
Appeal Decision

Site visit made on 16 March 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2020

Appeal Ref: APP/N2739/W/19/3242959

Land to the south of Barff Lane, Brayton, Selby YO8 9ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Morton (KCS Development) against the decision of Selby District Council.
 - The application Ref 2018/0474/OUTM, dated 23 April 2018, was refused by notice dated 16 August 2019.
 - The development proposed is described as "outline application including access, siting and associated landscaping (all other matters reserved) for the development of 33 dwellings under an entry level exception scheme (amended plans)".
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Procedural Matter

1. The application was amended prior to its determination by the Council from a development of 98 dwellings (including self build plots), a primary school and nursery and public open space with associated landscaping and access to a development of 33 dwellings as described in the banner heading above. The application was submitted in outline with access, siting and landscaping to be determined. I have determined the appeal on this basis.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area having particular regard to its designation as part of a Locally Important Landscape Area.

Reasons

The site, the surrounding area and the proposal

4. The appeal site is part of one of three arable fields that are located between the village of Brayton and Brayton Barff - a wooded hill that contains a reservoir and a network of footpaths. In an otherwise relatively flat landscape, the Barff is a prominent feature in the area and is a popular recreational resource.
5. The site lies outside of the development limits for Brayton as designated in the *Selby District Local Plan (adopted February 2005)* (LP) but is adjacent to a larger housing site that also lies outside the development limits which is towards the end of the construction period. The Council have indicated that this

- gained permission when they could not demonstrate a 5 year housing land supply.
6. The surrounding agricultural land consists of medium sized rectilinear fields mainly in arable use. Field boundaries are fragmented hedgerows with isolated hedgerow trees but many boundaries, such as along Barff Lane, are open. Together with the flat nature of the landscape, this gives the area an open, expansive character.
 7. The proposal is for 33 houses that it is stated would comprise a mix of 2 and 3 bedrooomed, terraced, semi-detached and detached dwellings. The development would be accessed through the adjacent housing estate. The properties would all be affordable entry level housing, as provided for by paragraph 71 of the *National Planning Policy Framework* (the Framework). A Section 106 agreement has been provided to ensure they would remain affordable in perpetuity and that occupancy would be subject to a local eligibility cascade mechanism. The scheme also proposes extensive tree planting on the site as well as tree planting and hedgerow improvement and management within the adjacent fields.
 8. Although not within the development limits for Brayton, the Council accept that the site is adjacent to the settlement. In addition, the site is not larger than 1ha and the number of houses proposed does not exceed 5% of the number of dwellings in the village. As such, it is not disputed that the proposal meets the criteria for entry level exception sites set out in paragraph 71 of the Framework. This is a material consideration to which I give significant weight.

Landscape effects and visual impact

9. The site forms part of Brayton Barff Locally Important Landscape Area (LILA) as designated by policy ENV15 of the LP. In that the LILA includes the agricultural land around the Barff it is clear that this land was considered to be an important part of its setting. Policy ENV15 indicates that within LILAs priority is given to the conservation and enhancement of the character and quality of the landscape. Although not a nationally designated landscape, paragraph 170(a) of the Framework highlights the importance of protecting and enhancing valued landscapes. Policy SP18 of the *Selby District Core Strategy (adopted October 2013)* (CS) seeks to safeguard, and where possible enhance, the historic and natural environment including the landscape character and setting of areas of acknowledged importance.
10. The *Selby Landscape Character Assessment (November 2019)* (LCA) identifies that the site forms part of Hambleton Sandstone Ridge Landscape Character Area. This area is dominated by two distinctive densely wooded hills, one of which is Brayton Barff, which are the only outcrops of the Sherwood Sandstone Group in the district. These rise well above the surrounding low lying arable farmland and so are highly visible in the area. Agricultural fields in the area are medium in scale and regular in shape.
11. The *Selby District Landscape Sensitivity Study (September 2019)* (LSS) highlights that the area including the site makes a strong contribution to the sense of separation of Brayton and Thorpe Willoughby as well as playing a key role in providing an undeveloped setting to Brayton Barff and the village. The lack of vegetation allows largely open views to and from Brayton Barff, which it indicates is a distinctive feature of the area. It considers that residential

- development would disrupt the existing nucleated settlement pattern and concludes that the area has a medium – high sensitivity to the introduction of development.
12. The appellant submitted a Landscape and Visual Impact Assessment which assessed the impact of the proposal from 13 viewpoints. At my site visit I was able to see the site from many of these, and so have been able to form my own conclusions on its impact.
 13. The Framework does not define what constitutes a 'valued landscape' but in an otherwise low lying area, it is clear that Brayton Barff is an important and distinctive landscape feature. Comments from local residents show that it is clearly highly valued by them. Overall, from what I saw and have read, I consider that, in Framework terms, the area covered by the LILA does constitute a valued landscape.
 14. Although the site itself may not have any landscape features, the open setting provided by the arable fields, particularly those between Mill Lane and Barff Lane, to which it contributes, emphasises the height and wooded nature of the Barff. Whilst there are a few isolated houses within the LILA, these do not form a defining characteristic of it, even if housing is found adjacent to it.
 15. Although the proposal may be located adjacent to the settlement it would represent a clear extension of the built form into the open countryside and would fundamentally alter the character of this part of the LILA. Although the development would only occupy a small proportion of the overall amount of the land within the LILA, it would still cause a significant erosion of openness which is an important characteristic of the fields that form the setting of Brayton Barff, as the openness of the fields contrast with the wooded slopes of the Barff.
 16. The proposal includes significant landscaping both on the site and in the wider area to help screen and soften the appearance of the development, with the appellant's evidence suggesting around 300 trees would be planted. The provision of this would be secured by the Section 106 agreement. Nevertheless, this too would contribute to a reduction in openness. Moreover, in contrast to the wooded nature of Brayton Barff, the agricultural land in the vicinity only contains isolated hedgerow trees. Thus, this level of tree planting would not respect the characteristics of the surrounding landscape, even if in the wider area there are tree belts and small woodland areas.
 17. It is highlighted by the appellant that the LCA indicates that away from the hills themselves, the density of woodland may allow sensitive siting of some new development. However, in my opinion that refers to areas where existing woodland would allow the siting of some development, rather than suggesting that the planting of woodland would allow siting of new development, as new planting takes a considerable time to mature and thus screen a development.
 18. The appellant has argued that the proposal would provide a softer and more organically shaped boundary to the settlement than is currently the case. However, whilst the boundary of the adjacent housing is very straight, and might benefit from landscaping to soften it, in the context of a strong rectilinear field pattern, I consider that the curved boundaries of the development would appear more out of keeping than the current boundary to the housing.

19. From the evidence before me and what I saw on site, I agree with the conclusion of the LSS that the area in which the site is located has a medium-high sensitivity to change. Given this, I consider that the proposal would have a significant adverse effect on the landscape character of the area.
20. Given the flat open nature of the countryside the development will be clearly visible, particularly from Brayton Barff and both Barff Lane and Mill Lane. These include both short and medium range views. In views from the Barff, and when travelling along these roads towards Brayton the development would be visible. Although, it would be seen in the context of the adjacent housing, it would nonetheless have a moderate adverse visual impact in the short term. However, this would be reduced in the longer term as the landscaping around the site matures.
21. The position of the site means that when travelling along Barff Lane in the opposite direction there would only be limited views of the development. It would be more prominent when travelling away from Brayton on Mill Lane but would not have any significant impact on views towards the Barff, either from the road, or the housing along it. Nevertheless, as a clear intrusion into the arable farmland and views across the LILA, I consider that the development would have a moderate adverse impact in the short term, but this would again reduce over time as the landscaping around the site matures.
22. Whilst the proposal would be visible in some longer range views too, it would only occupy a small part of the wider panorama, and so its effects would be less intrusive, and the visual impact minor.
23. All in all, I consider the proposal would cause significant harm to the character of the landscape as well as moderate harm to visual amenity as experienced by receptors in some short and medium range views in the short term, although the latter would reduce over time. Consequently, it would have an unacceptable impact on the character and appearance of the area, and would conflict with Policies ENV15 of the LP and SP18 of the CS outlined above and paragraph 170(a) of the Framework.
24. The appellant has highlighted that the Environmental Impact Assessment (EIA) Screening Opinion issued by the Planning Inspectorate in March 2020 stated that, amongst other things, there would be no likely significant impacts on landscape and visual impact. However, this conclusion, made in the context of whether an EIA is necessary, is not determinative for the appeal decision.

Other Matters

25. The proposal would provide 33 dwellings and the Section 106 agreement would ensure that they were affordable in perpetuity for local people. Evidence provided by the appellant, which is accepted by the Council, shows that there is a clear need for affordable housing in the area and the proposal would make a valuable contribution to meeting this need. The proposed footpath along the western edge of the development would link into those provided by the adjacent housing development to the benefit of users.
26. In addition, both the construction phase and spend by future occupiers would benefit the local economy. As a Designated Service Village, the CS recognises that Brayton has a range of services and facilities and is capable of some

housing growth. Although outside the development limits, the site is close enough to be able to access these services easily.

27. The appellant has highlighted that the proposal would attract New Homes Bonus and increase Council Tax revenue. However, as Section 70 of the Town and Country Planning Act 1990 does not refer to either of these as "local finance considerations", I give very little weight to this.
28. In support of the appeal my attention has been drawn to other recent housing development to the west of the village, which it is suggested has changed the character of the area, and the context for the LILA. However, other than the provision of recreational routes and the creation of an attenuation pond, whilst these developments may have taken place on what was open countryside, the land involved did not form part of the LILA, which has retained its open character. As a result, these schemes do not represent a direct parallel to the appeal scheme.

Section 106 agreement

29. As well as ensuring the proposed dwellings would be affordable, and securing the provision and long term management and maintenance of the public open space works, both on and off the site, the Section 106 agreement makes provision for a waste and recycling contribution per dwelling. I have been provided with no policy justification for the waste and recycling contribution, and so I am unable to ascertain if this part of the planning obligation meets the requirements of the Community Infrastructure Regulations 2010 or the Framework. As such, I give this element of the Section 106 agreement no weight in my decision making. The other aspects of the agreement, which I consider meet the statutory tests, I have already discussed above.

Planning balance and conclusion

30. The proposal would, in accordance with paragraph 71 of the Framework, provide 33 affordable dwellings. The development would be close to the existing services and facilities in Brayton, and the proposal would bring some benefits to the local economy. However, the proposal would unacceptably harm the landscape character of the LILA, and cause some more limited visual harm for receptors, contrary to policies in the development plan and paragraph 170 of the Framework.
31. Whilst I have given weight to the benefits of the proposal, on balance I consider that they would not outweigh the irreversible harm that would be caused to the landscape character of the area.
32. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR