

Appeal Decision

Site visit made on 13 February 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 24th February 2017

Appeal Ref: APP/E2001/W/16/3164531

1 Willerby Court, Willerby Low Road, Willerby, HU10 6EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Laura Millington against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/01489/OUT/WESTES, dated 4 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is outline planning application for single dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline; with all matters reserved for future consideration. Plans have been submitted showing the elevations, siting and layout of the proposed dwelling. I shall treat these as being indicative only.

Main Issues

3. The main issues are firstly whether the proposal would provide a suitable site for housing with particular regard to its accessibility and secondly, the effect of the proposal on the character and appearance of the area.

Reasons

Accessibility

4. The appeal site is outside the development limit of any defined settlement within the East Riding Local Plan 2012-2029 Strategy Document 2016 (the Local Plan). As a result it is considered for policy purposes to be in the countryside. Policy S4 of the Local Plan lists a number of criteria which new development in the countryside must meet to be acceptable. There is no disagreement that the appeal proposal does not meet any of the listed criteria and therefore would be contrary to Policy S4.
 5. Paragraph 55 of the National Planning Policy Framework (the Framework) specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define the meaning of
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'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically isolated relative to settlements and other built development and whether it is functionally isolated relative to services and facilities.

6. The appeal site forms the side garden of 1 Willerby Court. No 1 is an end terrace within a row of eight properties. I note the Council's comment that the proposed dwelling would not be physically isolated from other development. Nonetheless this is a relatively sporadic grouping that does not form part of a recognised settlement and is surrounded by open countryside. In the context of this small grouping, the proposal would have the sense of being in a physically isolated location.
7. Some limited local facilities are available in Willerby and Cottingham some 2.7 -2.85 km away. A wider range of facilities are available in Hull a further distance away. The appellant refers to the 'Good Practice Travel in Planning' which indicates that pedestrians are willing to walk up to 2 km and cycle up to 3 km to access services. However, the journey for pedestrians and cyclists from the appeal site to the facilities would for a large part be along a narrow unlit road. I acknowledge that there is a footway from the site to Cottingham, but this is often limited in width with an uneven surface not conducive to cyclists, pushchairs or those with difficulty walking. In the opposite direction towards Willerby and Kirk Ella there is no footway or cycle path. The nearest bus stop is about 450m away. I have though been supplied with very little evidence of the regularity of the bus services and therefore cannot be sure that they would adequately meet the needs of residents travelling to and from work or services.
8. To the west of the appeal site is the Willerby Hill Business Park which contains a range of facilities including a gym, medical facilities and a number of local businesses. I am also advised that land has been allocated for the expansion of the business park within the Council's Allocations Document 2016 (AD) While this may well provide a source of employment for future residents together with limited leisure facilities, it does not provide for day to day shopping or schools all of which would require travel further afield. In this respect although the business park is within walking distance of the appeal site the services offered are limited. Furthermore the Council confirm that the allocation does not extend beyond the development limit into the countryside and forms the remainder of the hospital site.
9. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this particular circumstance, the combination of the unlit route, particularly in the winter months, with no or limited footway or cycle path, together with the distance to the majority of services means that there would not be a safe or convenient pedestrian or cycle access to local services. As a result, they would not be easily accessible in terms of the social role of the planning system for the occupiers of the proposed house.
10. As such, I find that the proposal would be a functionally isolated development in the countryside due to its remoteness from everyday services and facilities. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and

facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.

11. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. There would be a lack of relationship between the site and the nearest settlements able to provide basic services and in this respect the dwelling would be functionally isolated. My overall finding, therefore, is that the appeal site is both physically and functionally isolated.
12. Leading on from this I do not consider there to be special circumstances (paragraph 55 of the Framework) to justify the erection of an isolated dwelling, including those cited in the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.
13. Paragraph 55 of the Framework also refers to development in small villages potentially supporting services either in the immediate environment, or in a village nearby. However, the proposal is not within a small village nor have I seen substantive evidence to suggest that the location of the appeal site is well placed by way of public transport connectivity, to the available facilities in nearby settlements. One dwelling would in any event, make a limited contribution in this regard.
14. For the reasons above therefore I conclude that the proposal would not provide a suitable site for housing with particular regard to its accessibility. It would therefore be contrary to Policies S3 and S4 of the Local Plan and the Framework. These require that development is located within development limits and avoids isolated houses in the countryside.

Character and appearance

15. The terrace of properties within which the appeal site is located is surrounded by open countryside. As a consequence the area has an open, rural character and appearance. The appeal site forms the side garden of No 1. It therefore contributes to the open character, but there is a clear delineation between the garden and the surrounding open countryside formed by a high hedge. While the provision of a house on the garden would extend the built up area closer to the countryside it would be contained within the hedge and would not therefore unduly encroach into the rural environment beyond.
16. I am mindful that the proposals are in outline form only and the illustrative plans submitted are only one way of achieving a house on the site. Even so the plans demonstrate that a house could be contained within the site that would be of a similar size to No 1 and retain considerable garden space around it. Furthermore although reduced, space between the house and the boundary hedge would still be available. This together with the set back of the house in line with No 1 would ensure that the open setting and transition between the houses and the countryside would not be significantly eroded. As a result the house would not be overly dominant or obtrusive either within the streetscene or from longer views from Willerby Low Road.

17. The Council refer to the detailed design of the proposed house and its incongruence with the existing Victorian terrace. However, as the appearance, layout and scale of the dwelling would be the subject of future approval then these details could be controlled by the Council at that time. While the dwelling would be necessarily detached from the terrace, it could be located very close to No 1 so that it would be read as part of the terrace when viewed from most directions.
18. Policy A1 of the Local Plan seeks to prevent coalescence by protecting the character and individual identity of settlements by maintaining Key Open Areas (KOA). No 1 lies within a designated KOA between Cottingham and Anlaby/Willerby/Kirk Ella. However, I consider that the provision of only one house, contained within the side garden of No 1 would not contribute significantly to the coalescence of the settlements. Therefore the character of each would be maintained as would the overall Key Open Area.
19. For the reasons above the proposal would not be harmful to the character and appearance of the area. As a result there would be no conflict with Policies ENV1 (B1 and 3), ENV2 (A) and A1 (C2) of the Local Plan and the Framework. These require amongst other things that development should have regard to the specific characteristics of the sites wider context and characteristics of the surrounding area, should be sensitively integrated into the existing landscape and Key Open Areas should be maintained.

Other matters

20. The appellant states that the proposal is adjacent to a number of sites identified within the Council's Strategic Housing Land Availability Assessment 2014(SHLAA). However, the Council confirm that the Sustainability Appraisal of the proposed allocations document carried out in January 2014 determined that the sites referred to were considered unsuitable for allocation, as they form part of the KOA between Cottingham and Willerby. As a result they are not included within its five year housing land calculations nor are they included within the Council's Allocation Document 2016.
21. The Council confirm that it has a 5.8 year housing land supply available. While the appellants do not dispute this they refer to the rapidly dwindling five year housing land supply, the Council's inability to meet annual completion targets and housing targets together with a high reliance on windfall sites such as the appeal site. Nonetheless, they have supplied no evidence which leads me to conclude that the Council does not currently have a 5.8 year housing land supply, as such I consider that housing Policies within the Local Plan can be considered up-to-date.
22. The appellant also refers to the provision of dwellings at nearby Low Farm. However these were the result of the conversion of existing buildings which would be in accordance with local and national policy.
23. The Council refer to appeal decisions App/E2001/W/16/3157921 and APP/E2001/W/16/3139871 together with Case Law¹ in support of their approach to the application the subject of this appeal.

¹ East Staffordshire Borough Council v Secretary of State for Communities and Local Government & Barwood Strategic Land II LLP [2016] EWHC 2973 (Admin)

However, I have very limited details of the two appeal proposals and cannot be sure that they are directly comparable to the appeal before me now. In any case I have determined the appeal based on its own merits taking into account relevant Case Law as necessary.

Planning Balance and conclusion

24. The proposal would deliver social and economic benefits by providing a new home. However as the proposal is only for one house, the development would only make a limited contribution to meeting housing requirements and choice whilst supporting local services and businesses. There would also be temporary economic benefits arising from the construction activity required to deliver the development.
25. Although the site is not currently needed in order to ensure an adequate supply of deliverable housing sites, there is nothing in the Framework to suggest that the existence of a five year supply should be regarded as a restraint on further development. In this context, I attach limited weight to the social and economic benefits identified based on the scale of development proposed.
26. The proposal would conflict with the approach to the location and supply of housing in Policies S3 and S4 of the Local Plan and would not therefore be in accordance with the development plan. While I have found that the proposal would not be harmful to the character and appearance of the area this is not a benefit justifying the development, but a pre requisite of good design and therefore neutral in the planning balance.
27. In such circumstances, paragraph 11 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the considerable resultant harm would not be outweighed by other material considerations.
28. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR