

## Appeal Decision

Site visit made on 20 December 2016

by **Michael Moffoot DipTP MRTPI DipMgt MCMI**

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

Decision date: 11<sup>th</sup> January 2017

---

**Appeal Ref: APP/C2708/W/16/3159953**

**Land off Main Street, Sutton-in-Craven, Keighley BD20 7HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr H Ingham against Craven District Council.
  - The application Ref: 66/2016/16745, is dated 9 March 2016.
  - The development proposed is construction of up to 22 new houses and associated access and landscaping.
- 

### Decision

1. The appeal is dismissed and outline planning permission is refused.

### Procedural Matters

2. The Council confirms that had it been in a position to determine the appealed application it would have resolved to refuse planning permission on the following grounds:

*'The proposed development would compromise the gap between Sutton-in-Craven and Eastburn and would constitute large scale development beyond the settlement boundary which would be harmful to the landscape character of the area and the approach to Sutton. In terms of the presumption in favour of sustainable development it is considered that the adverse impact in relation to the individual character and identity of the settlements, their overall character and appearance and that of the area generally would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole'.*

3. The red lined application site indicated as 'housing site' on plan Drawing No: A1 244 2 007 Rev C includes an area of land to the south and east of the housing layout annotated as 'undeveloped' and 'open fields' respectively. The appellant advises that the extent of the new housing development would be limited to the area indicated on the housing layout. I shall consider the appeal on this basis, although I am not persuaded that the extent of the appeal site could be defined and restricted by way of a planning condition if the appeal were to succeed, as the appellant suggests.
  4. The application was made in outline form with all matters reserved for future approval. As the appellant advises that the layout plan submitted with the application is for illustrative purposes only I shall not take it into consideration in determining the appeal.
-

5. The appellant has submitted a unilateral undertaking which provides for 9 units of affordable housing and an area of public open space on the site together with a commuted sum for provision or enhancement of play and recreational facilities in the village. A bridleway as indicated on the submitted drawing is also to be provided. Notwithstanding this, I have not been provided with clear evidence to indicate whether such an undertaking is necessary having regard to the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. However, as I am dismissing the appeal for other reasons the decision does not turn on this matter.

### **Main Issue**

6. The main issue is whether the proposal would comprise a sustainable form of development, with particular reference to the character and appearance of the area.

### **Reasons**

7. The appeal site comprises part of a larger field contained by mature trees and drystone walls, and forms part of a prominent patchwork of agricultural fields on the east side of the village extending to Eastburn. The land rises steadily southwards from Sutton Lane towards a well-wooded ridge and forms a most attractive approach to the village from the east, enhancing its setting in this rural landscape.
8. The site lies outside the Development Limits for the village in the *Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999)*. It is therefore in open countryside for planning policy purposes, where new development is not normally permitted under saved policy ENV1 in order to protect the character and quality of the open countryside from sporadic development. However, provision is made in the policy for small scale development which, amongst other things, helps to maintain or enhance the landscape, is essential to the needs of the rural community and clearly benefits the rural economy.
9. The proposal cannot be considered 'small scale' and it therefore conflicts with policy ENV1. However, the policy is inconsistent with the overarching presumption in favour of sustainable development set out in the *National Planning Policy Framework* ('the Framework'). Only very limited weight can therefore be accorded to the policy in determining the appeal.
10. Saved policy ENV2 of the Local Plan states that development in open countryside which is acceptable in principle under policy ENV1 will only be permitted where certain criteria are met. They include compatibility with the character of the surrounding area and an acceptable impact on the landscape. These objectives are broadly consistent with the Framework, which emphasises the need to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside as one of the 12 core planning principles which underpins decision-taking.
11. The Local Plan pre-dates the *Planning and Compulsory Purchase Act 2004* (which introduced a new development plan preparation regime) and is not therefore up to date. As the most relevant Local Plan policy (ENV1) carries very limited weight, the presumption in favour of sustainable development in the Framework must be the starting point for assessing the appeal proposal.

12. One of the key objectives in the Framework is to boost significantly the supply of housing. To this end, local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. In this case the Council confirms that as of November 2016 it can demonstrate a five year housing land supply in accordance with this requirement<sup>1</sup>. Whilst this does not, in isolation, justify dismissal of the appeal it is a material consideration that carries weight in the overall planning judgement.
13. Paragraph 14 of the Framework states that where relevant policies in the development plan are out-of-date, 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. Paragraph 7 identifies the three dimensions of sustainable development: economic, social and environmental.
14. In economic terms the appeal proposal would provide employment opportunities during the construction phase both in terms of labour and materials. Thereafter, the occupiers of the new dwellings would use local facilities and services. As such, the local economy would benefit to some degree, and this factor weighs in favour of the proposal.
15. In relation to the social dimension of sustainable development, the proposal would boost the supply of housing by providing some 22 dwellings of which nine would comprise affordable housing that would contribute to meeting an undisputed and unmet local need for such accommodation. Furthermore, the site is relatively accessible, being within walking distance of schools, a convenience store, pharmacy, public houses and places of worship within the village. It is also fairly well served by public transport, with services to a number of towns and villages in the area. The provision of a bridleway along the northern frontage of the site would provide some recreation benefits and would improve pedestrian safety. These factors also carry weight in favour of the proposal.
16. Turning to the environmental dimension, it is clear that the proposal represents a marked reduction to a previous scheme which sought outline planning permission for 50 dwellings on a larger parcel of land and was dismissed on appeal in 2015<sup>2</sup>. It follows, therefore, that the visual impact of the current proposal would be proportionately less. I also acknowledge that the site currently proposed for development would be on an area of lower land, albeit slightly elevated above Sutton Lane.
17. However, whilst the housing layout drawing is illustrative, the proposed density of development would be likely to involve tight-knit housing, hardstandings, footways and open space together with loss of stone boundary walling to Sutton Lane to accommodate the access and visibility splays. The site does not relate well to the built-up area of the village nor would the proposal comprise a natural extension to the built-up area as the appellant submits. It would represent a marked suburban incursion into open countryside on a prominent site on the edge of the village to the detriment of the settlement's form, pattern and character and the openness of this rural landscape.

---

<sup>1</sup> *Five Year Housing Land Supply Methodology and Report* (November 2016)

<sup>2</sup> Appeal ref: APP/C2708/W/15/3134174

18. Moreover, it would result in the erosion of an important physical and visual gap between the village and Eastburn. Significant harm would therefore be caused to the attractive rural character of the landscape here, and accordingly the proposal would not perform the environmental role of contributing to protecting and enhancing the natural environment.
19. Although the appeal site would align with housing on Corn Mill Walk which forms the edge of built development on the northern side of Sutton Lane, this does not justify the proposal which, as I have noted, would comprise an extension of the village into open countryside on the south side of Sutton Lane. The appellant submits that the proposal would maintain or enhance the quality of the approach to the village by obscuring dwellings on Wilson Street and Dixon Street. However, any perceived benefit in this respect would not outweigh the significant harm to the area's character and appearance I have described above.
20. In relation to other environmental benefits promoted by the appellant, biodiversity enhancement in the form of open space within the site would be offset by built development and associated activity arising from the proposal. Very limited weight it therefore accorded to this argument.
21. In coming to these findings I have taken into account other schemes in the District referred to by the appellant which involve housing outside settlement Development Limits. However, in each case there appears to be material differences to the proposal before me, most notably in terms of the housing land supply situation prevailing at the time that these schemes were granted permission. They therefore have very limited relevance to the appeal scheme.

### **Other Matters**

22. Whilst the site may form part of a larger parcel of land identified as an 'emerging preferred housing site' in the *Draft Craven Local Plan: Preferred Sites for Housing Consultation Document* (July 2016), I am told it is at an early stage and has attracted significant objections. It therefore attracts very limited weight in favour of the proposal.
23. Nos 1 and 2 Main Street are Grade II listed buildings. Their setting derives in large part from their prominent siting at the entrance to the village adjacent to traditional terraced and semi-detached stone dwellings. By introducing modern suburban estate housing opposite their setting would be compromised. Whilst this does not justify dismissal of the appeal on this basis, it adds weight to my concerns regarding the impact of the proposal.
24. I acknowledge concerns regarding the impact of traffic generated by the development on Sutton Road and footways in the vicinity of the site. However, no evidence is before me to show that highway and pedestrian safety would be compromised by the development. Similarly, no technical evidence has been provided to show that the new housing would overload existing sewers or increase flood risk. Other representations have no bearing on the planning merits of the case.

### **Planning Balance and Conclusion**

25. Notwithstanding the current five year housing land supply position in the District, the proposal would boost the supply of housing including provision of affordable units and contribute to the local economy. It would also be

accessible to local services and facilities and bring about modest benefits to biodiversity, recreation and pedestrian safety.

26. On the other side of the coin I have found that the harm to the character and appearance of the area arising from the appeal proposal would be substantial. As such it would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework when taken as a whole. It would not therefore amount to a sustainable form of development. Accordingly the appeal fails.

*Michael Moffoot*

Inspector