



Appeal Decision

Site visit made on 24 October 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 16 November 2017

Appeal Ref: APP/E2001/W/17/3179470

Tulamanzi, 87A Beverley Road, South Cave HU15 2BB

- 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 & Mrs I Stewart against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/04134/PLF/WESTES, dated 8 December 2016, was refused by notice dated 19 May 2017.
 - The development proposed is 2no. detached family dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the countryside with regard to local and national planning policies.

Reasons

3. The appeal site comprises part of the rear garden of the property known as 'Tulamanzi' at 87A Beverley Road. The host property and access lane are situated within the development limits of South Cave. However, the appeal site lies outside the limits and the proposal would therefore be in the open countryside. The site consists of a large and mostly level grassed area. It is bounded to the north and west by trees and mature planting and there is a beck which runs along the northern boundary of the site. To the east, the site is marked by a low level timber fence beyond which is a public footpath which forms part of the Wolds Way. The open nature of the eastern boundary allows the site to be easily seen from Beverley Road when travelling west into the settlement. The site is within The Yorkshire Wolds, a designated Important Landscape Area in the development plan.
4. Although in policy terms the appeal site is within open countryside, given its relationship to existing properties nearby, I consider that the proposal would not result in any isolated homes in the countryside. Notwithstanding this, I note that the two proposed dwellings would not meet any of the criteria set out in Policy S4 of the East Riding Local Plan Strategy Document (ERLP SD) or comply with Paragraph 55 of the National Planning Policy Framework (the Framework).
5. Paragraph 55 of the Framework states that only certain types of development are appropriate in open countryside. Other developments may be permitted only where special circumstances exist which justify development. The proposed dwellings in this case do not constitute such a form of development. Moreover, there is no substantive evidence to suggest that special circumstances exist which

would justify the proposed development in the open countryside and override the requirements of Policy S4 and the Framework. Whilst the proposed dwellings would have some design features which would relate to the surrounding context, I find that the properties would not be of the exceptional quality and innovative design sought by Policy S4. Furthermore, I have seen no substantive justification as to why the proposed dwellings must be in this specific location.

6. South Cave has some tandem development where properties have been built behind others that front Beverley Road. An example of this relates to properties located near to the appeal site and to the rear of 91 Beverley Road. I appreciate that these properties can be seen from the main road on the approach to South Cave from the east. However, the proposed dwellings would result in development which would be further from the main route through the settlement and would constitute a third and fourth layer of development layer to the mainly linear pattern of development along Beverley Road in this part of South Cave. Furthermore, I note that the dwellings to the rear of 91 Beverley Road were approved prior to the adoption of the ERLP SD. Therefore, the policy context has changed since that time.
7. The proposed dwellings would be large and would visibly encroach into the surrounding landscape and would be particularly apparent from the adjacent Wolds Way public footpath. They would also expand the appearance of the built form of the settlement when approaching from the east. Therefore, based on what I have seen and having regard to the above, I find that the proposal would not be consistent with the prevailing character and layout of this part of South Cave.
8. The proposal would be within The Yorkshire Wolds, a designated Important Landscape Area within Policy ENV2 of the ERLP SD. For the above reasons, and based on the evidence before me, I find that the proposed development would have a detrimental impact on the wider characteristics of the surrounding countryside, as an Important Landscape Area.
9. Furthermore, the proposal would constitute development in an area of transition between the built up area of the settlement and the open character of the surrounding countryside. As a result, the proposal would diminish the effect of the change in density of development in the immediate fringe area of South Cave and would alter the existing open character of the appeal site which contributes to that area of transition. Consequently, I find that the proposed scheme would not protect and enhance the characteristics of the Important Landscape Area. It would have an urbanising effect on the village edge and would result in an unacceptable visual impact on the open countryside which would harm the rural character of the surrounding landscape.
10. The appellant argues that the proposal would not have an urbanising effect as its visual impact would be largely softened and screened by landscaping and trees to the north and west boundary. Furthermore, additional landscaping and screening could be provided to reduce the visibility of the proposed dwellings from the east. Whilst I acknowledge these points, the proposal is fundamentally contrary to the identified policies within the ERLP SD and the Framework. It is considered to be in the open countryside and as such, special circumstances must be demonstrated to make the proposal acceptable in planning terms. The visual impact of the proposal may be controllable through conditions. However, the principle of the development in this location has not been substantively supported or demonstrated through the evidence before me.
11. Both parties have referred to other applications and appeal decisions to support their respective cases. I have had due regard to these and noted the similarities

and differences to the appeal case before me. Furthermore, I note the appellant's point regarding precedents based on the other cases submitted in evidence. Notwithstanding this, whilst I have given these cases appropriate consideration, the matter of precedence is not a material planning consideration to which I attach any significant weight. The appeal proposal before me must be assessed on its own merits and particular circumstances and I confirm that this is the approach I have taken in determining this appeal. As a result, the other cases I have been referred to have limited weight in my decision making.

12. Having had regard to all of the above, I find that the proposed development would not respect or enhance the character and appearance of its surroundings. Therefore, amongst other matters, it would not be appropriate development in this location. The proposed properties would visually encroach into the open countryside and the harmful impact on the wider countryside would be exacerbated by the proximity of the scheme to the adjacent Wolds Way public footpath. Whilst the proposal would provide two family sized dwellings on the edge of South Cave and generate some limited economic benefits for the local area, I find that the visual and environmental harm identified would outweigh the benefits.
13. Consequently, I conclude that the proposal would be an inappropriate form of development in the countryside. It would therefore be contrary to Policies S4, ENV1 and ENV2 of the ERLP SD and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development is appropriate in the open countryside and that it respects, protects and has no detrimental impact on the intrinsic character or appearance of its surroundings.

Other Matters

14. I have had regard to other matters relating to the impact of the proposal on nearby trees and hedgerows, particularly to the west of the appeal site, and also regarding flood risk. As I am dismissing the appeal on the substantive matters above, I have not considered these matters in any further detail as doing so would not alter my overall decision.

Conclusion

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

Andrew McCormack

INSPECTOR