
Appeal Decision

Site visit made on 20 September 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/E2001/W/16/3151540

Greenstiles Lane, Swanland, East Riding of Yorkshire, HU14 3NH

- 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 Greenstiles Developments against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/15/03553/PLF/WESTES, dated 11 November 2015, was refused by notice dated 19 February 2016.
 - The development proposed is the erection of 3 no. two-storey detached dwellings with associated access and landscape and tree works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice pre-dates the adoption of the East Riding Local Plan Strategy Document (Local Plan Strategy) in April 2016 and refers to policies in the Joint Structure Plan and the Beverley Borough Local Plan which are now deleted. I confirm that I have considered the scheme having regard to the relevant adopted Local Plan Strategy policies.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area having regard to its location within an Important Landscape Area.

Reasons

4. The site is an open field on the east side of Greenstiles Lane. It is located outside the defined development limit for Swanland and within the open countryside as identified in the Local Plan Strategy (Policy S3). It adjoins a dwelling at Cambria to the north, and another at Sunnyside to the south, and is on the edge of the village. There is residential development on the other side of Greenstiles Lane to the west. A substantial mature tree belt along the site's road frontage is subject to a Tree Preservation Order and there are open fields to the east.
5. The site is within an Important Landscape Area identified in the Local Plan Strategy. It is located on the southern dip slope of the Yorkshire Wolds as described in Landscape Character Area 11C (Elloughton cum Brough to Hessle Urban Edge Farm Lane) of the East Riding of Yorkshire Landscape Character

Assessment. This identifies the varied undulating landform and advises that villages have a strong sense of place as a result of their vernacular and their setting in a rural landscape. It also recognises that the character and attractiveness of the area has already been affected by the expansion of existing large villages, including at Swanland.

6. The National Planning Policy Framework (the Framework) seeks to protect the intrinsic character and beauty of the countryside as a core planning principle. Paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes.
7. Local Plan Strategy Policy ENV2 requires development to be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting and, where possible, seek to make the most of the opportunities to restore protect and enhance landscape characteristics and features. Local Plan Strategy Policy A1 (C) concerning Beverley and the Central sub area seeks to maintain the physical separation of Swanland from other settlements (3 vi), retain the distinctive character and landscape setting of the Wolds villages (8), and protect the diverse character, skyline and views across the rolling tops of the Yorkshire Wolds (9).
8. The developed frontage of large detached houses on the west side of Greenstiles Lane is suburban in character and in my view defines the urban edge of the village. The east side of the road relates closely to the open fields beyond and the appeal site with its heavily vegetated frontage contributes to the attractive leafy appearance of the road and its rural feel. This is so despite the presence of Cambria and Sunnyside. Sunnyside is a modern dwelling which I understand replaced a more modest bungalow. Its relatively large contemporary design and white finish means that it is a strong feature in this part of Greenstiles Lane. Even so, these existing dwellings stand alone within the landscape on the east side of the road and are surrounded by open land.
9. The appellant refers to the development of the former Swanland Nurseries site for housing which he considers to be a residential intrusion into the countryside that undermines the formerly well defined edge to the village. However, that brownfield site is some 200 metres to the north of the appeal site beyond Easenby Close. It is to some extent contained within existing built development and does not protrude significantly into the countryside. Nor is it seen in the same context as the appeal site on the approach to the village or have such a direct relationship with the open countryside to the east. Whilst the merits of that housing allocation are not before me for consideration, I am not convinced that it has altered the role of the west side of Greenstiles Lane in delineating the edge of the settlement in the vicinity of the appeal site.
10. On the whole, all this existing development does not unduly compromise the overwhelmingly rural character of the east side of Greenstiles Lane or detract to any great extent from the wider Important Landscape Area. Nor does it undermine its role in marking the transition between the open countryside and the outskirts of the village on the approach to Swanland. In contrast, the appeal scheme would close the substantial gap between the two existing isolated buildings and introduce a continuous row of three large detached dwellings.

11. An outline application¹ for five dwellings was previously refused on the site and subsequently dismissed at appeal². Since then, the scheme has been reduced to three dwellings and the appellant estimates that only 12.9% of the overall site would be developed. The proposed houses would be of a low density and sensitive contemporary design incorporating green roofs, natural traditional materials and landscaping sympathetic to the rural character of the area. They would have a lower roofline than Cambria and similar eaves and ridge height to Sunnyside and an open spacious layout with gaps between them. The boundaries between the houses would be delineated by landscaped hedgerow banks. There would be consistency in design across the three dwellings which would be 'bookended' by the adjoining two dwellings. I also note the appellant's argument that the proposal would help to tie the prominent Sunnyside in to the body of the settlement.
12. Notwithstanding these factors, and appreciating that the rear boundary of the site does not extent eastwards beyond the rear gardens of Cambria and Sunnyside, the proposal would nevertheless introduce a considerable line of built development to Greenstiles Lane. This would urbanise the eastern side of the road along a significant length of frontage and extend the existing built form of the village into the open countryside.
13. The appeal scheme was revised during the Council's consideration of the planning application and I have had regard to the submitted landscape and visual impact assessment (LVIA) and its amendment. This recognises the high value of the landscape and whilst it identifies only a limited effect on the identified key characteristics of Landscape Character Area 11C, it accepts that changes to the landscape character at a local level would be more evident.
14. The appeal site is largely enclosed from the road by the existing tree belt fronting Greenstiles Lane and open or framed views across the site of the countryside beyond to the east are not prevalent. Views of the houses from Greenstiles Lane would be filtered by the trees along with the understory of the existing hedgerow which makes up an evergreen canopy beneath the broadleaved trees. The proposed houses would also be screened in part by the dwellings at Cambria and Sunnyside at each end of the site. The submitted structural landscape proposal plan would ensure the retention of the important trees and hedgerow and provide new tree planting in the tree belt.
15. Even so, the LVIA acknowledges that as a result of the proposed development the site's Greenstiles Lane frontage would become more open and the trees and vegetation more managed in appearance. As such, it acknowledges that visual permeability through the tree belt would be increased. It also accepts that the winter months may present more visual permeability when the trees are not in leaf. It seems to me that although the proposed houses would only be partially visible, the development would nevertheless be appreciated in some views from Greenstiles Lane through gaps in the vegetation, including through the existing and proposed accesses. It would also be seen across the front garden areas of Cambria and particularly of Sunnyside where there is a relatively large gap between the southern end of the tree belt and the house which would allow views of the dwelling on Plot 3. This would be so despite the spacious layout of the houses, their landscaping and their design.

¹ 13/01305/OUT

² APP/E2001/A/13/2201655

16. The appellant advises that views of the proposal from Tranby Lane to the south are not of concern to the Council. Be that as it may, I have made my own assessment as to the scheme's impact and consider that the proposal would be visible from vantage points along Tranby Lane through gaps in the hedgerow. It would be seen in the context of Cambria and Sunnyside and somewhat obliquely. Nevertheless, despite the retention of the wooded backdrop, the design of the buildings including the incorporation of green roofs, and the proposed boundary planting, the development of the site would be still be evident. This was also the finding of the previous Inspector who considered that the intrusive appearance of new housing on the open land east of the trees would be apparent from a number of points along Tranby Lane.
17. The proposal would not lead to the coalescence of Swanland with neighbouring settlements, nonetheless, it would seriously erode its currently rural setting on the east side of the village. It would be appreciated as an unsatisfactory intrusion of built development that would lead to the loss of an important area of open land and would have an unacceptable urbanising effect on the east side of Greenstiles Lane. This would undermine the rural feel of the approach to Swanland and eat into its countryside setting which contributes to its strong sense of place. As such, the proposal would fail to respect or integrate with the character of the village or that of the surrounding rural landscape. Whilst I am aware that the LIVIA concludes overall that the scheme's landscape impact would be no more than medium, for the reasons given it would nevertheless be harmful. That the views of the Council's landscape architect were not sought on the proposal does not alter my finding.
18. Local Plan Strategy Policy S4 (C) sets out the forms of development that are supported where they respect the intrinsic character of their surroundings. Point 3 permits new dwellings of exceptional quality or truly outstanding innovative design and aligns with one of the special circumstances set out at paragraph 55 of the Framework. Although the appellant does not contend that the appeal scheme meets this strict definition in its entirety, it is argued that it is in its own way exceptional and as such is partially compliant with Local Plan Strategy Policy S4 (C). Specifically, the appellant considers that the quality of the design responds to its setting, has a clean contemporary style with green roofs and allows a transition between the traditional appearance of Cambria and the modern design of Sunnyside.
19. However, the proposal's design principles, features and materials are well used and established and I am not convinced that the scheme would be particularly unique or unusual in these regards. I do not consider such measures and approaches to be uncommon and cannot see that the scheme would be ground breaking in its design or exceptionally innovative in nature. Even if this were to be the case, given the site's location, in practical terms, it is hard to see what opportunities the proposal presents to act as an exemplar. It has not been put to me that the development would be publicised or made available to view by local developers or the public. As such, I am not persuaded that it would be widely appreciated to the extent that it would lead the way for design in the area. On this basis, the proposal would not serve as a model, or increase consciousness to a point where wider standards of design would be improved as a result of it.

20. Furthermore, given my findings in relation to the scheme's unacceptable impact on the character and appearance of the area, I am not persuaded that it would significantly enhance its immediate setting, or that it would be sensitive to the defining characteristics of the local area. As a result, I do not regard the design of the scheme to be of exceptional quality or innovative nature, and the proposal would not meet the special circumstance set out at paragraph 55 (bullet point 4) of the Framework or Local Plan Strategy S4 (C).
21. I therefore conclude on this issue that the proposal would be harmful to the character and appearance of the surrounding area having regard to its location within an Important Landscape Area. This would be contrary to Local Plan Strategy Policies S3, S4 (C), ENV2, A1 (C)(8), and the core planning principle of the Framework to conserve and enhance the natural environment.

Other matters

22. The officer's report raises some concerns in relation to whether the scheme would provide adequate living conditions for future occupiers given the proximity of the tree belt, along with the likely impact of the scheme on the protected trees in the future. However, these are not reasons for refusal and the Council has not pursued these objections in its appeal submissions. Additionally the Council raises no objections in relation to issues of highway safety. The absence of harm in these regards counts neither for, nor against, the proposal.
23. Paragraph 55 of the Framework indicates that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The Council accepts that the appeal site is not isolated in the countryside and is sustainably located since it is closely related to the existing settlement and there is a good range of services and facilities within walking distance.
24. Local Plan Strategy Policy S3 identifies Swanland as a Primary Village with a number of services and facilities where development to meet local community needs and sustainable economic growth is supported. Local Plan Strategy Policy S5 seeks to provide 165 dwellings in Swanland over the plan period. I appreciate that the proposal would not result in a large expansion to Swanland and the provision of three houses is a benefit of the scheme. However, given the limited scale of the proposal, its contribution to housing land supply would not be great. Whilst the future occupiers would support existing services and facilities, nor would the scheme play a significant role in enhancing or maintaining the vitality of the rural community.
25. The future occupiers of the houses would be responsible for the tree belt and the appellant considers that this would provide a future mechanism for the management of the trees which would safeguard their presence in the street scene. However, I am mindful that the trees are protected in the interests of amenity and the appellant as the owner of the site is responsible for their maintenance. I have seen nothing to demonstrate that they are currently at risk or to suggest that their future health would not be safeguarded in the absence of the appeal scheme. As such, I am not persuaded that their management by the future occupiers would necessarily lead to any particular improvements or benefits in this regard. Consequently, this factor adds very little weight in favour of the appeal proposal.

26. Thus, taken either individually or together, these benefits of the proposal would not be great, and would be insufficient to outweigh the considerable harm I have identified in relation to the main issue in this case.
27. The adopted East Riding Local Plan Allocations Document (Local Plan Allocations) includes provision for a number of housing allocations in Swanland. Based on an assessment of potential densities the appellant questions whether these allocated sites would meet the required number of homes, and suggests that the policies in the Local Plan Strategy and the Local Plan Allocations are out of date.
28. I am mindful that both these documents have been recently examined and found to be sound. The appellant refers to no particular changes in circumstances since the development plan was adopted and I have seen no substantiated evidence to suggest that these allocations would not necessarily come forward or deliver the number of houses anticipated by the Council. As such, I am not persuaded that the development plan is out of date. In any event, I have found that the proposal would fail to accord with the development plan and consider that the adverse impacts of granting permission in this case would significantly and demonstrably outweigh the benefits. As such, the presumption in favour of development set out at paragraph 14 of the Framework does not apply.
29. I have taken into account the other appeal decisions referred to by the appellant in Worcestershire and Northwich both of which concern much larger schemes of over 100 dwellings in different local authority areas. I am not aware of the full circumstances that led to those decisions and so I cannot be sure that they are directly comparable with the appeal scheme. I confirm in any event that I have considered the proposal before me on its individual planning merits, and in contrast to the conclusions of the Inspectors in those cases, have found that the benefits of the appeal scheme would be insufficient to outweigh the harm identified.

Conclusion

30. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR