



Appeal Decision

Site visit made on 10 March 2020

by Declan K Beggan BSc (Hons) MSc DipTP DipMan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 April 2020

Appeal : Ref: APP/N2739/W/19/3235669

The Beeches, Field Lane, Wistow, Selby, YO8 3XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs G Spray against the decision of Selby District Council.
 - The application Ref 2019/0349/FUL was dated 25 March 2019.
 - The development proposed is the erection of a detached house and detached double garage.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of a detached house and detached double garage at the Beeches, Field Lane, Wistow, Selby, YO8 3XD.

Application for Costs

2. An application for costs was made by Mr and Mrs G Spray against Selby District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council did not determine the application within the statutory period. In response to the appeal, the Council has confirmed in its statement it would have recommended two reasons for refusal. The first recommended refusal reason is that the proposal would run contrary to policy SP4 of the adopted Selby District Core Strategy Local Plan (CSLP), as it does not constitute the filling of a linear gap in an otherwise built up residential frontage, nor has it been justified under the National Planning Policy Framework (NPPF). The second recommended refusal reason is that the proposal's location to the rear of an existing dwelling results in a development without a road frontage that fails to reflect the area's predominant character, and its height is such that it will increase the dominance of the building in the locality; as such the proposal is deemed to run contrary to Policies SP8 and SP19 of the CSLP, and Policies ENV1 and ENV21 of the 'saved' adopted Selby District Local Plan (SDLP), and the NPPF.

Main Issues

4. The main issues in this appeal are whether the site is an appropriate location for development, having regard to relevant local and national planning policies, and the proposal's effect on the character and appearance of the area.

Reasons

5. The appeal site is located within the rear garden of a dwelling known as 'The Beeches'. There is a varied mix of houses in the general locality in terms of age, type, and design. 'The Beeches' fronts onto Field Lane where houses are generally located close to and fronting onto the road. The eastern boundary of the site is flanked by a rear garden of a dwelling and a school, the southern boundary backs onto a modest landscaped area, beyond which is a public footpath and dwellings, whilst the western boundary is flanked by a public footpath, beyond which are dwellings. The site is located within the defined development limit for Wistow, as set out in the SDLP.

Whether an appropriate location

6. Wistow is designated as a 'secondary village' in the adopted Selby District Core Strategy Local Plan (CSLP). The broad principles for the CSLP development strategy are set out in Policy SP1 headed 'Presumption in Favour of Sustainable Development', and Policy SP2 headed 'Spatial Development Strategy'. These policies seek, inter alia, to promote sustainable development within the area and identify a hierarchy of settlements where growth is directed and distributed to.
7. The explanatory text to Policy SP1 of the CSLP refers to secondary villages being generally much smaller and less sustainable or else having no opportunities for continued growth owing to constraints such as flood risk. As a consequence, further planned growth is not appropriate although some growth may be possible where it would maintain or enhance the vitality of rural communities. Policy SP2 A (b) reiterates that limited amounts of residential development may be absorbed inside the settlement limits of secondary villages where it will enhance or maintain the vitality of rural communities and which conform to policy SP4. The explanatory text to the policy refers to residential development being restricted to the filling of small gaps in otherwise built up frontages. Policy SP4 of the CSLP headed 'Management of Residential Development in Settlements' reiterates that within secondary villages the filling of small linear gaps in otherwise built up frontages will be allowed.
8. The policies of the CSLP applicable to the proposed development broadly reflect the stance taken in the NPPF insofar as they relate to the control of new housing in line with sustainability principles.
9. Due to its location to the rear of The Beeches, the proposed development does not constitute the filling of a linear gap in an otherwise built up residential frontage. The proposal is therefore contrary to Policy SP4 of the CSLP, nor does it meet any of the other stated exceptions to the Policy.
10. In support of the proposal the Appellants state that no sites within the village would be able to comply with Policy SP4 due to constraints such as flooding. However, in the overall spatial development strategy for the area, the CSLP has taken into account the fact that secondary villages such as Wistow may have no opportunities for continued growth due to environmental constraints.

Therefore, the Appellants arguments in this regard would not outweigh the scheme being contrary to local plan policy. To permit the scheme would undermine the overall spatial strategy for the plan area as contained within the CSLP.

11. In arriving at the above view, I am conscious Policy SP4 of CSLP allows for new development that maintains the vitality of rural communities, a point also referenced in the NPPF. However, such development is only in very limited circumstances, which are not applicable in this instance. The development of a single dwelling would not have a significant effect on the vitality of the local community, and any marginal benefit in this regard would not outweigh the significant conflict with local planning policy as espoused in the CSLP. The NPPF, encourages the use of previously developed land (PDL) where suitable opportunities exist, however, national policy is quite clear that residential gardens are not classed as PDL.
12. The Act, along with the NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case I find the other considerations referred to by the Appellants would not justify or outweigh the conflict with local and national planning policies. On balance, I conclude that the proposed development is not an appropriate location for development, and the scheme consequently conflicts with Policies SP2 and SP4 of the CSLP, nor is it justified under the NPPF.

Character and appearance

13. Contrary to the Appellants view, I consider the proposed development would materially harm the established character and appearance of the area. The general character of the area in the immediate vicinity of the appeal site along Field Lane is that of mainly two storey detached dwellings with a road frontage. This general layout is evident across the settlement; the same can't be said for the proposed development that would sit on its own well back from the road. The Appellants refer to established backland development in the locality, however, during my site visit no such development was apparent that was comparable to that being proposed.
14. Despite the Appellants assertions, and notwithstanding any set back distance or potential screening that may be afforded by existing vegetation, I consider the proposed development would be very apparent and visible from Field Lane due to the relatively large extent of the opening between The Beeches and the adjacent property. The development of this backland site would draw the observer's eye, particularly so due to the two-storey nature of the proposed dwelling, which would add to its prominence, to the detriment of the character and appearance of the area.
15. I note the supporting text to Policy SP4 of the CSLP states that whilst there should be some scope for continued growth in villages in order to help maintain their viability and vitality. The supporting text goes on to state any scope for continued growth must be balanced against concerns about the impact of continued residential infilling on the form and character of villages, particularly through the practice of developing on garden land and avoiding the worst excesses of such development particularly in smaller settlements; I consider the proposed development falls into this category.

16. Overall, I conclude that the proposed development would be contrary to the character and appearance of the area and therefore runs contrary to Policies ENV1 and ENV21 of the SDLP, and Policies SP4, SP8, and SP19 of the CSLP, and the NPPF, which seek inter alia, to safeguard visual amenities.

Other considerations

17. A number of third parties have raised concerns in regard to the impact of the proposed development on matters such as living conditions, highway safety, and flooding. However, I note the Council have raised no objections to these matters and based on the submitted evidence I see no reason to take a contrary stance.
18. Whilst I note the Appellants concerns regarding the Council's handling of the planning application, that does not alter my assessment of the planning merits of the proposal.
19. I note the Appellants desire to build a new dwelling within the village to meet their current needs and also that their current dwelling could be utilised by another family, however these considerations, or any others raised by them would not outweigh the proposal's identified planning policy conflicts.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Declan K Beggan

INSPECTOR