
Appeal Decisions

Site visit made on 24 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 16 August 2017

Appeal A Appeal Ref: APP/E2001/W/17/3170359

Former Military Camp, Gowthorpe Lane, Gowthorpe YO41 5QL

- 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 Mr John Jones against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/03549/PLF/WESTWW PP-05537424, dated 7 October 2016, was refused by notice dated 8 February 2017.
 - The development proposed is demolition of 5 single storey buildings with C3 residential use and the reconstruction of 5 new bungalows.
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Appeal B Appeal Ref: APP/E2001/W/17/3177067

Former Military Camp, Kirklands Lane, Gowthorpe YO41 5QL

- 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 Mr John Jones against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/00775/PLF/WESTWW PP-05862052, dated 23 February 2017, was refused by notice dated 25 May 2017.
 - The development proposed is changes to the building envelopes of 5 number B8 storage buildings including addition of brick skin and tiled roof, insertion of windows and doors, changes to surrounding landscaping and drainage.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. The descriptions of development in the headings above have been taken from the planning application forms. However, in Part E of each appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that revised descriptions of development has been agreed. Accordingly, I have used the descriptions given on the original applications.
3. Notwithstanding the address given for Appeal A, based on the submitted details, the public highway to the south of the appeal site is named 'Kirklands Lane', although at some point it changes to 'Common Lane'. For the sake of consistency, I have referred to Kirklands Lane within this decision.

Main Issues

4. The main issues in these appeals are:

- The effect on the character and appearance of the countryside (both Appeals); and
- Whether the proposed residential development would be in a sustainable location having regard to planning policies relating to development in the open countryside and, if not, whether there are circumstances to outweigh that (Appeal A only).

Reasons

Background

5. The appeal site comprises of a former military camp located on land to the rear of the residential property of Elmwood House. The appeal site consists of five pre-cast concrete buildings which I saw had been converted to a storage and distribution use. The site has a complex planning history and I have noted the summaries provided by the Council and the appellant. The site is previously developed land, the effective use of which is one of the core planning principles of the National Planning Policy Framework (the Framework).
6. A proposal for four detached bungalows on the site was dismissed at appeal¹ in June 2013. The Inspector concluded, amongst other things, that the benefits of removing the existing buildings on this brownfield site would not outweigh the unsustainability of four new dwellings in the open countryside remote from local services and public transport.
7. Prior approval² for the change of use of five storage/distribution buildings (Class B8) to five dwellings (Class C3) was granted on 5 July 2016. I saw that the buildings are unoccupied and have not been converted to residential use, although the appellant has provided evidence that the development has commenced. I also saw that the buildings are of a substantial construction and that their change of use to a residential use would be a realistic proposition. Although a change of use may involve extensive works to make the buildings habitable, this does not necessarily mean that the principle of the prior approval should be discounted. I therefore consider that there is a reasonable prospect of the prior approval being implemented should these appeals be dismissed. On that basis, I have given the fallback position of the prior approval substantial weight in my consideration of these appeals.
8. The appellant refers to a 'pared down' planning application³ which has been submitted to the Council and I have been provided with extracts from this including plans. The appellant also states that this application has been presented to a Planning Sub-Committee on 8 August 2017 with a recommendation for approval, although a decision has been deferred to enable members to visit the site. However, no details of the Council's considerations on this application have been provided to me and, mindful that the Council has not determined the application, I have given no weight to the status of this planning application in reaching my decision.

¹ Appeal ref: APP/E2001/A/13/2191132

² LPA Ref: 16/01545/SRNOT

³ LPA Ref: 17/01752/PLF, submitted 21 May 2017.

Character and Appearance

9. I saw that properties along Kirklands Lane in the vicinity of the appeal site are characterised by dwellings fronting onto the highway with, in some instances, buildings of a utilitarian character on land to the rear. This arrangement is reflected in Willow Tree Farm and to a lesser extent by Elmwood House, both of which have utility buildings to the rear. There were also examples of agricultural and commercial buildings of a functional character distributed within the wider landscape. The appeal site and the utilitarian buildings it contains, set behind Elmwood House, are therefore not incongruous features within this landscape.
10. In relation to Appeal A, the proposal would result in the introduction of a development of a clearly residential character extending to the north of Kirklands Lane. The roofscape of the bungalows would be readily visible from the surrounding area, and the proposal would result in the creation of a collection of dwellings of a suburban character and layout projecting into the countryside. The design of individual dwellings based on those in the surrounding area would not overcome the harm arising from the suburban layout of the development and its impact on the character of this area of countryside.
11. In relation to Appeal B, although the description of the proposal refers to changes to the "B8 storage buildings", the appellant confirms that this application is to facilitate the implementation of the residential use granted under the prior approval. Whilst the layout of the buildings would be retained, the proposal would lead to an increase in the height and pitch of the roofs and the use of materials typical of residential development. This would therefore give the buildings a suburban residential appearance which would be at odds with the functional character of the site and the prevailing character of the area.
12. The proposals for both Appeal A and Appeal B are also likely to introduce a domestic character into the area around the buildings with features such as residential landscaping, driveways, lighting and utility areas. Whilst this would also be inherent in the development of the site under the prior approval, cumulatively this would add to the unsympathetic residential character of the appeal proposals referred to above.
13. The appellant states that the proposals reflect the design and layout of dwellings in settlements in the area as well as neighbouring properties at Elmwood House and Willow Tree Farm. However, the examples given by the appellant relate either to established settlements or residential development fronting the highway. The context of the examples is therefore different to that of the appeal site which consists of a backland site projecting into the countryside.
14. The appellant has referred to previous planning permissions on the site for replacement brick built buildings with pitched roofs for a storage and distribution use⁴. However, based on the evidence before me, these permissions have not been implemented and have lapsed. I also note that these permissions pre-date the Framework and the East Riding Local Plan 2016 (ERLP). Reference has also been made to retrospective planning permission for

⁴ Application Nos: 06/07305/PLF and 09/04304/PLF

a large pitched roof unit to the rear of the appeal site⁵. Although such permissions would have increased the prominence of the buildings, I consider that it is likely that they would have retained the utilitarian character of the site through both the non-domestic nature of the alterations and the ongoing commercial use of the land.

15. I acknowledge that the storage buildings are unattractive and that their removal or improvement could be a benefit, although this benefit would be limited as the buildings are not unduly prominent features within the landscape. However, these buildings are not untypical of the functional buildings located within this area of countryside. The harm arising from the replacement of the storage buildings by an incongruous form of residential development, such as the appeal proposals, would outweigh any benefit arising from their removal.
16. I conclude that both Appeal A and Appeal B would harm the character and appearance of the area due to the introduction of residential development of a suburban character into the countryside. The proposals would therefore be contrary to Policies ENV1, ENV2 and S4 of the ERLP which state that development should achieve a high quality of design with regard to a sites wider context and the character of the surrounding area. The proposals would also conflict with the Framework which requires development to respond to local character, reflect the identity of local surroundings and which seeks to protect the intrinsic character of the countryside.

Sustainable Location

17. In respect of Appeal A only, the Council's reasons for refusal state that the proposal would be an unsustainable form of development in the countryside, remote from local services and facilities. This also reflects the conclusions of the Inspector on a previous appeal⁶ for four dwellings on the site.
18. Although the site is located adjacent to a cluster of dwellings and other buildings, the appeal proposal would, to all intents and purposes, result in isolated homes in the countryside in that they would be remote from the nearest settlements and services. Although the appellant has provided evidence of a bus service passing along Kirklands Lane which would be of benefit to residents, I do not consider that this would provide a significant alternative to a reliance on the private car due to the limited frequency of the buses and the relative convenience of these modes of transport.
19. However, as stated above, I consider that the prior approval for the conversion of the buildings to five dwellings should be given substantial weight. The development of Appeal A would not lead to an increase in the number dwellings beyond that established by the prior approval. Therefore, whilst the proposal would result in isolated dwellings in the countryside, this would be no worse than the development resulting from the fallback of the prior approval. On that basis, although the isolated location of the proposed dwellings would be contrary to local and national policy in this regard, the fallback position means that this isolated location does not weigh against the development of Appeal A and is neutral in the overall planning balance.

