



Appeal Decision

Site visit made on 1 June 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/E2001/W/20/3244516

R/O Rose Lea, Main Street, Asselby, East Yorkshire DN14 7HE

- 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 Edward Allen against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/02371/PLF, dated 30 July 2019, was refused by notice dated 20 November 2019.
 - The development proposed is the proposed self build 4 bed detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address and description of development on the planning application form, appeal form and Council's decision notice all differ slightly. I have adopted the address and description used by the appellant in the banner heading which accurately identifies the appeal site and describes the proposal.
3. Since the appeal was lodged, the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it did in the 2018 HDT results, exceeded the requirement over the last 3 years. As there has been no change in circumstances no party has been prejudiced in the appeal process by the publication of the 2019 HDT results.

Main Issues

4. The main issues in this appeal are whether the site represents an appropriate location for the proposed dwelling, having particular regard to national and local planning policies and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location of the development

5. Rose Lea is located in the settlement of Asselby which is not listed within the settlements intended to be the focus for development under Policy S3 of the East Riding Local Plan Strategy Document (ERLPSD) (adopted 2016).
6. Although part of the appeal site is within the defined settlement boundary of Asselby, as defined by the ERLPSD, the proposed dwelling would be positioned outside of the boundary. The proposed dwelling would therefore be located in the countryside for planning purposes. In the countryside, development is

restricted to particular types of development listed in Policy S4 of the ERLPSD. The appeal scheme is not for any type of development supported.

7. As such, the proposal would be contrary to the requirements of Policies S3 and S4 of the ERLPSD. These policies are consistent with the National Planning Policy Framework (the Framework), to the extent that they seek to promote sustainable rural development and recognise the intrinsic character and beauty of the countryside.

Character and appearance

8. This part of the settlement is characterised by a mixture of housing predominantly orientated to front onto Main Street. The proposed dwelling would be located in a grassed area that forms part of the grounds of Rose Lea. I note that there is a disagreement as to whether it forms part of the garden of Rose Lea or a grassed paddock. Either way, the proposed dwelling would be positioned to the rear of Rose Lea with its access driveway running down the side of the host property. This relationship would contrast significantly with the prevailing pattern of housing in this part of Main Street.
9. I recognise that there is a depth of built form between Main Street and Back Lane. However, this is predominantly housing fronting onto Back Lane, farm and equestrian buildings or conversions of farm buildings. As such, they do not compare to the introduction of a new dwelling in this backland location.
10. I recognise that the design of the proposed dwelling would draw from the vernacular of housing in the village. However, the introduction of a dwelling in this backland location would be at odds with the more linear character of this part of the settlement. As such, it would appear incongruous in its positioning. Even though the appeal site is well enclosed, is not prominent from the public realm and does not appear part of the wider open countryside, such harm weighs against the proposal.
11. I therefore find that the proposal would significantly harm the character and appearance of the surrounding area. As such, the proposal would be contrary to the requirements of policies S4, ENV1 and ENV2 of the ERLPSD. These policies stipulate, amongst other things, that development will be supported where it achieves a high quality of design having regard to the specific characteristics of the site's wider context and the character of the surrounding area. These policies are consistent with the provisions of the Framework.

Planning Balance and Other Matters

12. The Council did not make findings of harm with respect to residential amenity or highways matters and I have no reason to disagree with these findings. However, the absence of harm is a neutral matter weighing neither for nor against the proposal.
13. My attention has been drawn to an application which was approved by the Council for a house outside of the settlement limits in another settlement. Although it is outside of the settlement boundaries, the size of the settlement and the site's position in relation to the prevailing pattern of the housing contrasts significantly with the appeal site. In any case I have determined the appeal on its own merits.

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
15. To this end, I note the appellant's references to Policy S1 of the ERLPSD, various paragraphs of the Framework and the presumption in favour of sustainable development. It is not disputed that the Council is able to demonstrate a 5.1-year supply of housing. I recognise that the presence of a 5-year supply of housing is not a maximum. Moreover, although the supply figure is not sufficient to engage the so called 'tilted balance', the proposal would, nonetheless, contribute to maintaining the Council's housing supply.
16. The proposal would create short-term employment through the construction of the house. Moreover, future occupiers would contribute to the vitality of the local rural community and economy. However, overall given the modest scale of development proposed, the associated benefits would be limited. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, including self-build housing, supporting windfall sites and making effective use of under used land.
17. Against these limited benefits, the proposal would result in significant harm to the character and appearance of the surrounding area and would conflict with the Council's strategy for housing, as set down in the ERLPSD. As such, it would be contrary to the aims of the development plan and the Framework.
18. I have taken account of the Framework and all the above considerations, including the benefits of the proposal. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
19. I have also had regard to third party representations made raising a series of other concerns about the proposal. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

20. For the reasons set out, and having considered all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR