



Appeal Decision

Site visit made on 25 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/E2001/W/19/3231984

**Marton Grange, Flamborough Road, Sewerby, East Riding of Yorkshire
YO15 1DU**

- 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 Goddard against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/4062/PLF, dated 30 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is: Erection of new private house.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Although the appeal site is within the setting of Marton Grange, a Grade II listed building, it does not form any part of the Council's case that the proposal would cause harm to the setting of the heritage asset, however the Conservation Officer would wish that a planning condition be attached relating to the location or treatment of proposed solar panels, should permission be granted. I see no reason to take a different view.
3. Policy S4 of the East Riding Local Plan 2012 -2029 Strategy Document¹ (the Local Plan) sets out a suite of policies to steer new development to suitable locations. The strategy is based on an understanding of the settlement hierarchy of the district, including the scale of various settlements, the services within them and their relative degree of accessibility. As with any development plan the aims are multi-faceted and include measures to encourage development in suitable locations in respect of transport choices as well as to protect the countryside. Part A recognises that development outside of identified settlements can help to support the vibrancy of villages and identifies that such development will be supported where it meets three specified criteria and also accords with Parts B or C of the policy. The Council does not assert in its reasons for refusal that the proposal conflicts with Part A, and Part B is not relevant. I see no reason to take a different approach.
4. In the case of Part C, possible development types are described where proposals may be supported despite the location being within the countryside. The third such type of development is new dwellings of exceptional quality or of

¹ Adopted April 2016

truly outstanding or innovative design. In this respect the policy is consistent with paragraph 79 of the Framework².

5. Although not isolated in the sense used in paragraph 79 the site is located outside existing settlement limits and thus is classed as being within open countryside. It could be argued that given that the site is not in an isolated location in the sense used in the Framework, paragraph 79 e) should have no bearing on the appeal. However, given the recognition in the Local Plan that new dwellings of exceptional quality or truly outstanding innovative design in areas regarded as countryside may be acceptable, it is appropriate to also consider the proposal against the Framework in this respect.
6. Therefore, the main issues are:
 - Whether the proposal, given the location outside recognised settlement limits and within the open countryside, constitutes an example of exceptional quality, and outstanding or innovative design, and
 - The effect on the character and appearance of the area with particular regard to the location of the site within the designated Flamborough Heritage Coast.

Reasons

The site and the proposal

7. The site lies at Marton, a small settlement less than 1 km from Sewerby and the built up area of Bridlington, and approximately 2km from Flamborough village. The area is rural in character, although there is a noticeable presence of holiday home sites and a golf course, in addition to agricultural uses and a large maltings. Marton Grange is an attractive red brick property, dating from the early 19th Century. The site is adjacent to the garden area of Marton Grange and comprises an area of former paddock or pasture, enclosed by dense hedgerows and trees and sloping towards the B1255 – Flamborough Road. The site can be accessed via a lane leading to another property, and there is a field gate a short distance from the main road.
8. The proposed 3 bedroom dwelling would be sited within the central part of the site, with its main entrance facing towards the existing field entrance, where the majority of the elevation would be formed of chalkstone gabions. A garage and ancillary rooms would be located to that side of the dwelling. The living accommodation would be on the opposite side of the house, facing southwards, with a mostly glazed elevation. The shape of the dwelling would form a crescent, but more specifically when viewed in plan form would echo the form of a Viking longboat. The roof of the dwelling would be a combination of turf and larch shingles, the latter corresponding to the design concept of the hull of a boat and the local clinker form of construction.
9. The proposal would seek to attain a very high standard of sustainable construction, based on the Passivhaus standard and with very low levels of heating required via conventional means.

² National Planning Policy Framework February 2019

Outstanding or innovative design

10. The focal point of the disagreement between the parties is whether the proposal can be classed as truly outstanding or innovative, in the sense that the terms are used in both policy S4 of the Local Plan and paragraph 79 of the Framework.
11. Design quality is in part a matter of subjective judgement. The Framework is clear that local planning authorities should make appropriate use of tools for improving the quality of design including having regard to the recommendations made by design review panels³. The Local Plan confirms in the supporting text to Policy ENV1 that the Integreat service will be used to provide design review service within the East Riding area.
12. I have considered the comments of the Integreat Design Review. The full review panel considered the proposal on 2 occasions, with a further 'light touch review' of the finalised design by 2 panel members. To understand the conclusions of the panel it is important to consider the reports together.
13. The design progressed positively during the review process including removal of a detached garage and developing the design into a more convincing and robust narrative around the longboat concept. The final design resolved the original misgivings of the panel, achieving a more organic form, with improved entrance arrangements and circulation within the building. However, reading the reports as a whole, it is not possible to find that the panel unequivocally endorsed the design as one that was one of exceptional quality or of truly outstanding innovative design.
14. The absence of such endorsement by the review panel does not establish conclusively that Policy S4 C 3, or paragraph 79 e), are not relevant to the proposal and I reach my own conclusions in the matter.
15. Paragraph 79 e) has 2 limbs and I consider it useful to consider each in turn.
16. The proposal would, aesthetically, be pleasing. Although essentially an earth-mound based design, the curvature of the front elevation, both horizontally and vertically, would have some elegance. In this context the use of a shingle roof, the entrance arrangements to the building, and use of chalkstone gabions would be attractive and add interest.
17. Nevertheless, the architectural quality is inextricably linked to the longboat metaphor and the historical context. Although the site itself has no known significance in terms of the Viking heritage of the area, it is only a short distance from the coast and the Danes Dyke Scheduled Monument, and it is possible that the proposal could be interpreted as a reminder of the Viking legacies in the area. However, the site is well enclosed by existing vegetation and would only be glimpsed from the public realm. Even during winter months when the trees and hedgerows are not in leaf, most views of the site would be heavily filtered. The way that the plan form of the proposal describes a longboat could only be fully appreciated looking down on the house and I have doubts that the concepts behind the design would be widely understood, which consequently would detract from an appreciation of the quality of the design.

³ National Planning Policy Framework February 2019 paragraph 129

18. In technological terms the use of passive design features including air tightness, solar gain, air source heat pumps, photovoltaic panels, battery storage, and rainwater harvesting may not be ground breaking, however the proposal could potentially help others to understand such construction techniques. However, although there is a suggestion in one of the review panel reports that the appellants would welcome visitors interested in Passivhaus design, the proposal does not restate such an intention or suggest any means under which the benefits of the technology could be disseminated. I therefore give limited weight to the innovative aspect of the design.
19. In combination I find the longboat metaphor, the aesthetic quality of the design, and the passive construction methods used to be of merit. However, considering this together with the recommendations of the Design Review Panel, I am not persuaded that there is overriding case to conclude that the proposal would be an example of truly outstanding or innovative design. I therefore find that the test of the first limb of paragraph 79 e) is not met.
20. In respect of the second limb, the well screened nature of the site has already been noted, therefore any effects on the immediate area and setting, either positive or otherwise, would be limited. There is of course no guarantee that such screening would exist for the lifetime of the development. The appellants do not suggest that the existing hedgerow along the site frontage would be thinned to permit more than glimpses of the proposal. Despite this the proposal would respond to its immediate setting in terms of the orientation towards the road and the settlement, including Marton Grange, although the relationship between the proposal and the listed building would be limited due to the existing screening.
21. The defining characteristics of the local area are varied, although essentially semi-rural in terms of the settlement itself. Whilst the proposal would be unlike the other buildings in the local area, there is sufficient variation in character at present to say that the proposal would not harm its setting.
22. Given the above, the proposal could be considered to be sensitive to the characteristics of the local area but would not lead to any perceptible enhancement of the immediate setting. I therefore find that the test of the second limb of paragraph 79 e) would be met only in part.
23. I therefore conclude overall on this main issue that the proposal would not comply with Policy S4 C (3) of the Local Plan, and to the extent that it is relevant, paragraph 79 of the Framework, which amongst other things create an exception to the development of houses in the countryside where the design is of exceptional quality and outstanding or innovative. The Council has referred to part C (1) of Policy S4 in its first reason for refusal. This part of the policy relates to proposals for the conversion of buildings and since the proposal is for a new build dwelling this part of the policy is not relevant to my decision.

Effects on the wider character and appearance of the area

24. The site is located at a point where the character of the landscape becomes more rural upon leaving the settlement, and within the Heritage Coast designation where Local Plan Policy ENV2 applies. However, the site is far from open to the surrounding countryside and in addition to its proximity to the buildings at Marton Grange, sits opposite a mobile home park, and to the east of a large maltings.
25. In this context the proposal would have a low level of impact on the quality of the landscape within Heritage Coast designation. Although within an area of open pasture or paddock, the proposed dwelling would have a low profile and would therefore have limited effects in terms of further urbanisation, although the undeveloped gap between Marton Grange and the next property, Ryal, would be lost. Whilst there could be some potential for the usual domestic paraphernalia associated with residential use such as barbecues, washing lines, fencing and such like to have impacts, providing such features were to be located according to a well-planned landscaping scheme there is no reason to find that they would cause significant visual harm.
26. I therefore conclude on the second main issue that the proposal would not cause significant harm to the character and appearance of the area, including the Heritage Coast designation, and would comply with Policies S4, insofar and it seeks to protect the intrinsic character of the countryside, and Policies ENV1 and ENV2 of the Local Plan, which amongst other things seek to protect character and the quality of the landscape, and the Framework which seeks to achieve good design which is in sympathy with its location.

Conclusion

27. I have found that the proposal would cause harm as it would result in a new house in the countryside, contrary to the development plan. I also find that there would be no significant harm to the character and appearance of the area, including the Heritage Coast, a neutral factor in the planning balance. I have acknowledged that there is merit in the design, a positive factor. However, the positive and neutral factors I have identified do not outweigh the conflict with the development plan taken as a whole, to which I must give substantial weight in my decision, and I therefore find that planning permission should not be granted.
28. For the above reasons and taking account of other matters raised, the appeal is dismissed.

Tim Wheeler

INSPECTOR