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Your reference  
JHC/DR/Hampsthwaite

Our reference  
T/APP/A2715/A/84/10375/P5

Date

- 2 AUG 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY TAY HOMES PLC  
APPLICATION NO:- 6.92.111.OA

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Harrogate Borough Council to refuse outline planning permission for the erection of 65 dwellings on land (7.02 acres) between Rowden Lane and Brookfield Crescent, Hampsthwaite. I held a local inquiry into the appeal on 30-31 May 1984. The application was originally for the erection of 77 dwellings. This figure was modified to 65 dwellings before the application was considered and determined by the council. All matters of detail (layout, design, external appearance, access and landscaping) were reserved for subsequent approval.

2. Having considered the submissions made and having also inspected the site and the surrounding area I find that the principal issues in this case are as follows: (1) the extent to which the development of the appeal site has been accepted by the council as a planning commitment; (2) the question of conformity of the proposed development with relevant local planning policies; and (3) the likely effect of the proposal on the character and appearance of the area and on the village of Hampsthwaite.

3. The roughly rectangular 7 acre site is at present pasture land lying on the southern edge of the village of Hampsthwaite. The north-west site boundary adjoins a small group of detached bungalows, served by a private drive, which have frontage to Rowden Lane; this boundary is for the most part of its length defined by a dense hedge. The north-east site boundary is the limit of the most recent housing extension to the village (known as Cowen's development) and is defined by fencing. The south-east boundary for some two-thirds of its length adjoins the Brookfield Estate, and for the remaining one-third extends beyond this southern limit of the village housing. The south-west boundary is clearly defined by a hedge with some trees; on the southern side of this hedge there is rising grassland, a public footpath, and a rocky outcrop known as Knox Hill. The footpath leads from a stile on the Rowden Lane highway boundary in an easterly direction to Hollins Lane. A tongue of land, only partly defined by natural features, links the south-western corner of the site to Rowden Lane in the vicinity of the stile.



#### Extent of Commitment

4. Your client draws attention to the planning history of this site and the events which have led the company to form the view that the council have already accepted as a commitment the development of the appeal site as now proposed. The village plan of 1963, although not published as a formal document and not available to the inquiry, envisaged an extension of the village between Hollins Lane and Rowden Lane. A subsequent Nidderdale Rural District Map Report in 1968 saw Hampsthwaite as a village of significant character capable of substantial expansion. (At that time the village population was probably between 700-750.)

5. Working on the assumption that the land was to be developed, and following discussions with the County and District Councils in 1973, your client bought the south-western tongue of land referred to above to ensure that an access could eventually be provided from Rowden Lane to the present appeal site. Main drainage had up to that time been the main obstacle to development of some 25 acres of land on the south side of Hollins Lane. However, new sewerage works were carried out by public authority in 1974-6, which provided part of the necessary infrastructure for future housing. The Brookfield Estate was then built on land mainly east of the site, and included an open-ended estate road (Brookfield) adjoining the site boundary.

6. Permission for the Cowen's development on some 3 acres of land north of the site was granted in 1979 and is now virtually complete. Again, an estate road (Brookfield Crescent) ends abruptly at the site boundary. The 1979 report to the council on this proposal also included a general planning appraisal of the land between the Brookfield Estate and Rowden Lane; including the present site which was described on the plan attached to the report as 'possible future development referred to'. A highway link with Rowden Lane following the completion of the development was mooted in the report, which the committee 'accepted'. A copy of this 1979 report was brought to the committee in 1983 with reference to 'an undoubted commitment to the development of the site', and to the presumption in 1979 to round off the development.

7. On this question of commitment, the council point out that the expansionist approach to housing in the 1960's and early 1970's has been overtaken by a more cautious approach in recent years, evidence of which is contained in the strategy of the recently approved Structure Plan, and in other planning documents currently in the consultation stage. The council did not and could not commit itself to the present proposal simply by accepting in 1979 a report upon which it made no comment in any positive way. The application has now been considered and refused by the council in the light of technical advice, the views of local people, and in the knowledge of present thinking on the subject of housing in rural areas.

#### Planning Policies

8. In addition to the 1963 village plan and the 1968 map report referred to above, you cite the County Development Plan Review of 1966 in which the whole of Hampsthwaite and the appeal site were shown as unallocated (white) land; but against that background you show that there has been considerable housing development in the vicinity of the site. The Structure Plan, approved by the Secretary of State in 1980, is the current main planning policy document. The take-up of housing land for 3,000 dwellings in the council's area during the first 3 years of the 14-year plan period (1977-91) far exceeded the estimated 571 dwellings per annum. But notwithstanding that surge of housebuilding, the draft first alteration to the Structure Plan now at the consultation stage proposes a continued annual figure of about 570 dwellings from 1981-1996. Thus more land has to be found; and although you do not dispute that a 5-year supply of housing land is



available, the supply will not you believe extend beyond 1989; in any case, the existence of a 5-year supply is not, according to current government policy, a reason to refuse development elsewhere.

9. You continue your examination of the housing policies in the Structure Plan, particularly by reference to Policy H3. You state that Hampsthwaite has not been identified as a service village, but no villages have been so identified by the council. Nevertheless, you consider that the criteria laid down in H3 are met by this village, and it should therefore be one of those settlements where the majority of new housing in rural areas should be located. Policy H4 does not in your view apply. But you rely on Policy H6 in relation to development priority on vacant or derelict land. So far as density is concerned, you show that Policy H8 normally requires a minimum of 10 dwellings/acre.

10. While there is no local plan for Hampsthwaite, the draft Rural Areas Study was presented to the council in May 1984 as a basis for consultation. While you do not consider this to be a significant planning consideration in the present case, there are aspects of the study which you state support your proposal eg in respect of first-time buyers, existing infrastructure, existing commitment, and rounding-off of present development. With reference to the consultations carried out by the council following the receipt of your client's application, you observe that at that time there were no objections from the County Planners, the Highway Authority, the Water Authority, the Ministry of Agriculture, Fisheries and Food, or the Ramblers' Association.

11. The council, dealing with policy matters, emphasises that the area was not only 'white' land in the Review Plan of 1966 but was also in an area of high landscape value. The centre of the village is a declared conservation area. The 1980 Structure Plan carried with it a policy of restraint in the number of dwellings to be provided; the Secretary of State added the words 'up to' when referring to the number of dwellings to be provided, so that the figures were seen not so much as targets, but as maxima. The proposed alterations to the Structure Plan have not altered the basic housing strategy of the plan. Your view of Hampsthwaite as a service village is challenged in that it has not been identified and does not satisfy all the criteria. Policy H4, rather than H3, is in fact more correctly applicable to the site. Further, the land is not vacant or derelict, and residents point out that it has been grazed for many years and continues to be grazed.

12. The council acknowledges that the Rural Areas Study has only just been published, but it was welcomed by members of the council and is far more in tune with current thinking on housing in rural areas than any previous document. It aims to achieve a thinner spread of dwellings over the whole of the rural areas in preference to a concentration of development in any particular village; and a lower rate of new housebuilding than has previously been the case, with a main emphasis on infilling, and occasional rounding-off. The village falls in Area 9 (which includes 6 other parishes) of the Rural Areas Study. The indication in the housing forecast table of the study is that only 28 new dwellings over and above those already solely committed are to be provided in Area 9 up to 1991. Hampsthwaite is one of the villages intended to be the subject of individual appraisals.

#### Environmental Effect

13. You see the proposed housing as the logical rounding-off of development between the Brockfield Estate and the dwellings in Rowden Lane. The appeal site amounts to a pocket of land of little other practical use surrounded on 3 sides by existing housing and within the physical limits of the village. Services are



available, there are no objections from statutory consultees, and the opportunity arises to resolve the incomplete existing road system of the adjoining estates. The hard edge of the Cowen development can be replaced by a natural hedge and tree boundary. The open space in the Cowen layout can be extended to provide much needed additional open space for the village. The layout and design of the dwellings can be agreed at a later stage with the council in order to harmonise with the present character of the village. You see no difficulty in respect of social and community services.

14. You are aware of the problems involved in forming a new vehicular access from Rowden Lane. This can however can be graded and landscaped to minimise the impact on the lane. The public footpath can be diverted in order to retain the route for walkers. The Highway Authority, so far from objecting to this part of the scheme, has expressed the wish to see this connexion constructed in conjunction with the proposed housing.

15. The council see the appeal site as farmland of substantial proportions standing in its own right, not as a pocket of land ripe for development, but as a separate land use element and part of the landscape surrounding the village. The proposed housing would extend the village from the valley which it now occupies onto the rising and more prominent land to the south. The chances of low density fully landscaped development taking place on the site is unlikely here for a variety of reasons. The village population has nearly doubled since 1961 (it is at present about 950), and the likelihood is that the proposal would increase the population by the order of 20%.

16. The council is less optimistic than your client about the likely effect of the proposed new road junction in Rowden Lane. It will occur at the point where the small group of detached bungalows with well-planted gardens ease the transition from the village to the open countryside. The rural footpath south of this group of dwellings will be replaced by a deep cutting in the rising ground, complete with an estate road, paved footways, graded banks and visibility splays, and as pointed out on behalf of the local residents, street lighting and all the accoutrements of such a road. The rural scene at this point will disappear. A new estate road will run close to the rock outcrop of Knox Hill, a feature close to the footpath and enjoyed by many local people.

#### Conclusions

17. Dealing first with the question of commitment, there is no doubt that the appeal site either in whole or in part has in the past been considered as possible development land. Planning permission for such development has not however been given at any time, although the problem of sewage disposal was the main reason for refusal in the early 1970's. The council accepted the background report in 1979 (nearly 5 years ago) when dealing specifically with the Cowen's planning application for some 3 acres of housing. I appreciate your client's argument on this point, but there was no express statement by the council that the rest of the land would be developed; and it seems to me that the only way in which a matter of this kind can be firmly resolved is by the making of a planning application, such as the one of September 1983 the subject of this appeal.

18. The main planning policy document must, in the absence of a reasonably current local or village plan, be the Structure Plan. There is, as I see it, insufficient detailed evidence arising from the 1963 and 1968 village plans to be of much help in this case. The Structure Plan of 1980 contains a policy of restraint in housing concentrating development mainly in the towns. The criteria for service villages as laid down in Policy H3 are not in my view entirely met by Hampsthwaite, particularly in respect of the ability to accommodate additional



development without detriment to the basic form and character of the village, and also as regards loss of agricultural land and protection of the environment. Thus, Hampsthwaite has not been designated, and it is conjectural as to whether it should be. I do not regard grazing land, albeit Grade 3b, as vacant or derelict land when it is in active agricultural use, and therefore Policy H6 is not I believe involved. The question of density (Policy H8) gave rise to various interpretations at the inquiry, but on balance I doubt if there would eventually be low density development on the site if it were to be developed.

19. The draft alteration to the Structure Plan (at present at the consultation stage) does provide for an overall increase in dwellings if the extended period 1977-1996 is considered, and additional land will eventually have to be allocated. But that plan has yet to be approved, and in any case there was agreement at the inquiry that there is a 5-year supply of 'available' housing land ie up to 1989 in terms of the approved Structure Plan. The proposed alteration does not change the basic current housing strategy.

20. Similarly, the Rural Areas Study (May 1984) is at the consultation stage, but I regard it as a material consideration because it is the product of some 2 years detailed investigation of a significant planning matter, stemming from the Structure Plan and directly related to this appeal. The objectives of the study are concerned with protecting the rural environment, easing pressure where there has been substantial in-migration, and the need to spread more evenly the growth of new housing throughout rural areas. These objectives seem to me to be incontrovertible, and relevant in considering your client's proposal.

21. Finally, there are the physical and visual aspects of the proposal. Having walked round the site, I do not consider that this extensive area of pasture can be regarded as a pocket of land within the development limits of a small village. The site extends well to the south of existing development, particularly on the south-east boundary, and such development as is now proposed would amount to a southward extension of the village into open countryside. It would also add to and consolidate the already extensive estate development on the south side of Hollins Lane, and would have a similar effect on the thin ribbon of dwellings on the east side of Rowden Lane. The relief afforded by the appeal site is valuable in terms of the environment. The rural aspect of Rowden Lane south of the bungalow 'Kingston' would in my view be completely spoilt by the construction of an estate road in deep cutting at this point; and the value of Knox Hill as a landscape feature familiar to the village as a whole would cease to exist.

22. It is natural, as you point out, for existing residents to object to any further development. In this case however I was impressed by the views generally expressed by residents that there had been a very substantial increase in dwellings and population in the small village of Hampsthwaite over the past 20 years or so; and that the village could not go on absorbing yet more development on the scale now proposed. (This also seems to be the message contained in the draft Rural Areas Study.) The centre of the village is small and is limited in social facilities. I believe that the possible addition of not only 150-200 people but also the additional vehicular traffic generated by this increase would impose a social and physical strain on the village, and would have a seriously adverse effect on the environment in the centre of Hampsthwaite and on the surrounding roads. After taking into account all the matters raised in this case, including the possible phasing of the development, I have reached the conclusion that there is no clear evidence of an existing council commitment to this proposal, the relevant planning policies militate against the kind of development proposed, and that the proposal would be detrimental to the character and appearance of the area and to the general environment of Hampsthwaite.

23. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant

*A. Williamson*

A A WILLIAMSON ARICS MRTPI  
Inspector



# APPEARANCES

## FOR THE APPELLANT COMPANY

Mr J H Coles MA LLB

- Solicitor, and senior partner in the firm of Messrs Walker Morris & Coles, of Leeds.

He called:

Mr E G Brown FRICS

- Chartered Surveyor, and senior partner in the firm of Messrs Weatherall Hollis and Gale, of Leeds.

## FOR THE PLANNING AUTHORITY

Miss F J Hildred

- Solicitor, Assistant Director of Legal Services, Harrogate Borough Council.

She called:

Mrs J Hubbard BA MRTPI

- Town Planning Consultant, of Selby, North Yorkshire.

## INTERESTED PERSONS

1. Mr C Smith

- Representative and member of Hampsthwaite Parish Council.

2. Mr A S Jennings MISTructE MACE

- Chairman of Hampsthwaite Action Committee.

3. Mr R Lloyd

- Member of the Hampsthwaite Action Group.

4. Mr C T Arbon BTech CEng MICE

- Chartered Civil Engineer, appearing on behalf of the Hampsthwaite Action Group.

5. Mr J Illingworth

- Chairman of Hampsthwaite Parish Council.

APPEARANCES (CONT'D)

INTERESTED PERSONS (CONT'D)

- |  |   |                            |
|--|---|----------------------------|
| 6. Mr C Myers                                | ) |                            |
|  | ) |                            |
| 7. Mrs T A Harington                         | ) |                            |
|  | ) |                            |
| 8. Mr D Wainwright                           | ) |                            |
|  | ) |                            |
| 9. Mr R Bailey                               | ) | Residents of Hampsthwaite. |
|  | ) |                            |
| 10. Mrs M Williams                           | ) |                            |
|  | ) |                            |
| 11. Mrs M Feather                            | ) |                            |
|  | ) |                            |
| 12. Mr H Nicholson (in his absence, Mr Smith | ) |                            |
| read his proof of evidence)                  | ) |                            |

DOCUMENTS

- Document 1 - Lists of persons present at the inquiry.
- Document 2 - Council's notice of the inquiry dated 27 April 1984, and distribution list.
- Document 3 - Twenty-nine letters in reply to the notice, including those from Hampsthwaite Parish Council, and the Council for the Protection of Rural England (Yorkshire Dales Branch). (Fourteen additional letters were received after the inquiry.)
- Document 4\* - Report dated 13 December 1983 by the Director of Technical Services to the Council's Area No 2 Planning Sub-Committee; and a copy of his report dated 4 April 1979 to the Committee (also put in by the Council) - please see Document 18.
- Document 5 - Two Department of the Environment appeal decision letters, dated 25 September 1981 and 21 March 1983 respectively.
- Document 6\* - Extracts from the North Yorkshire County Structure Plan 1980; and the proposed Alteration No 1 (Consultation Copy) 1983.
- Document 7 - Hampsthwaite Parish Council letter dated 1 December 1983 to the Borough Council.
- Document 8 - Yorkshire Water Authority consultation reply dated 12 October 1983.
- Document 9 - Petition of objection by 184 residents, presented by Councillor Keith on 7 December 1983.
- Document 10 - Council's refusal notice dated 13 December 1983 (reference 6.92.111.OA).
- Document 11 - Extract from Consultation Copy of North Yorkshire County Structure Plan (Alteration No 1) 1983.



## DOCUMENTS (CONT'D)

- Document 12 - Director of Technical Services report on draft Rural Areas Study dated 25 May 84 to the Council's Planning Committee.
- Document 13 - 'Rural Areas Study' - Council's draft report, May 1984.
- Document 14 - Correspondence in May 1984 concerning the Hampsthwaite Primary School.
- Document 15 - Comparison of Structure Plan housing figures - County and Harrogate, as submitted and as finally approved.
- Document 16 - Population and housing, Hampsthwaite 1961-1981 (and housing completions to 1983/84).
- Document 17 - Council's notice of planning permission dated 4 April 1979 (Cowen's development).
- Document 18 - Minutes (extract) of the Council's Area No 2 Planning Sub-Committee of 4 April 1979 (see Document 4/2).
- Document 19 - List of conditions pursuant to Department of the Environment Circular 38/81.
- Document 20 - Press cutting, May 1984 - put in by Hampsthwaite Action Group.

\*Documents 4-6 inclusive put in by the Appellant.

## PLANS

## Appellant's Plans

|        |  |                |         |           |  |
|--------|--|----------------|---------|-----------|--|
| Plan A | Site and<br>surr area.                                     | 1:2500         | OS base | (Sept 83) | Copy of application<br>plan.   |
| Plan B | Sketch layout<br>plan (77 dwell)                           | 1:500          | -       | Sept 83   | Ditto, but superseded<br>by Plan C.  |
| Plan C | Sketch layout<br>(65 dwellings)                            | 1:500          | -       | Nov 83    | Revised application<br>plan, for illustrative<br>purposes only.                            |
| Plan D | Site access<br>from Rowden<br>Lane; inc,<br>cross section. | 1:500<br>1:200 | -       | Nov 83    | Ditto  |
| Plan E | Site and<br>Hampsthwaite<br>village                        | 1:2500         | EGB 1   | (May 84)  | Showing adjoining<br>estate development<br>and proposed access.                            |
| Plan F | Key to<br>photos   | 1:2500         | EGB 1   | (May 84)  | Appellant's photo<br>positions in blue.<br>Council's photo<br>positions added in<br>green. |



PLANS (CONT'D)

Hampsthwaite Action Group Plan

Plan G      Site access      1:500      -      (May 84)      Prepared by Arbon Associates.  
 from Rowden      1:200  
 Lane -  
 assumed details  
 and perspective.

PHOTOGRAPHS

Appellant's Photographs

- Photo 1      -      Approach to proposed site entrance from Rowden Lane - looking north-east.
- Photo 2      -      Similar.
- Photo 3      -      Site south-western boundary from Knox Hill, looking north-east.
- Photo 4      -      Similar - looking north.
- Photo 5      -      View of dwellings in Brookfield - looking east from Knox Hill.

Council's Photographs

- Photo 6      -      The site from Knox Hill - looking north-east.
- Photo 7      -      The site and public footpath, from land S. of Brookfield - looking north-west.
- Photo 8      -      Proposed point of road access from Rowden Lane - looking north-east.
- Photo 9      -      Similar, but from a point further north - looking south.
- Photo 10     -      Bungalows in Rowden Lane, and 20 ft high pole on site - looking south-east.
- Photo 11     -      Hampsthwaite and the appeal site - looking south-west from land above the village.
- Photo 12     -      South-west corner of site and line of public footpath - looking east.