⁵ Application No: DC/14/02889/PLF

⁶ Appeal ref: APP/E2001/A/13/2191132

20. However, the existence of the prior approval does not override the need for me to consider the effects of the development before me - the provisions of both paragraph 55 of the Framework and Policy S4 of the ERLP therefore still apply. Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as where the development would re-use redundant or disused buildings; or the proposed dwelling is of exceptional quality or innovative. This approach is reflected in Policy S4 of the ERLP which lists the forms of development that will be supported in the countryside. Appeal A does not meet any of the criteria specified in Paragraph 55 of the Framework or in Policy S4 of the ERLP and it would therefore be contrary to national and local planning policy.
21. I conclude that Appeal A would not represent a sustainable location for residential development of the form proposed as it would result in new isolated homes in the countryside contrary to the types of development supported by Policy S4 of the ERLP as well as the provisions of paragraph 55 of the Framework. The proposal would also conflict with policies S1, S2 and S3 of the ERLP in respect of the location of development in relation to settlements and services, although this does not weigh against the proposal due to the substantial weight to be given to the prior approval as a material consideration.

Other Matters

22. The proposals would add to the supply and mix of housing in the area and would reflect the Government's aim of significantly boosting the supply of housing. However, I note that the Council is able to demonstrate a suitable supply of housing land and the limited benefit arising from an extra 5 dwellings does not weigh in support of the proposal. The appellant emphasises that HMP Full Sutton has recently been announced as a 'supersized' prison by 2020, however no substantive evidence has been provided to me to demonstrate how this would affect the Council's housing land supply and planning policies.
23. In relation to Appeal A, I acknowledge that new-build development offers the potential to create dwellings with enhanced features in relation to energy efficiency and habitability. However, the Framework is explicit in encouraging the re-use of buildings in the countryside rather than their replacement. The re-use of existing buildings also has sustainability benefits and there is potential to incorporate sustainability benefits as part of their re-use. The identified improvements arising from new-build dwellings do not therefore weigh significantly in favour of the proposal.
24. Appeal B would also offer the potential to improve the habitability of the buildings. However, based on the evidence before me and on what I saw, the conversion of the storage buildings to residential use would be a realistic option, as reflected in the substantial weight I have given to the potential development of the prior approval. The potential improvements arising from Appeal B therefore do not weigh significantly in favour of the proposal.
25. I note that there is a dispute between the parties as to whether the extent of the proposed works for Appeal B would mean that it may not be possible for the prior approval to be implemented. However, it is not necessary for me to comment further on this because, even if I were to reach a conclusion on this matter, this would not overcome the issues identified above in relation to the effect of the proposal on the character and appearance of the countryside and

would not lead me to a different conclusion on this appeal. A positive approach towards enabling development permitted under a prior approval does not override the need to consider the effect of development on matters such as character and appearance and conflict with planning policy.

26. In relation to Appeal B, the appellant has stated that he would be prepared to accept a condition addressing detailed design matters such as the pitch of the roofs. However, the effect of the roofscape of the proposal on character and appearance is a fundamental issue and I consider that amendments to the roof pitch to address this would be likely to result in a more than minor modification to the proposed development. I consider that a condition on this matter would not therefore be reasonable.

Conclusion

27. Notwithstanding my conclusions with regards to the location of the site in relation to services and the fallback of the prior approval, I conclude that both Appeal A and Appeal B would cause substantial harm to the character and appearance of the area, and Appeal A would introduce an inappropriate form of development into the countryside. The benefits arising from the proposals would not outweigh this harm and do not justify making a decision otherwise than in accordance with the development plan and national planning policy. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that both Appeal A and Appeal B would not represent acceptable and sustainable forms of development.
28. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR