

Appeal Decision

Site visit made on 20 December 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27th January 2017

Appeal Ref: APP/C9499/D/16/3161615

Cloverdale, Beck Lane, Smardale, CA17 4HG

- 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 Mrs N Horsley against the decision of Yorkshire Dales National Park Authority.
 - The application Ref S/2016/572, dated 21 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is a new location for an approved double garage with first floor store.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Whilst the proposal is described on the planning application form as '*proposed new location for an approved double garage with first store*', it is clear from other appeal submissions that the description should be '*proposed new location for an approved double garage with first floor store*'. Furthermore, although the declaration on the planning application form is dated 21 June 2021, the appeal form confirms that the date of application was 21 June 2016. These corrections are included in the summary information above.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the locality.

Reasons

4. Cloverdale, which is a large detached house that fronts onto the southern side of Beck Lane, is built on the former site of Waitby Station railway yard on the former Stainmore Railway line. The southern section of Cloverdale's garden includes an embankment along which the railway line used to run. The northern face of the embankment incorporates 3 recessed storage areas, which are identified on the application plans and by the Authority as former coal drops associated with the railway. The set of coal drops have a retaining wall to the rear and stone built wing walls on either side supporting the embankment, and neighbouring sections are separated by dividing walls. The frontages of 2 of the former coal drops have been boarded and appear to
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- be being used as stables, while the third remains open and in use for more general storage.
5. The house and associated planting towards the front of the site screen the former coal drops and associated railway embankment from view from the section of Beck Lane to the north of the house. However, those former railway features are clearly visible from the section of Beck Lane to the northwest as well as from the accessway which runs in a southerly direction from Beck Lane, between Cloverdale and the neighbouring dwelling to the west. That accessway also leads to the entrance to the Smardale Gill National Nature Reserve (SGNNR), which includes the continuation of the former railway embankment to the west of the appeal site. Given the SGNNR comprises for the most part a section of the disused rail line, visitors to the SGNNR in particular are likely to recognise the continuation of the embankment within the appeal site and the associated coal drops as former railway infrastructure. In my view, these features, which are not unsightly and comprise part of the cultural heritage hereabouts, add to the character and appearance of the locality.
 6. I understand that some visitors to the SGNNR use part of the area of land between the appeal site and the accessway to the west as a car park, from where the former coal drops and railway embankment can also be seen. The appellant has indicated that there is an ongoing legal dispute concerning the use of that land for parking, which may result in it being stopped in the future. However, I give that matter little weight. Even if that were the case, there is no evidence before me to show that SGNNR visitors would be prevented from using the accessway, from where the former coal drops and railway embankment are visible, to reach the SGNNR and, in any event, those features are also visible from Beck Lane.
 7. The proposal involves the erection of a two-storey pitch roofed building, for use as a double garage with first floor store, which would be located between the former coal drops and the western appeal site boundary on land at a lower level than the ground adjacent to the house.
 8. In my judgement, the proposal would not be so far removed from Cloverdale as to appear detached from it. Furthermore, the proposed garage/store would be of a domestic scale and the materials used in its external surfaces would be in keeping with those of the existing dwelling. In these respects it would be in keeping with the aims of Policy CS18 of the *Eden District Council Core Strategy* (CS).
 9. However, the proposal would be likely to encroach on the former railway embankment and part of the western wing wall of the former coal drops. The proposed building would restrict views of the former coal drops and parts of the associated railway line embankment from view from public vantage points. Consequently, I conclude overall, that the proposed development would harm the character and appearance of the locality and would conflict with the aims of CS Policy CS18 to protect features and characteristics of local importance and to ensure development complements and enhances the existing area. This policy is consistent with the aims of the Framework as regards the promotion of local distinctiveness as well as the integration of new development into the built and historic environment. Furthermore, the scheme

would neither conserve nor enhance the cultural heritage of the National Park, contrary to one of the statutory purposes of National Parks.

Other matters

10. I agree with the appellant that it would be possible to ensure that the proposed building would be retained for use as a garage/store and that appropriate materials would be used to surface any associated accessway through the imposition of suitable conditions.
11. Furthermore, I share the view of the appellant that, as Cloverdale forms part of a group of 4 dwellings, Policy NE1 of the *Eden District Council Local Plan, 1996* is of little relevance in this particular case, as it relates to new development in the undeveloped countryside outside settlements and groups of 3 or more dwellings.
12. Whilst planning permission for the erection of Cloverdale included the provision of a garage/store comparable in scale to the appeal proposal, the approved location was to the northwest of the dwelling. The approved garage/store would be unlikely to materially reduce views of the former coal drops and associated railway embankment, as views from Beck Lane to the north are already restricted, as I have indicated. I have had regard to the appellant's argument that the approved garage/store would reduce the outlook from Cloverdale and its grounds. However, in its approved location the garage/store, although visible, would not be directly in front of any habitable room windows. Furthermore, it would not be so large as to restrict the outlook from the reasonably extensive grounds of the property to any significant extent. Its impact on the outlook from the property would not be unacceptable. The approved garage would block the existing route between the driveway at the front of the house and the southwestern section of its garden. Nonetheless, it appears to me that that area of garden can also be accessed through an existing gateway off the accessway to the west of the site. Under the circumstances, I give little weight to the approved garage/store as a fallback position.
13. I also give little weight to the appellant's assertion that a grant of planning permission for the proposal would be likely to result in the area around it being tidied up. To do otherwise would be likely to give encouragement to landowners seeking a beneficial permission not to manage their land in a diligent manner.
14. The appellant has indicated that the Authority's decision to refuse to grant planning permission in this case was not consistent with the consultation response it gave to Eden District Council, who was the local planning authority when the application was first made. Whilst consistency is desirable, this does not alter the planning merits of the proposal upon which my decision is based.

Conclusions

15. I conclude on balance, that any benefits of the proposal would be outweighed by the harm that it would cause to the character and appearance of the locality. Under the terms of the Framework the scheme would not amount to sustainable development. I consider that it would conflict with the Development Plan taken as a whole and there are no other material considerations sufficient to indicate that planning permission should

nevertheless be granted. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR