



Appeal Decision

Site visit made on 23 July 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/C2708/W/19/3229101

46 Eshton Road, Gargrave, Skipton BD23 3PN

- 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 and Mrs M. Smith against the decision of Craven District Council.
 - The application Ref 2019/20079/FUL, dated 9 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling at 46 Eshton Road, Gargrave, Skipton BD23 3PN in accordance with the terms of the application, Ref 2019/20079/FUL, dated 9 January 2019, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Eshton Road leads out of the village of Gargrave, having crossed the Leeds and Liverpool Canal (the Canal). Along one side of Eshton Road is a row of two storey stone houses which includes No 46. The other side of the road is open fields. The houses along this section of Eshton Road are distinct from the main part of the village, being separated by an area to the rear which is flat and open as far as the Canal and village beyond. Looking back towards the village is the Eshton Road Caravan site, which occupies land between the road and the Canal.
4. No 46 Eshton Road is a semi-detached property which is well set back from the road with gardens to the front, side and rear. The appeal site is located to the rear of No 46 on land adjoining the back garden which is currently occupied by a large wooden shed and a caravan. The appeal site is not part of the garden but appears to be used in association with the house.
5. The proposed two storey detached dwelling would share the existing road access with no 46, with a new driveway created to the side of the house. The proposed development would be constructed of natural stone with an artificial stone slate roof to match the materials used in the surrounding houses. The house and attached garage would not be readily visible from Eshton Road.

6. The Council has refused the application on the grounds that it would be contrary to saved Policies ENV1 and ENV2 of the adopted Craven District (Outside of the Yorkshire Dales National Park) Local Plan 1999 (Local Plan). Saved Policy ENV1 defines development limits for Gargrave, outside of which is open countryside where new development is restricted unless it meets the criteria set out in the policy. The appeal site is located outside of the defined development limits and does not meet the exceptions for development in an open countryside location. The proposal therefore conflicts with Policy ENV1. Saved Policy ENV2, which applies to proposals which would be acceptable in principle under Saved Policy ENV1, sets out requirements for development in open countryside. As the proposed development does not comply with Policy ENV1, it also cannot accord with ENV2.
7. The Council considers that the proposed dwelling would represent unsatisfactory backland development which would project out into the countryside. The proposed house would be located behind the existing row of houses and would replace the existing shed and caravan. Although it is open in aspect, the area around the appeal site is characterised by paddocks associated with some of the houses on Eshton Road, as well as a variety of other buildings behind the row of houses, notably to the rear of Rowan House close by. The fencing and other structures associated with the paddocks and houses gives the area an edge of village quality, in contrast to the fields on the other side of Eshton Road which have a rural character. The proposed development would be viewed in the context of the existing buildings and structures and would not appear as a significant encroachment into the countryside.
8. Since the Council issued its decision notice, the policy context for the site has been altered. The Gargrave Neighbourhood Plan 2019 (GNP) came into force on 30 May 2019 and now forms part of the development plan for the area. In addition, there has been further progress with the emerging Craven Local Plan (CLP).
9. Policy G1 of the GNP defines a settlement boundary for Gargrave which, unlike the development limits contained in the adopted Local Plan, includes the triangle of land between Eshton Road and the Canal. As a result, the GNP shows the appeal site as being within the settlement boundary, rather than open countryside as is the case in the Local Plan.
10. The National Planning Policy Framework (the Framework) advises that, once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict. The Planning Practice Guidance sets out considerations for determining whether or not policies are strategic¹. In this case, Saved Policy ENV1 defines development limits for individual settlements and directs most forms of development within them. Development limits apply at the local scale and as such this policy can be regarded as non-strategic. Saved Policy ENV2 sets out specific requirements relating to design and layout for development within the open countryside and is also non-strategic in nature.
11. There is conflict between Saved Policy ENV1 and Policy G1 in terms of whether or not the appeal site is within the open countryside. As it is contained within the more up to date plan, Neighbourhood Plan Policy G1, which shows the

¹ Planning Practice Guidance Paragraph: 076 Reference ID: 41-076-20190509

appeal site being within the settlement boundary, takes precedent over Local Plan Saved Policy ENV1, when the approach in the Framework is applied. Policy ENV1 therefore attracts limited weight in my decision and the same applies to saved Policy ENV2 which sets out requirements for development in open countryside.

12. Policy G1 sets out the circumstances in which new housing would be permitted within the settlement boundary. Of particular relevance to character considerations are criteria 1, which requires development to integrate with the built form and grain of the village, and criteria 10, which requires developments to be of good quality design and of a character that relates well to the local vernacular architecture. Both criteria cross refer to Policy G7 – Promoting High Quality Design.
13. For the reasons set out above, I consider that the proposed development does integrate with the form of the village to an acceptable degree. Furthermore, the design and materials of the development respect the surrounding buildings. Overall I consider that the proposed development complies with the requirements of this policy and related policy G7.
14. Policy G4 of the GNP allocates land south of Eshton Road for housing development including Extra Care Housing. The allocation is for around 60 units and stretches from the canal to the backs of properties on Eshton Road, immediately adjoining the appeal site on two sides. The allocation covers an area of 3.759ha and would be accessed from Eshton Road. The emerging CLP also includes this as a proposed allocation. The plan is now at an advanced stage of preparation having been through examination and consultation on Main Modifications and Further Main Modifications.
15. The effect of the allocation will inevitably be to significantly alter the character of the land to the rear of Eshton Road through additional built development and would further reduce the impact of the proposed development on the area. I note from the Council's appeal statement that it is anticipated that the Extra Care development would be limited to an area away from the Eshton Road properties, with an undeveloped 'buffer zone'. However, I have seen no specific reference to this in the GNP and have not been provided with any relevant detail from the CLP which would confirm this. Even if the Extra Care Housing was to be located away from the properties on Eshton Road it would still alter the character of the land between the appeal site and the Canal to a significant extent. This change has effectively been accepted in the GNP through its inclusion of the triangle of land within the settlement boundary, rather than open countryside.
16. The Council has commented that the allocation is for specialist housing and not market housing. However, the appeal site is not within the allocated area. The relevant policy for assessing the proposed development is GNP Policy G1 which makes provision for housing in the settlement boundary.
17. I conclude that for the reasons given the proposed development would not unduly harm the character and appearance of the area. It complies with Policy G1 of the GNP and I find no conflict with the provisions of the Framework in this regard.
18. I acknowledge that the proposal does not comply with Saved Local Plan Policy ENV1, however I have given this limited weight due to its conflict with the more

recent GNP Policy G1, as explained above. Saved Policy ENV2 applies to development in the open countryside and again I have afforded it limited weight.

Other matters

19. Neighbouring residents have raised objections to the proposed development including adverse impacts during construction and the risk of damage to an LPG tank in the side garden of No 46. Neighbours also consider the proposed dwelling to be overly dominating, resulting in a sense of enclosure and a loss of privacy due to overlooking.
20. Whilst the construction process is likely to be disruptive it would be short-term in duration. If normal driving standards are applied, vehicles would be likely to travel slowly along the proposed driveway meaning the risk of collision with the LPG tank is low.
21. I agree with the conclusions of the Council that, due to the relative distances of the proposal from existing properties, there would not be any significant loss of privacy or overshadowing to neighbouring occupiers.

Conditions

22. I have attached conditions listing the plans in the interests of certainty and specifying that no additional windows are inserted on the north west elevation to ensure that there is no future loss of privacy for neighbouring occupiers.
23. The Council's Environmental Health Officer has noted that the previous use of the land as a coal yard could have resulted in some contamination of parts of the site and has suggested a condition to ensure that any risk is suitably addressed. I have imposed this condition with minor wording changes in the interests of precision and clarity.
24. The Council also suggested a condition relating to construction hours but as this is a modest development with a likely short construction period, I do not consider this to be necessary.

Conclusion

25. For the reasons given I conclude that the appeal should be allowed, subject to the conditions.

Rosie Morgan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1470-01; 1470-02; 1470-03.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the north west elevation.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found a remediation and verification scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before the development is resumed or continued.