



Appeal Decision

Site visit made on 13 August 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/E2001/W/19/3228939

Land East of Meadows, Withernwick Lane, Cowden HU11 4UH

- 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 Mrs Susan Russell against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/03719/OUT, dated 7 November 2018, was refused by notice dated 9 January 2019.
 - The development proposed is Erection of One Site-Bespoke, Eco/Green, Factory Built-Timber Frame 'Passive House' Bungalow under living/growing Sedum Roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not there are special circumstances which justify the proposed dwelling having regard to national and local planning policy on development in the countryside.

Procedural Matter

3. Rather than referring to the site simply as 'Meadows' as per the address given on the planning application form; the Council's decision notice includes reference to the site being on 'Land East of Meadows'. My decision also uses this more accurate description of the location of the site.
4. The original description on the application form included superfluous text stating '= Policy S4, C3 & 4.41 of Local Plan Strategy Document'. This text is not a description of development and the degree to which the proposal complies with the stated policy is a matter for me to assess. I have therefore deleted this text from the description of the proposal set out above.
5. The proposal is in outline form with all matters reserved. The appellant has submitted block plans, a floor plan and illustrative elevations of a bungalow with associated curtilage, access and parking area but I have considered the appeal on the basis that this supporting information is indicative only.

Reasons

Location

6. The appeal site is accessed via the single track Withernwick Lane. The existing two-storey dwelling at Meadows is situated next to the site. The site is located

away from the nearest settlements and surrounding land is largely open and agricultural in use. For the purposes of planning policy, the site is within the countryside. Policy S5 of the East Riding Local Plan 2012 – 2029 Strategy Document (2016) (the ERLP SD) places dwellings in villages and the countryside at the bottom of its hierarchy for the distribution of new dwellings.

7. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside other than in specific circumstances. In terms of the meaning within the Framework, the proposal would not represent a truly isolated home in the countryside with respect to its siting next to the existing dwelling at 'Meadows'.
8. My attention has been drawn to the site's proximity to Cowden which the appellant points out has a public house, post box and bus stop and that Cowden Leisure (Caravan) Park also has its own on-site facilities and that these are open to the general public. Reference has also been made to the availability of on-line shopping, the Harts Community Bus that can be picked up at the bus stop and the Health Transport Bus that can be booked as well as the on-line consultation process available from Doctor's Surgery's at Hornsea and Aldbrough Village. However, this information only serves to demonstrate that there are minimal shops or services nearby. Those that are available in Cowden and other settlements further from the site are not conveniently located for pedestrians and there is no footpath or street lighting along Withernwick Lane.
9. Given the remote location and proximity to services for day to day needs, residents would have a reliance on the private motor vehicle. Cycling is unlikely to be undertaken, particularly in inclement weather and during shorter days in the winter months. This location does not therefore have attributes which make it sustainable for a new dwelling and it would therefore be isolated in this respect.
10. For the site to be acceptable Paragraph 79 e) of the Framework requires that the design of the proposal must be of exceptional quality that is truly outstanding or innovative. The proposal must also significantly enhance its immediate setting. These are matters which I address below.

Quality of design

11. The appellant contends that the proposal meets sub-section C.3 of Policy S4 (Supporting development in Villages and the Countryside) of the ERLP SD. This part of the policy states that outside of a development limit, land will be regarded as the countryside and specified forms of development will be supported where they respect the intrinsic character of their surroundings including new dwellings of exceptional quality or of truly outstanding innovative design. This is reiterated at paragraph 4.41 of the sub-text to this policy. The Policy therefore reflects Paragraph 79 (e) of the Framework.
12. The appellant has drawn my attention to the green credentials of the proposal. The indicative details depict a roughly rectangular, timber framed, single storey 'passive' dwelling with mono-pitched roof lines. A living sedum roof providing benefits to insect life and grey water recycling for irrigation of the roof, toilet flushing and watering of produce would be installed. The intention is for the dwelling to have high insulation qualities, be powered by solar panels, with a warm water heating system supplemented by a wood burning balanced flue

stove and air source heat pump. The building and main windows would be orientated to benefit from natural light. Permeable surfaces would be utilised. The building would be constructed off site thereby reducing construction activity usually associated with a new dwelling.

13. Whilst the environmentally sustainable design approach is commendable, the indicative design of the proposal is relatively simple in form with a basic internal layout and the features proposed are relatively well known techniques for achieving sustainable construction. I therefore do not find the proposal to be of exceptional quality or of truly outstanding innovative design.
14. The appellant has queried the percentage of dwellings in the District that have the green credentials proposed. Whilst I do not have such figures before me, the fact remains that the techniques proposed are not particularly unique nor does the indicative design reflect the highest standards in architecture. The onus is on the appellant to demonstrate that the dwelling would meet the high bar set by the national and local policy requirements. The indicative plans indicate it would not. The assertion that the Council would retain the ability to influence the details in any reserved matters application does not provide sufficient assurance that the final design would be of exceptional quality or truly innovative.
15. My attention has been drawn to aspects of the design that would comply with other parts of the development plan including parts of Policies ENV1 (Integrating high quality design) and EC4 (Enhancing sustainable transport) of the East Riding Local Plan 2012 – 2029 Strategy Document (2016) (the ERLP SD). Given my conclusion, that it fails to meet the overriding exceptions for a dwelling in the countryside, I do not find these matters persuasive.
16. Taking all of the above into account, I find that the proposal cannot be considered to be of outstanding or innovative design which reflects the highest standards in architecture.

Impact on immediate setting

17. The surrounding landscape is distinctly rural in character and largely defined by open agricultural fields. Development within the immediate setting includes the existing dwelling at Meadows with a small number of further dwellings, agricultural buildings and wind turbines which are situated away from the site. A mix of open boundaries, hedgerows and tree planting are common along Withernwick Lane and the appeal site is significantly screened by existing vegetation to this boundary. Nevertheless, the lack of development on the appeal site contributes positively to the generally open rural character of the immediate setting.
18. Whilst the indicative plans show that the proposal would be single storey in height, set back from the front boundary and positioned close to the existing dwelling at 'Meadows', it would extend the built footprint and increase the presence of residential built form within the countryside. A section of the existing mature vegetation would need to be removed to provide a vehicular access point to serve the dwelling. Whilst the width of the access point would be unlikely to be extensive, the opening up of part of this boundary would further increase the prominence of the development within the landscape and reduce the natural appearance of the site.

19. I acknowledge that parts of the buildings indicative design, most notably its single storey height and incorporation of sedum roof, would assist in assimilating the proposal into the landscape. However, the provision of a dwelling with associated window and door openings, curtilage containing domestic paraphernalia and vehicular access point would still have an urbanising effect and would be at odds with the generally open rural landscape. The proposal would therefore be detrimental to the open character and appearance of the countryside and would not significantly enhance the immediate setting.
20. I note the numerous photographs and supporting index submitted by the appellant as well as their contention that hedgerow of a much greater extent was removed in relation to a nearby windfarm. The evidence before me does not provide full details in respect of the planning decisions for the wind turbines in the area nor any associated landscape plans. In any case, wind turbines would be considered under relevant national and local policy relating to renewable energy. Furthermore, agricultural structures on the accompanying photographs are typical of a rural environment and would be considered under relevant legislation and policies. These development types are therefore not comparable to the proposal before me which must be considered on its own merits and against policies relating to residential development in the countryside. I therefore do not find the other examples provided as acting as justification for new residential development outside a defined settlement and within a rural landscape.
21. To conclude, the proposal would erode the open and rural character of the area. It would therefore fail to significantly enhance its immediate setting and would not be sensitive to the defining characteristics of the local area.

Findings

22. Overall, for the reasons given, the proposal would be contrary to Policies S1 (Presumption in favour of sustainable development), S4 (Supporting development in Villages and the Countryside), S5 (Delivering Housing Development), A3 (Driffield & Wolds sub area) ENV1 (Integrating high quality design) and ENV2 (Promoting a high quality landscape) of the ERLP SD insofar as they seek to ensure sustainable patterns of development that respect the intrinsic character of the countryside.
23. The proposal would also fail to meet any of the exceptions of the criteria set out in Paragraph 79 of the Framework. The circumstances required to justify a new dwelling in the countryside have therefore not been met.

Other Matters

24. The Council has confirmed that it has a 5-year housing land supply and I have no substantive evidence before me to suggest this is not the case. The development plan and its policies in relation to housing development can therefore be considered up to date for the purposes of decision making and given the concerns identified I see no reason to depart from these policies.
25. The appellant's concerns in respect of the Council's processing of the planning application and the accuracy of the Parish Council's recorded vote, in terms of whether it was a unanimous or majority vote to object to the proposal, are not matters for me to assess under an appeal made under section 78 of the Act.

26. The personal circumstances of the appellant in respect of their existing home not being suitable for their future requirements, their self-sufficient lifestyle and passion for the environment and nature conservation, that the proposal would reduce the isolation of the current house and the assistance this may provide in terms of reassurance against anti-social behaviour are not matters which overcome the policy conflict I have identified.
27. Any reduction in individual home owner contributions for community charge payments for the services of the District and Parish Councils are not a material consideration in the determination of this appeal.

Conclusion

28. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR