
Appeal Decision

Site visit made on 18 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/A4710/W/17/3173839

Land to the west of Haven Close, Northowram, Halifax HX3 7EE

- 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 James Graham of Graham Developments Limited against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00944/OUT, dated 17 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is 4no. New Dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's details have been taken from the Appeal Form rather than the application form as the latter does not provide sufficient detail in identifying the appellant. Furthermore, it is confirmed that the original applicant and the appellant are the same person.
3. The original application sought outline planning permission with only access and layout considered at this stage. Accordingly, I have assessed and determined the appeal on that basis, taking all submitted plans relating to appearance, landscaping and scale of the development to be illustrative.
4. The Council is unable to demonstrate a deliverable five year supply of housing land. Therefore, in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework), planning policies relating to housing supply are considered to be out of date. Policies BE1 and BE18 of the Replacement Calderdale Unitary Development Plan 2006 (RUDP) do not relate specifically to matters of housing supply and therefore are not considered as out of date. Furthermore, I find Policies BE1 and BE18 of the RUDP to be consistent with the aims of the Framework. Therefore, I give them significant weight in determining this appeal.

Main Issue

5. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Northowram Village Conservation Area.

Reasons

6. The appeal site is a rectangular paddock situated between Upper Lane with a small terrace of houses and detached bungalows facing the appeal site to the west and Haven Close, a small, modern housing development close to the village centre to the east. Despite the presence of new housing nearby, the settlement is

characterised by its traditional local vernacular built form, use of materials and historic street pattern. In addition, the appeal site lies within the Northowram Village Conservation Area (CA).

7. The Northowram Village Conservation Area Appraisal and Management Plan (CAA) states that the green open spaces and fields within the village contribute to its essential character and appearance. Furthermore, I note that the appeal site is described within the CAA as important to the rural nature of the village as it provides a transition from the village core to the more open and rural Upper Lane area. Moreover, the smaller fields and rural spaces identified in the CAA are recognised as being important to the settlement as they are reminiscent of its isolated and self-sufficient character.
8. From what I have seen and read, including at the site visit, I do not disagree with the assessment within the CAA. In my view, the appeal site provides an important context to, and element of, the rural character of this part of the settlement. Whilst I acknowledge that the site is privately owned and that there is no public access, I find that it makes a positive contribution to the character of the CA and represents a key feature of its significance as a designated heritage asset.
9. The proposed development would introduce significant residential development to the site which would comprise four large detached houses around a small area of grassed open space. The appellant argues that the proposed dwellings would not represent an extension of the modern style of development at Haven Close. However, having had regard to the evidence before me, including the proposal access and layout of the appeal proposal, I find that it would inevitably indicate that the development would appear as an extension to the Haven Close scheme.
10. Furthermore, despite the appellant's points that the proposed dwellings would be at the same ground level as the existing houses in Haven Close, and therefore would therefore be set down on the appeal site, I find that the scheme would significantly erode the open aspect of the paddock field which is described in the CAA as being essential to the rural character and appearance of the CA. It would also have a significantly adverse impact on identified key views across the site which the CAA identifies as being important to the historic rural village character of Northowram. In addition, the proposal would remove a key buffer between the built form of the settlement and diminish the transitional character of the immediate area from the village core to its rural edge.
11. The appellant makes reference to the adjacent development at Haven Close being granted planning permission after the designation of the CA. As such, the appellant states that it was assumed that the same style of development would be appropriate on the appeal site as a continuation of the Haven Close scheme. However, the Council confirms that the Haven Close development received outline planning permission prior to the approval of the CA in 2011 and that it was the reserved matters of that outline permission which were approved afterwards. Notwithstanding this, the planning context has changed since the outline approval of the Haven Close development with the introduction of the Framework and the designation of the CA. As a result, the circumstances relating to the appeal proposal are now materially different.
12. The harm to the significance of the CA would be less than substantial. However, I find that the impact of the proposal on the rural character of Northowram and the CA and in relation to its role in the transition between the village centre and the open countryside to the west would be significant. As a result, I find that this carries significant weight.

13. Therefore, having had regard to the evidence before me, I find that despite its accessible location, the fact that it would not result in the development of Green Belt land and the Council being unable to demonstrate a five year supply of housing, the significant harm I have identified which would be caused by the proposal would outweigh its public benefits.
14. Consequently, I conclude that the proposed development would have a significant detrimental effect on the CA and would not preserve or enhance its character or appearance. It would therefore be contrary to Policies BE1 and BE18 of the RUDP and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development has no significant adverse impact on the character or appearance of its surroundings, including conservation areas.

Other considerations

15. I note that the appeal site is located within a Primary Housing Area for the purposes of the RUDP. Furthermore, the Council has not raised any other concerns relating to other matters such as highway safety, land contamination or the living conditions of neighbouring residents. Based on the evidence before me and my observations during the site visit, I see no reason to disagree with this assessment.
16. Notwithstanding this, whilst the principle of additional housing in the village is accepted, this does not justify the granting of planning permission for a scheme which would not preserve or enhance the character or appearance of the CA. Furthermore, the Council's current lack of a deliverable five year supply of housing land does not, on its own, justify such an approval. When assessed against the Framework, taken as a whole, I find that the proposed development would not be sustainable development for which there would be a presumption in favour.
17. Finally, I have been referred to other approved proposals which, the appellant argues, have similarities to this case. I have had due regard to these other cases. However, I note that whilst these other proposals have similarities to the appeal scheme, there are also differences, such as that both of the other sites having existing buildings on them and there is a substantial boundary wall which prevents open views across the site. Nonetheless, I do not have the full details and circumstances of these cases before me and, in any event, I must assess the appeal proposal on its own merits and circumstances, and I confirm that I have done so. As a result, these other cases have limited weight in my assessment of the appeal.

Conclusion

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

Andrew McCormack

INSPECTOR