



Appeal Decision

Site visit made on 24 June 2020

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/E2001/W/20/3246480

Land North West of Melton Park Villa, Melton Old Road, Melton, East Riding of Yorkshire HU14 3HP

- 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 Jamie Ashton against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01509/PLF, dated 4 May 2019, was refused by notice dated 27 November 2019.
 - The development proposed is 'replacement of existing commercial outbuildings with new exemplar single family dwelling and attached office, incorporating associated hard and soft landscaping'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

Whether this would be a suitable location for the proposed development having regard to national and local policies for the location of new housing; and

Whether or not the proposed design is of exceptional quality, as defined under national and local policy so as to justify the development of a dwelling in the countryside.

Reasons

Location

3. The appeal site is located approximately 0.5 km to the north of the village of Melton and covers approximately 0.17 hectares and accommodates an agricultural building and dilapidated timber stable. It forms part of the land that was associated with the former Melton Hill Manor House (hereafter referred to as the 'Manor House') which was demolished in 1952. 'Melton Park Villa' constructed in the 1950s now occupies the site of the former Manor House, immediately to the east of the appeal site. The Grade 2 listed coach house and stable buildings to the former Manor House are approximately 60 metres to the north of the appeal site and have been converted to dwellings.
4. Policies S1 and S2 of the East Riding Local Plan (2016) (ERLP) seek to promote sustainable development by, amongst other things, directing most new

- development to areas where there are services, facilities, homes and jobs, which reduces the need to travel and where it can be served by sustainable forms of transport.
5. The main parties to the appeal have different positions on whether the appeal site is in an 'isolated' location or not for the purposes of paragraph 79 of the National Planning Policy Framework (NPPF). Although positioned on the site of the former Manor House, Melton Park Villa is a more modern dwelling and is visible from the appeal site. The converted coach house can also be seen when approaching along the access drive from South Lawn Way.
 6. The appeal site is in proximity to other buildings and is not in an 'isolated' location having regard to the objective meaning of the word attributed to it in the Braintree judgments¹ '*far away from other places, buildings or people; remote*'. In restricting development in the countryside to specified types, ERLP Policy S4 is broadly consistent with the intention in the NPPF paragraph 79 to avoid isolated homes in the countryside.
 7. The appellant considers that the appeal site is within a hamlet, but it is outside the Melton development limits in the ERLP and for the purposes of planning policy, it is in the countryside. However, ERLP Policy S4 (A) supports development which will help to maintain the vibrancy of the countryside where it is of an appropriate scale to its location taking into account the need to support sustainable patterns of development, encourages the re-use of previously developed land where appropriate and does not involve a significant loss of the best and most versatile agricultural land.
 8. Since the proposal would make use of previously developed land and would not involve the significant loss of the best and most versatile agricultural land, Policy S4 (A) criteria (2) and (3) would be met. Policy S4 (A) criterion (1) states that the scale of development should be appropriate to its location taking into account the need to support sustainable patterns of development and I have therefore made my own assessment of the sustainability of the location.
 9. The site is accessed off South Lawn Way via a narrow track approximately 250 metres long. Melton village is accessible via a pedestrian footway along the north side of South Lawn Way, via the roundabout at the junction of South Lawn Way and Melton Bottom. The public house and church in Welton are approximately 1.8 km distant with South Hunsley Secondary School between Melton and Welton approximately 1.1 km away from the appeal site. Shopping and employment at North Ferriby and Brough would be approximately 1.8 km and 3.5 km away respectively, to the south of the A63 but could be accessed by pedestrian footways. Bus services to larger centres including Beverley and Hull run from Welton and Melton.
 10. The access track to the appeal site has a hoggin/gravel surface which is reasonably level but the track is unlit. South Lawn Way is subject to the national speed limit which could dissuade some pedestrians from using it. The site would not be in the optimum location to maximise the use of walking to access local services and facilities including local bus services, but local roads would be suitable for cycling. The proposal incorporates a home office, but meeting other daily needs, such as larger shopping trips, would be likely to

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

generate travel by private car. Such facilities would be available within reasonable proximity of the new dwelling and the distances travelled would not be excessive.

11. The NPPF recognises that opportunities to maximise sustainable transport will vary from urban to rural areas and different policies and measures will be required in different communities. There would at least be a choice to use sustainable modes of transport to access local services and facilities in Melton and Welton and further afield.
12. I conclude in relation to the first main issue that the proposal would not be in the optimum location to maximise the use of walking and public transport to use local services and facilities. However, the scale of development proposed would not significantly undermine the aims of ERLP Policies S1, S2 and S4 in so far as they seek to support sustainable patterns of development and locate new development where it would reduce the need to travel.

Exceptional Quality

13. Policy S4 (C) of the ERLP states that outside of development limits specific types of development will be supported, provided that they respect the intrinsic character of their surroundings including 'new dwellings of exceptional quality or of truly outstanding innovative design.' I have therefore assessed the appeal proposal against the terms for 'exceptional quality' set out in NPPF paragraph 79 (e), firstly that the design of the dwelling is expected to be truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas. Secondly, it must also significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
14. The former Manor House and its curtilage buildings were encircled by plantation woodland, with an open area known as the 'North Lawn' located to the north of the Manor House which is still present as rough grassland. The appeal site sits within the remnants of the plantation woodland that encircled the Manor House and its associated curtilage buildings, though the site has been largely cleared to accommodate the existing agricultural building and hardstanding. Although the existing buildings are underused and tired in appearance, this does not have any wider adverse landscape impact.
15. The appeal site slopes from east to west and north to south and the partly subterranean split level form for the proposed dwelling would make effective use of site topography and help to minimise the volume and mass of the building on the site. Informed by the consideration of a number of options, the proposed site layout responds to a combination of factors including views out, the location of neighbouring uses, the site access and the arboricultural strategy. The simplicity and clean lines of the proposed building form would emulate a traditional agricultural building, but with features such as the large glazed openings, a palette of understated materials including red brick and zinc cladding, and a planted green roof creating a contemporary appearance. The dwelling would be understated but striking in this rural context.
16. I acknowledge that a collaborative and iterative approach has been taken to arrive at a final form and design for the dwelling, balancing the client's accommodation requirements and the internal layout with the site context and features.

17. The Council has no specific published guidance on design, and as advised by officers in advance of submitting the planning application for the proposed dwelling, the appellant used the Yorkshire Design Review Service (YDRS) run by Integreat Plus. The proposal has been the subject of two assessments by the YDRS and their feedback has contributed to the evolution of the design, in particular that the proposal should demonstrate how it has responded to the landscape context of the site. The YDRS' final comments state that 'the introduction of a fine piece of considered architecture in the place of an unremarkable and redundant commercial building is seen as a fitting 'repair' of the hamlet as a whole'.
18. Although the YDRS has not described the proposal as 'truly outstanding or innovative', I consider that the design of the dwelling would respond successfully to the topography and configuration of the site. The distinctive and contemporary design of the dwelling would reflect the highest standards in architecture and would help to raise the standard of design more widely.
19. Innovation is to be considered in the alternative to truly outstanding design under the terms of paragraph 79 (e). The majority of the glazing would be orientated to face south, east and west to follow the principles of the Passive House solar design. The use of fully integrated photovoltaics, which form the roof covering, in conjunction with battery storage would contribute to achieving Passive status. Following the YDRS feedback, elements including the orientation and structural design of the building were reviewed to achieve full Passive House standards. Although there is nothing particularly innovative or unusual in that approach, innovation is expressed in the alternative to 'truly outstanding' architecture in paragraph 79 (e) which I have concluded that the proposal would meet.
20. The second 'limb' of paragraph 79 (e) deals with the enhancement of setting and sensitivity to the characteristics of the local area, a matter which I deal with next.
21. The appeal site is at the southern edge of the Yorkshire Wolds, at the interface between the chalk uplands and the Humber foreshore. It is located within the Elloughton-cum-Brough to Hessle Urban Farmland landscape type, the key characteristics of which are large rectilinear agricultural fields, dispersed tree groups including remnants of plantation and small nucleated villages and scattered farmsteads. The strategy for this landscape type includes conserving the rural and parkland character to the north and promoting woodland management to introduce diversity, using species typical of the area and promoting hedgerow planting on field boundaries where they have been lost or broken to reinforce local landscape pattern. The site is within an Important Landscape Area (ILA) in the ERLP.
22. When viewed from the A63/South Lawn Way roundabout junction (view 3 in the appellant's Design and Access Statement), the appeal site is located on a gently undulating hillside falling to the south-west and the wooded hillside contrasts sharply with the open arable fields to the south. The woodland forms an attractive and prominent landscape feature with a distinct west-east axis.
23. Due to the low height of the hedge on its southern boundary, Melton Park Villa is visible when approaching along South Lawn Way from either direction, though the middle section of the road is in a cutting and the embankment screens direct views of the dwelling and the surrounding area. When

approaching along the access track off South Lawn Way, there are glimpsed views of the converted coach house between the surrounding trees, but the building as a whole is not readily visible. Due to the presence of the surrounding woodland, the agricultural building and stables on the appeal site are not visible from wider public vantage points including the viewpoints identified in the appellant's Design and Access Statement.

24. The appellant's Arboricultural Impact Assessment confirms that a total of 55 trees out of 72 surveyed will be removed, the majority of which are generally considered to have a low quality and value. An area of self-set laburnums in the south west corner of the site would be replaced with native woodland planting which would represent an improvement to the quality of the stock in the long term. However, there would be extensive removal of existing trees and vegetation along the southern boundary, including the dense self-set undergrowth with only one tree (Tree 7) proposed to be retained which is of moderate quality. The Beech hedge along the common boundary with the access track would also be removed and the boundary would be demarcated with a post and rail fence.
25. The Council's Tree Officer has no objection to the scheme on the basis that the proposed new tree and hedge planting and other features including wildflower areas, green roofs and Ivy planting would enhance the setting of the dwelling and add significant long-term value to the local landscape. However, the extent of tree and vegetation removal would result in a significant reduction in the amount of woodland cover around the site which would be harmful to one of the defining characteristics of the Elloughton-cum-Brough to Hessle Urban Farmland landscape type and would not accord with the strategy to conserve its rural and parkland character.
26. The proposed new hedge along the southern boundary of the appeal site would be interspersed with new trees, both of which would take some time to establish. The combination of the limited depth of planting along the southern boundary and the regular spacing of new trees would have a more regimented and manicured appearance compared with the established and verdant character of the existing woodland in the wider landscape. In the longer term, the new woodland planting in the south-west corner of the site would help to assimilate the building into its surroundings when viewed from the south-west. However, the new dwelling would be readily visible and prominent in views from vantage points further to the east on South Lawn Way and from the access track.
27. It follows that I do not agree with the appellant's conclusion that the proposed dwelling would have a very limited impact on views from the wider landscape and that the majority of the building would be hidden from view from the highway and other public vantage points. I acknowledge that the design approach is to emulate an agricultural building which is a common feature of the surrounding rural area and that as a building of outstanding design, it should not necessarily be hidden away.
28. However, the reduction in woodland cover and vegetation would result in the dwelling having an unduly prominent and imposing appearance in the wider landscape and the building footprint and private outdoor areas in relation to the size of the site would leave limited room for more substantial landscaping. The site would have a more suburban and manicured appearance which would be

harmful to the rural character and defining characteristics of the Elloughton-cum-Brough to Hessle Urban Farmland landscape type.

29. My attention has been drawn to other NPPF paragraph 55 and 79 dwellings that have been approved, including Warter Priory in the East Riding of Yorkshire. Whilst the latter scheme also replaced existing agricultural buildings, the site area covered some 180 hectares and that scheme restored the link between the wider estate and a main house that was lost through the demolition of Warter Priory and included restoration of the parkland setting. The smaller size of the appeal site restricts the scale of the landscape enhancements that are possible and the circumstances of the two cases are not directly comparable.
30. Since they do not have any wider adverse landscape impact, the visual benefits of replacing the existing buildings on the site would be very limited and I attach little weight to that consideration in my assessment of the scheme.
31. Overall, I conclude that whilst the design of the proposed dwelling would be outstanding and would reflect the highest standards in architecture and would help to raise standards of design more generally in rural areas, the proposed scheme would not significantly enhance its immediate setting, nor would it be sensitive to the defining characteristics of the local area or respect the intrinsic character of its surroundings. For this reason, the proposed development would not constitute exceptional design and would be contrary to ERLP Policy S4, in this regard, and NPPF paragraph 79.

Other matters

32. Due to the physical separation between the appeal site and the Grade 2 listed coach house and stables and the intervening topography and vegetation, I concur with the Council and the appellant that the proposed development would not harm the setting or significance of the listed building as a designated heritage asset. In coming to this view, I have had regard to the statutory duty to have special regard to the desirability of preserving a listed building or its setting under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. The second reason for refusal relates to the lack of information to demonstrate that surface water drainage from the site could be dealt with satisfactorily. Further information about foul and surface water drainage including percolation test results have been submitted with the appeal and has been reviewed by the Council's Land Drainage Team. Had the appeal been allowed, I am satisfied that the details of surface water drainage could have been satisfactorily dealt with by means of a planning condition.
34. Planning permission for use of the existing building on the appeal site as an office has lapsed and I have attached no weight to that as a consideration in my determination of the appeal.

Planning Balance and Conclusion

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
36. Whilst not in the optimum location to access services and facilities by walking and public transport, I conclude that one additional dwelling in this location

would not significantly undermine the aim of ERLP Policies S1 and S2 to promote sustainable development and locate development where it reduces the need to travel and can be served by sustainable modes of transport.

37. Although the design of the proposed dwelling would be outstanding and would reflect the highest standards in architecture and would help to raise standards of design more generally in rural areas, the proposal would result in a significant diminution of woodland cover and would appear unduly prominent in the wider landscape. In so doing, it would not be sensitive to the defining characteristics of the Elloughton-cum-Brough to Hessle Urban Farmland landscape type. It would not significantly enhance its immediate setting and nor would it be sensitive to the defining characteristics of the local area. As such, it would not constitute exceptional quality as set out in national and local policy.
38. Whilst I note that there have been representations in support of the proposed development, neither these nor any of the matters outlined above amount to material considerations which would outweigh the conflict with the policies in the development plan when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
39. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR