
Appeal Decision

Site visit made on 8 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/E2001/W/19/3234697

The Beeches, Wansford Road, Driffield, East Riding of Yorkshire YO25 5NN

- 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 Lynch against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/03426/PLF, dated 24 October 2018, was refused by notice dated 11 February 2019.
 - The development proposed is erection of ancillary living accommodation to The Beeches together with repairs and modification to existing brick wall to be attached.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants have raised concerns regarding the Council's handling of the case, and in particular with regard to comments made on the application by two different Conservation Officers. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Application for costs

3. An application for costs was made by Mr and Mrs M Lynch against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are:
 - whether the proposed dwelling would be appropriate development within the countryside;
 - whether the proposed development would preserve or enhance the character or appearance of the Driffield (South) Conservation Area (CA) and;
 - the effect of the proposed development on the setting of The Beeches Grade II listed building.

Reasons

Whether appropriate development within the countryside

5. The appeal site is situated within the grounds of 'The Beeches' which is a grade II listed building. It is also located within the Driffield (South) Conservation Area (CA). To the south east of The Beeches lies open agricultural land from which its grounds are separated by a boundary comprising a combination of hedgerow and a line of mature trees. More contemporary residential development lies to the northeast and northwest of the appeal site and the wider grounds of The Beeches. As the appeal site lies outside of the network of identified 'sustainable settlements' as defined by Policy S3 of the East Riding Local Plan Strategy Document 2016 (ERLP), it is in the countryside for planning policy purposes. The main parties agree this to be the case. The appeal site would be accessed off Wansford Road, which is residential in character with mainly two storey dwellings facing the highway.
6. I saw from my site inspection that the appeal site is located at the very edge of the development limit boundary of Driffield which is identified by Policy S3 as a Principal Town. Given its location and proximity to the built-up area of Driffield and the services and facilities within the town centre (including links to public transport) it is not isolated. Both parties agree on this point also.
7. The appellants have stated that there is a functional need for the proposed dwelling as they require alternative lodgings when the main house is rented out as holiday accommodation and that therefore the proposal would comply with Part C of Policy S4 as it would be tourism-related development. In support of the proposal they have also stated that its location within the grounds of The Beeches also means that they can be nearby should any issues or problems arise in relation to the holiday accommodation.
8. However, the appellants have not provided substantive evidence to justify this functional need (e.g. days or times of year that the main building would likely be let) or indeed why suitable alternative accommodation could not be found nearby without going through the costly process of building a new dwelling. Consequently, I do not consider there to be a functional need for the proposed development or that it would be tourism-related.
9. In addition to stating that the proposal has a functional need, the appellants have also indicated that it would be ancillary to the main dwelling. However, the proposed dwelling would have three bedrooms, a lounge, a snug, a study area, a kitchen, a dining area, a utility area and a bathroom. As a result, it would be reasonable to think that the proposed dwelling would be too large to be considered as ancillary to the main dwelling.
10. Consequently, given its scale, and based on the evidence before me I consider that the proposed dwelling could not be classed as ancillary accommodation linked to a tourism related business within the countryside. I therefore conclude on this main issue that the proposed development would conflict with Policies S3 and S4 of the ERLP (adopted April 2016) which seek to focus development in sustainable locations and appropriate development in the countryside amongst other considerations.
11. I also note the appellants' points that the site is in a sustainable location on the edge of the development boundary close to services and facilities in Driffield.

However, given the above reasons, these considerations are not of sufficient weight to outweigh the conflict with the development plan as a whole that I have identified above.

Character and Appearance of the CA

12. The significance of the southern part of the CA derives from its pasture-land which emphasises the rural nature of the town's setting with the woodland along Wansford Road also making a significant contribution to the landscape pattern of the town's urban fringe.
13. The appeal site is located within the portion of the grounds of The Beeches to the rear of the old Beechwood House listed building which has since been sub-divided. The overall character of these grounds is described as being 'parkland'. Whilst I acknowledge that the historic interpretation of the overall grounds has been altered slightly due to its sub-division, I consider its overall character to be parkland in nature, something which the parties appear to agree on.
14. I also acknowledge that the proposed dwelling has been designed in a way that seeks to respect the setting of the listed building (which I consider below) and respectfully differs from those on the eastern side of Wansford Road. In this respect, I do not consider that it would be harmful to the overall character of the area to the south of Wansford Road in general design terms.
15. However, given its size, height, scale and massing the proposed dwelling would not appear to be visibly subservient to the main dwelling. Similarly, it would also be visible from Wansford Road to the northeast and from The Groves to the northwest. As a result, I consider that it would negatively affect the historic rural interpretation of this part of the CA. Accordingly, I consider that it would fail to preserve or enhance the character of the CA as a whole. Consequently, I consider that the proposed dwelling would have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA.
16. Having regard to paragraph 196 of the *National Planning Policy Framework* (the Framework) the appellants have cited several public benefits that the proposed development would provide. These are that the proposal would: support the use of The Beeches securing its long-term maintenance and retention; support a rural business; and enhance the CA by replacing a fence with a brick wall. However, the appellants have not provided any substantive evidence showing that the proposed dwelling would assist in securing the long-term maintenance and retention of the listed building. It would also be reasonable to think that the rural tourism-related business would be supported by the appellants vacating the listed building to allow it to be let as holiday accommodation whether the appellants lived within the grounds of The Beeches or elsewhere nearby. As a result, I have little evidence before me to demonstrate that any public benefits arising from the proposed development exist in this case to justify the harm I have identified above, to which I attach great weight.
17. I also note the appellants' points that the proposed development would be screened by the line of mature trees to the south east of the appeal site and that it would therefore not be visible from public vantage points in the countryside or intrude into the more open pastoral land. However, due to its height the proposed dwelling would still be visible from Wansford Road to the

northeast and also from the residential properties located at The Groves to the northwest which would have a negative impact on the appearance of this part of the CA. In any event the fact that the proposed development would not be viewed from the more open land to the south east is not of sufficient weight to outweigh the harm I have identified above.

18. I therefore conclude on this main issue that the proposed development would conflict with Policies ENV1 and ENV3 of the ERLP which amongst other matters promote high-quality design and that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. It would also conflict with paragraphs 194 and 196 of the Framework which seek to conserve and enhance the historic environment.

Setting of The Beeches Grade II Listed Building

19. The Beeches is a Grade II listed building currently used as a dwelling which has sizeable grounds comprising two grassed areas separated by a gravel driveway accessed off Wansford Road which is itself flanked by tall mature trees. The proposed two storey detached dwelling would be situated within the grassed area/garden located in the north-western corner of the wider parkland grounds and would be screened from the listed building by a row of several of the tall mature trees.
20. Given the parkland nature of the grounds surrounding The Beeches (as mentioned above), and their historic interpretation as being devoid of larger buildings, I consider that the proposed dwelling (given its size, scale and massing) would negatively affect this historic interpretation causing harm to the setting of the listed building.
21. I note the appellants' point that the historic interpretation of the original listed building (Beechwood House) has been altered over time particularly when it was divided into two separate residences. I also note their point that the portion of the grounds where the appeal site is located had a more utilitarian function perhaps relating to the maintenance of the grounds with the small buildings being shown on historical maps and that they do not consider the garden area to be 'open and undeveloped' or part of the wider parkland setting. However, I consider that the appeal site can still be read as being a part of the wider grounds particularly when entering the site from Wansford Road, as even though it is smaller than the other grassed area it does not feel cut-off from the rest of the area surrounding the listed building and its parkland setting.
22. I also note the appellants' point that the proposed dwelling would be screened from the listed building and that the proposed design and type of materials to be used means that it would complement and preserve the setting of the listed building and that any potential harm would therefore be mitigated. However, the appellants cannot guarantee that the current landscaping arrangements would remain in perpetuity given that the future ownership of The Beeches and its grounds could change. Furthermore, for the above reasons even though the proposal's design may well be complimentary to the listed building, its size and scale means that it would have a negative impact on the setting of The Beeches.
23. In addition, the appellants have also stated that whilst the proposed dwelling would be visible from Wansford Road, the listed building would not, meaning

that any potential harm would be mitigated when the proposal is viewed from the road. However, even though The Beeches would not be visible from Wansford Road, the fact remains that both it and the proposed dwelling would be visible from other vantage points particularly those within the wider grounds which would negatively affect the setting of the listed building.

24. I therefore conclude on this main issue, that in accordance with the clear expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990, anticipating the development permitted, the setting of the listed building would not be preserved. For the same reasons the proposed development would conflict with paragraph 193 of the National Planning Policy Framework (the Framework), which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. The proposed development would also conflict with ERLP policies ENV1 and ENV3, which amongst other matters promote high-quality design and that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

Other Matters

Precedent

25. I note the appellants' reference to a case for a similar proposal on a site nearby where planning permission was granted. However, I do not have all the details of this case before me or the circumstances which led to that decision being taken. In addition, the circumstances applicable to the Beechwood Lane scheme¹ (being for a single storey dwelling of a differing design and layout on a site with a different historical interpretation) are not exactly the same as those presented in this case, which I have determined on its own merits.

Planning Obligation

26. I also note the appellants' point that an offer of a unilateral undertaking was made in relation to the original application. However, I have no details before me in relation to this and given that I am dismissing the appeal on other substantive grounds it is not necessary for me to pursue this matter further.

Conclusion

27. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ Appellants' Statement of Case.