
Appeal Decision

Site visit made on 27 November 2019

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

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/C2708/W/19/3233559

**Lingah Farm, Lingah Hill, Cononley Road, Glusburn, Keighley
North Yorkshire BD20 8BD**

- 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 Boland and Dixon against the decision of Craven District Council.
 - The application Ref 2019/20214/FUL, dated 18 February 2019, was refused by notice dated 8th April 2019.
 - The development proposed is: Two new dwellings with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Craven Local Plan 2012-2032 (the Local Plan) was adopted on 12 November 2019. I provided the parties with the opportunity to make further comments in light of the adoption of the plan.
3. The appellant has responded that he had no further comments to make. The Council has not responded, nor has it provided me with copies of what it considers to be the relevant policies in the Local Plan.
4. I am required to base my decision on the development plan unless material consideration indicate otherwise. I base my decision on those policies referred to by the parties in their submissions with due regard to the adopted Local Plan.

Main Issues

5. These are the effect of the proposal on:
 - The character and appearance of the area with particular regard to the rural setting of Glusburn;
 - Highway safety with particular regard to the proposed access from Cononley Road.

Reasons

Character and Appearance

6. The site is located on the periphery of Glusburn, within open land adjacent to Lingah Farm. There is a lane, a public right of way, leading from Cononley Road to the farm. The proposal would be accessed from Cononley Road and the lane.
7. To the south of the site, adjacent to the lane and also accessed from Cononley Road, is a field with outline planning permission for 20 dwellings, granted following an appeal¹ in 2017.
8. The proposal is to erect 2 split level dwellings with attached garages. The site slopes downhill from the lane, from where each house would appear as single storey. The first floor would be within a swept roof including roof lights, which would meet a single storey front elevation on the downhill side, facing the field. A hedge would be planted along the boundary with the field.
9. To the south of the site, on Cononley Road, the character is suburban, with the exception of the approved housing site which is still an enclosed field. To the north, the character is open countryside, with an expansive view across the Aire Valley. In this context, the proposal would spatially and visually extend the suburban area into open countryside. To an extent the visual effect would be limited by the location close to the existing buildings at the farm and also the backdrop of the approved development to the south, when built.
10. Whether the site should be considered elevated and prominent depends on the point from which it is viewed. From points to the north², especially on Cononley Road, the site conforms to such a description, given the rising topography and absence of screening. These factors similarly influence the extent to which the site contributes to the sense of openness. When viewed from points to the south on Cononley Road³, the contribution is perceived as minor, but not from the north where the open nature is more significant⁴.
11. The overall effect would nonetheless be significant. Viewed from the southward approach to the settlement on Cononley Road, and also from Cononley Lane, east of the bridge over the River Aire the proposed dwellings would be clearly visible as an incursion of built development beyond the existing edge of the settlement. The stone wall running along the north side of the lane clearly defines the edge of the settlement and would continue to do so even assuming the approved development proceeds. I am not persuaded by the appellant's landscape appraisal which takes a contrary view to my own in suggesting that the proposal would only give rise to minor visual impacts in closer proximity, be insignificant in the wider landscape and not damaging to the locality and character of the area.
12. The design approach to the dwellings is imaginative and seeks to minimise the scale and massing of the proposal by using the slope of the site. The choice of materials including the use of timber boarding would, in my judgement, respond well to the local character and the immediate setting of the site. However, this does not overcome the harm I have found.

¹ Planning appeal reference: APP/C2708/W/17/3178551 – Land at Ling Haw Hill/Brow Top, Cononley Road dated 21 December 2017

² For example, viewpoints 1 and 3 in the appellants Landscape Visual and Character Appraisal

³ Ibid – e.g. viewpoint 4

⁴ Ibid – e.g. viewpoint 7

13. It is suggested that the granting of planning permission at appeal for the site to the south of the appeal site, known as Linghaw Hill, militates in favour of the proposal. The Inspector in that case concluded, amongst other things, that the proposed development would not cause visual intrusion or harm the character and appearance of the area. The enclosure of the site by existing development to the south and west contributed to the conclusion that the site would not harm the visual amenity of the area. In this appeal the proposal does not benefit from the same sense of enclosure by existing development, and in terms of the landscape the site makes a positive contribution as part of the open countryside at the settlement edge. I therefore give the existence of the other planning permission limited weight in my decision.
14. The reasons for refusal refer to saved Policy BE3 of the superseded local plan which related to the retention of green wedges. The parties have not suggested that I should have regard to any replacement policy in the Local Plan and I consider this aspect no further.
15. I therefore conclude that the proposal would harm the character and appearance of the area, including the rural setting of Glusburn. It would therefore conflict with Policies ENV1 and ENV3 of the Local Plan, which amongst other things seek to ensure that settlements grow in ways that respect their landscape setting and proposals respond to their context including landscape, and Policy SP4 of the Local Plan which allows the release of non-allocated sites adjacent to the main built up area of Glusburn but only subject to criteria which include that the proposal is a rural exceptions site; or development is justified by special economic, environmental or social reasons, neither of which apply; and that the settlement's form, character and appearance are complemented and the character and appearance of the countryside would be conserved. The Framework requires that development should add to the overall quality of an area and be sympathetic to local character and the landscape setting, and recognise the intrinsic beauty of the countryside, requirements which would not be met by the proposal.

Highway Safety

16. At the present time the agricultural access from Cononley Road has restricted visibility due to the presence of stone walls and the level of the lane in relation to the road. Under the proposal, sightlines of 70m in a southward direction, uphill toward the built up area, and 120m northwards and downhill would be provided. A speed survey has been carried out which suggests that the 85th percentile speed for vehicles proceeding towards the access is 27.6 miles per hour.
17. The County Highways authority has advised that the required visibility splay is 60m from a point 2m back from the carriageway edge. The Council's reason for refusal is based on the contention that this visibility distance cannot be achieved but no further evidence has been submitted to rebut the point that it would be possible to achieve splays in excess of the suggested distance of 60m. Were I to allow the appeal it would be possible to attach an appropriate planning condition to ensure that the necessary visibility splays are provided.

18. In the reasons for refusal, the Council referred to saved Policy T2 of the superseded local plan. The Council has not suggested that I should have regard to any replacement policy in the Local Plan. Given my finding in relation to the first main issue I am satisfied that I can determine the appeal without seeking further clarification on this matter.
19. I therefore conclude that the proposal would not cause harm to highway safety, and in this respect would conform with the Framework⁵ which requires that proposal can achieve a safe and suitable access.

Planning Balance

20. The proposal would, if consented, lead to a construction project that would create some local economic benefits in providing employment. It would make a small contribution to the supply of homes and future occupiers of the houses would be likely to spend some income locally, helping to support services in the area. The site has a low ecological value and it is possible that the development, with appropriate planting could provide some enhancement in terms of biodiversity.
21. Given the location of the site on the edge of Glusburn, it is not isolated in the sense used in paragraph 79 of the Framework. This is a neutral factor in the planning balance. The proposed access arrangements would be acceptable, also a neutral factor.
22. Bringing the above together, the proposal would bring some benefits. These potential economic, social and environmental benefits are acknowledged. However due to the limited size of the proposal they would be modest and would not outweigh the significant harm to the character and appearance of the area that would result from the proposed development.

Conclusion

23. For the reasons given the appeal is dismissed.

Tim Wheeler

INSPECTOR

⁵ National Planning Policy Framework February 2019 paragraph 108 b)