The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/C2708/W/16/3157846
Land to east of Crosshills Road (opposite Crag View), Land off Crosshills Road, Cononley, North Yorkshire

- 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 planning permission.
- The appeal is made by Mr James Wade of James Wade Homes Limited against Craven District Council.
- The application Ref 21/2016/16681, is dated 19 February 2016.
- The development proposed is erection of thirteen new dwellings, vehicle and pedestrian access, new footpath and open space.

Decision

1. The appeal is dismissed and planning permission for the erection of thirteen new dwellings, vehicle and pedestrian access, new footpath and open space is refused.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with due regard to the Cononley Conservation Area.

Reasons

3. The site is located within the Cononley Conservation Area (CCA) which is centred on the historic core of the village and which extends to include later 18th and 19th century development such as that along Crosshills Road. The CCA contains areas of agricultural land which includes the appeal site and which forms part of the historic setting of the village illustrating the agrarian origins of the settlement. These features, including the appeal site, contribute to the importance of the CCA as a designated heritage asset.

4. The site is located adjacent to Crosshills Road which is one of the main access roads into the village and the CCA. The Council state that the dwellings would be visible on the skyline on the entrance into the village although the appellant disputes this due to the topography of the site. However, I saw on my site visit that the proposal would be readily apparent in views from Crosshills Road, particularly when entering the village from the south. Although there are terraces of housing and more recent development to the south west of the road, the buildings to the north east of the road are much sparser, consisting of two semi-detached dwellings adjacent to the site with allotments and surrounding fields.

5. The proposal would consist of a mixture of detached, semi-detached and terraced dwellings arranged around an access road with private driveways and circulation areas. In my view, this would appear as a small housing estate of a suburban character projecting into the agricultural fields surrounding the village to the detriment of the setting of the village and the CCA. I acknowledge that the proposal would use traditional materials and detailing that would reflect the character of buildings in the local area. However, I consider that this would not overcome the harm arising from the layout and location of the development.

6. The appellant has also proposed an area of public open space to the south east of the appeal site. Whilst the open space would retain a visual gap between the proposed dwellings and the group of buildings at Royd Place to the south east, the open space would remove the agricultural character of the land and would appear as a formal area of landscaping extending up to the boundary of Royd Place. Not only would this further detract from the agricultural character of the area and the CCA, it would also extend the visual envelope of the village up to Royd Place which currently has the appearance of a distinct group of buildings detached from the village.

7. Nevertheless, due to the extent of the CCA and the areas of agricultural land that would remain, I accept that the harm to the CCA would be less than substantial in the terms set out in the National Planning Policy Framework (the Framework). Therefore, in accordance with paragraph 134 of the Framework, the harm needs to be balanced against the public benefits of the proposal.

8. The proposal would provide the benefit of adding 13 family dwellings to the supply of housing, in an area where the Council cannot demonstrate a five-year supply of deliverable housing sites. The dwellings would also be within easy reach of services and transport links in Cononley. The provision of 5 affordable dwellings as part of the scheme would also make a contribution towards affordable housing in the area in accordance with the Council's guidance.

9. The provision of an area of public open space adjacent to the site would be a benefit, although this is tempered to a degree by my concerns expressed previously in relation to the effect that the proposed open space would have on the character of the area and the CCA. A commuted sum for the enhancement of playing fields in the area would be required to mitigate the impact of the development rather than a being a benefit of the scheme and as such has a neutral effect on the planning balance.

10. The appellant also proposes a safe pedestrian footway to the front of the site and enhancements to the footpath link between the villages of Cononley and Crosshills. I also note that the improvements to this pedestrian route are referred to in a number of comments in support of the proposal.

11. However, I saw at my site visit that significant lengths of the footpath between the villages would consist of the existing grass verge adjacent to the highway. Walking along these parts of the route is difficult due to the nature of the verge and it is therefore likely that pedestrians would use the carriageway of the road. I also saw that this road is relatively busy as it is a main vehicular route into the village. Improvements elsewhere on the footpath would not therefore address issues of highway safety relating to pedestrian access along much of the existing verge. Whilst improvements to pedestrian access along parts of the link would be welcome, I am not persuaded that the proposed

enhancements to the footpath as a whole represent a significant benefit of the scheme.

12. I note that a Unilateral Undertaking (UU) has been submitted by the appellant, which addresses matters including affordable housing and open space. I also note that the Council has stated that it is happy with a draft of the UU. I have therefore had due regard to the provisions of the UU on that basis.

13. Mindful of the stipulation in paragraph 132 of the Framework that great weight should be given to the conservation of designated heritage assets, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm to the significance of the CCA that would be caused for the reasons I have outlined previously.

14. I have also taken into account other concerns raised including the implications for the Neighbourhood Plan, service capacity, drainage, flooding, construction activity and other development in the area. However, they do not add to my reasons for dismissing this appeal.

15. I conclude that the proposal would harm the character and appearance of the area and fail to preserve the character and appearance of the CCA. The proposal would conflict with Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (CLP) which states that development in the open countryside should not have an unacceptable impact on the landscape and that the design of buildings should relate to the setting taking into account the immediate impact and public views. This policy is broadly consistent with the environmental role of the sustainability objectives of the Framework.

16. The proposal would also conflict with Policy ENV1 of the CLP which sets out broad categories of development that are considered to be compatible with open countryside locations. However, I note that the appellant states that the Council cannot demonstrate a five year supply of deliverable housing sites. Furthermore, the Council accepts that Policy ENV1 is of limited weight and that the approach of the Framework towards sustainable development should take precedence. Whilst the proposal would not be in accordance with the policy I give it little weight in this instance.

17. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that the scheme would fail to contribute to the environmental role of sustainable development in relation to protecting and enhancing the historic and built environment.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

David Cross

INSPECTOR