent land.

- (ii) There is no "double presumption" in favour of the appeal development since a 5 years' supply of readily available housing land exists in the Borough. However, it is accepted that this, in itself, is not sufficient reason to justify the refusal of permission.
- (iii) The appeal sites are both substantial, rather than small scale and their development therefore conflicts with the housing policies of the Rural Areas Study which flow directly from policies contained in the Structure Plan. Weight must be attached to both documents.
- (iv) The appeal sites are part of the countryside which surrounds Hampsthwaite and which is an important element in the character of the village. By distancing the built-up area of the village from the countryside, the development of the appeal sites will cause harm to the character of the village and its landscape setting.
- (v) The development will also diminish the amenities of residents living in the areas to the west, north and east of the sites and diminish the rural character and hence the public's enjoyment of the public footpath which lies to the south.

CONCLUSIONS

Neither of the proposals under appeal overcomes the fundamental objections raised by the Council to the development of land between the Brookfield estate and Rowden Lane, these objections were considered in detail at the Inquiry into the 1984 appeal and endorsed by the Inspector in his decision letter.

LIST OF PLANS AND DOCUMENTS TO BE REFERRED TO

The Local Planning Authority may refer to any or all of the following documents -

1. The West Riding County Development Plan First Review, approved 1966.
2. North Yorkshire County Structure Plan as altered.
3. The Rural Areas Study.
4. County Planning Authority's comments on the Rural Areas Study.
5. Recent appeal decisions confirming the weight which Inspectors continue to attach to the Rural Areas Study.

DofE References T/APP/A2715/A/90/147223/P3
 T/APP/A2715/A/86/61674/P4
 T/APP/A2715/A/90/146865/P8
 T/APP/A2715/A/90/156689/P2

6. Appeal decision dated 2nd August 1984 relating to proposals by Tay Homes to develop the appeal site and adjacent land. DofE Reference APP/A/2715/A/84/10375.
7. PPGs 1 & 3
8. Schedule of relevant planning decisions.
9. Report on housing land availability within the Borough submitted to the Council's Planning Committee on 4th October 1990, as amended by HBF on 3rd October 1990.
10. Minute(s) arising out of the Committee's consideration of the above Report.
11. Representations received from local residents.
12. Statutory and discretionary consultation responses in respect of both applications.

Copies of the above documents may be inspected at the Planning Department, Knapping Mount, Harrogate during normal office hours. Copies of documents may also be purchased from the Planning Department. It would be appreciated if anyone wishing to examine/purchase the documents would make a prior appointment with the Department's Customer Services staff, otherwise some delays to members of the public are likely to occur.