
Appeal Decision

Site visit made on 2 May 2017

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/E2001/W/17/3169207

1 and 2 Weel Road, Tickton, Beverley, HU17 9RY.

- 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 J Stewart against the decision of East Riding of Yorkshire Council.
 - The application Ref 16/02114/OUT, dated 15 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is the erection of two replacement dwellings following demolition of 2 existing dwellings (access, layout and scale to be considered).
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Decision

1. The appeal is dismissed

Main Issues

2. There are two main issues in this case. The first is whether the proposal accords with planning policies relating to the construction of replacement dwellings in the countryside, having regard to the impact on the rural character of the local area. The second is whether sufficient regard has been paid to surface water drainage.

Reasons

Development Plan

3. *Section 38(6) of the Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
 4. The development plan for the area includes the *East Riding Local Plan 2012-2029 (ERLP)*, adopted in April 2016. *ERLP Policy S3: Focusing development* identifies a Settlement Network for East Riding. In general terms this is designed to focus most development in the larger settlements, whilst recognising that some development will be acceptable in the smaller settlements provided it is commensurate with their role and function. Development limits are defined on the Policies Map to ensure that new building is focused in and around the identified settlements and prevent most forms of new development in the countryside.
 5. *Part C of ERLP Policy S4: Supporting development in Villages and the Countryside* makes it clear that outside of a development limit land will be
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regarded as the countryside. The policy lists the forms of development that will be acceptable in the countryside where proposals respect the intrinsic character of their surroundings. *Criterion 2 of Part C of ERLP Policy S4* specifies that replacement dwellings will be supported. *Paragraph 4.41* provides further guidance in stating that replacement dwellings will be permitted in the countryside where their design and character reflects the surrounding area and results in an increase of the usable floor area of the original building normally by no more than 50%.

6. As these policies are broadly consistent with national policy in terms of seeking to limit new residential development outside settlements and in the countryside, and protecting rural character, they must be accorded significant weight. In reaching this view I am also mindful that that it would appear from the material submitted that there is an adequate supply of housing land in the area.

Issue 1: Planning policies & rural character

7. The appeal site is located to the west of the village of Tickton and within the countryside that borders the northern side of Weel Road. The building, which is to be replaced, is a pair of semi-detached cottages. It is small in scale and has a low profile. There are two small dormer windows in the roof, serving two bedrooms, and to the rear there is a single storey extension. At present the building is in very poor condition. A sizeable part of the roof is without tiles. Some of the windows are boarded up but others are open to the elements. The area around the building is overgrown with brambles and vegetation, making access difficult. It would appear that the building has been unoccupied for some time. Vehicular access to the site from Weel Road is provided just to the east of the building. The associated field to the side and rear, where there is an open-sided barn, is unused and overgrown.
8. The appeal proposal seeks the demolition of the existing building and its replacement with two detached dwellings. The application was made in outline form with access, layout and scale of development to be determined at this stage. The submission indicates that the dwellings would be single storey but of similar height to the adjacent house, Grey Cottage, and provide resilience to flooding. The eastern-most dwelling would occupy part of the foot-print of the existing building, whilst the other dwelling would be positioned on open land to the west and near or over a drainage channel. The two new dwellings would be served by separate accesses and two parking spaces would be provided for each unit.
9. The appeal site is located outside Tickton's development limits as defined in the *East Riding Local Plan 2012-2029*. Consequently it lies within the countryside for planning policy purposes. Local planning policy does not rule out replacement dwellings in a countryside location such as this provided the intrinsic character of their surroundings is respected, and their design and character reflects the surrounding area and results in an increase of the usable floor area of the original building normally by no more than 50%.
10. There is disagreement between the two main parties as to whether the proposal would result in an increase of more than 50% of the usable floor space of the original building. It is argued for the appellant that the increase in usable floor area would be just below 50%, whilst the Council argue it would be far in excess of 50%. Given that the appellant's calculations are based on

actual measurements of the floor space within the existing building and details of the amount to be provided in the proposed dwellings I consider that these figures must be preferred. However notwithstanding this finding local planning policy also indicates that account must be taken of the impact of the two proposed dwellings on the intrinsic character of their surroundings and that their design and character should reflect the surrounding area.

11. Along the northern side of this part of Weel Road there are fields and an absence of built development, apart from the appeal building and Grey Cottage located just to the east. At present the appeal building, because of its modest size and scale, does not unduly impact on the established rural character of the area. The appeal proposal, however, would introduce additional built development into the area of greater overall scale and size and increase the length of the developed frontage along Weel Road. The associated accesses, together with the sizeable areas of hard surfacing for parking and turning, and the likely increase in domestic paraphernalia (including outbuildings) would further urbanise the area. The cumulative effect of these changes would be to erode the intrinsic character of the area to an unacceptable degree. Detailed design, including elevational treatment and landscaping, would be unable to mitigate this harmful impact. I do not consider that any permitted development rights that the existing property may currently enjoy would lead to building of a similar scale or nature.
12. Whilst the site is not within an area subject to any particular landscape designation, one of the core planning principles set out in the *National Planning Policy Framework (the Framework)* includes recognition of the intrinsic character and beauty of the countryside. For the reasons set out above, the proposal would fail to respect this intrinsic character and beauty.
13. I have taken account of the previous planning permission for an extended building on the site. However, unlike the appeal proposal, the approved scheme utilises the existing building's footprint and does not extend into the open area to the west. Consequently it is a materially different from the appeal proposal before me. I accept that the neglected state of the appeal building and its surroundings detracts from the local scene. However to give significant weight to such a consideration would be likely to encourage similarly justified proposals the cumulative effect of which would be to seriously undermine policies designed to secure sustainable patterns of development and protect local character. Furthermore a scheme has been approved by the Council in the past that would secure the enhancement of the property if implemented.
14. I conclude, therefore, on the first issue that the proposal would not accord with planning policies relating to the construction of replacement dwellings in the countryside in view of the detrimental impact on the rural character of the local area that would result.

Issue 2: Surface water drainage

15. The proposed western-most dwelling would appear to be located near or over an existing, sizeable drainage channel. Given that the appellant owns the adjoining land to the north and west it would be possible to re-route the drainage ditch along the perimeter of the gardens of the proposed dwellings and increase the ditch's capacity. This would have the effect of providing additional storage of surface water run-off, thereby potentially reducing the risk of surface water flooding downstream from the appeal site. Furthermore

other measures are proposed that would substantially reduce the rate of surface-water run-off from the application site, compared with the existing situation, thereby reducing the risk of surface water flooding. In my view these works, together with access for maintenance, could be ensured by the application of suitably worded planning conditions to any planning permission.

16. I conclude, therefore, on the second issue that the proposal pays sufficient regard to surface water drainage.

Overall conclusion

17. I have concluded that the proposal would not accord with planning policies relating to the construction of replacement dwellings in the countryside in view of the detrimental impact on the rural character of the local area that would result. This conclusion constitutes compelling grounds for dismissing the appeal. None of the other matters raised, including the provision of modern, flood-resilient dwellings, improved accommodation, or the utilisation of brownfield land, outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector