The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/A4710/W/20/3254229
Barns South of Davey Hall, Davey Lane, Blackshaw Head, West Yorkshire HX7 7JF

- 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 Bernard Boylan against the decision of Calderdale Metropolitan Borough Council.
- The application Ref 19/00708/FUL, dated 4 June 2019, was refused by notice dated 13 December 2019.
- The development proposed is construction of seven dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The location of the development in the heading above has been taken from that given on the decision notice and the appeal form, as I consider that this accurately reflects the proposal.

3. A comment raised locally requested that I view the appeal site from a nearby property. However, I was able to view the appeal site from public land to sufficiently judge the proposal and I have proceeded to determine this appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the:

   - Character and appearance of the area; and
   - The setting of the Grade II listed buildings of Davey Hall and adjoining cottages.

Reasons

Character and Appearance

5. The appeal site includes a number of workshops and agricultural buildings which are of a utilitarian appearance and some of which are in a state of disrepair. However, despite this appearance such buildings are not unusual features in the countryside and the extant buildings do not detract unduly from the rural character of the landscape. These buildings are also set back from

the nearby road of Davey Lane, which softens their effect in views from this entrance into the village.

6. Despite its proximity to residential properties within the linear settlement of Blackshaw Head, the appeal site has a distinctly separate character to the village due to the sloping topography of the area and the separation from dwellings provided by long rear gardens and open plots of land. For this reason, as well as the context established by nearby fields, the site is seen as part of the countryside surrounding the village rather than being within the village itself.

7. The appeal proposal consists of 7 detached dwellings arranged around a common access. Rather than reflecting a hill-top village as suggested by the appellant, the design and arrangement of the proposal would have the appearance of a suburban cul-de-sac which would contrast uncomfortably with the rural setting of the appeal site and the village. This incongruous appearance would be exacerbated by the projection of built development closer to Davey Lane compared to the existing buildings, which would detract from the self-contained and separate character of built development on the site.

8. Although there is a mixture of housing types in the area, including modern detached dwellings, the village has retained much of its traditional rural character. The appellant submits that the majority of dwellings in the village are detached, although this would include older houses of a traditional appearance. I saw that there are some elements of the village which are of a suburban character, such as the layout and access arrangement to Pennine View. However, these served to confirm the incongruous nature of this form of modern development in this village. In any event, such features do not provide a prevailing context which justifies the introduction of similarly harmful designs and layouts, particularly in a free-standing location such as the appeal site which does not respect the linear character of the settlement.

9. I have had regard to the examples provided by the appellant of development elsewhere, particularly in Grassington. However, whilst the development in Grassington appears to be of an attractive character and makes use of traditional materials, this development appeared to be of a relatively suburban form and does not lead me to a different conclusion in respect of the harm arising from the appeal proposal. With regards to the Grassington and other examples, I have also not been provided with full details of the circumstances that led to these developments being permitted, including in respect of the built form of the host settlement. In any event, I have determined this appeal on its own merits.

10. Whilst the proposed dwellings would be lower than existing structures on the site, this would not mitigate for the incongruous nature of the design and layout of the development. The use of individual buildings of varying heights within the proposal may break up the mass of built development compared to the existing buildings, but this also would not mitigate for the suburban appearance of the proposal. Reference is also made to the height of houses on a new development within the village. However, that development is set within the body of the village and respects its linear arrangement, and does not establish a context for the appeal proposal.

11. In support of the proposal, the appellant refers to a number of criteria including built densities; areas and volume of development; angles of roof slopes; and

relative heights in relation to the existing buildings and recent development in the village. I acknowledge that this is a response to criteria set out in policies in the development plan. However, I consider that this assessment is overly-simplistic, and does not address the fundamentally inappropriate layout and form of the proposed development in this location.

12. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its design, layout and location. The proposal would therefore be contrary to policies BE1 and NE12 of the Replacement Calderdale Unitary Development Plan 2006 (RCUDP) in respect of general design criteria and the harm to landscape quality in this designated Special Landscape Area. The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to achieving well-designed places as well as conserving and enhancing the natural environment.

Setting of Listed Buildings

13. The appeal site is located to the south of the Grade II listed buildings of Davey Hall and associated cottages. Davey Hall is a handsome building located at an entrance to the village, with the subservient cottages extending to the rear. Due to this arrangement and prominent location, this group of listed buildings makes an important contribution to the traditional character and linear form of the village, which also contributes to the importance of these listed buildings as designated heritage assets.

14. The appeal site plays an important role in the appreciation of these listed buildings, particularly in views along Davey Lane as well as from the wider landscape. The appeal site is set lower than the listed buildings and, despite the utilitarian design of the existing buildings on the site and the state of maintenance, it is clearly part of the rural landscape around the village and makes a positive contribution to the setting of the listed buildings.

15. The introduction of development of the suburban character and layout of that proposed would detract from this rural setting and would contrast uncomfortably with the traditional linear arrangement of the listed buildings. This harm would be exacerbated due to the drawing forward of the built footprint of development towards Davey Lane, which would increase the sense of enclosure of the listed buildings by the inappropriate form of the appeal proposal. The set back from Davey Lane is an important element in the freestanding nature of built development on the site, and the extent of the appeal proposal would have the effect of drawing the built form of the village further south, to the detriment of the rural setting of the listed buildings. The sensitive use of materials would do little to mitigate this harm.

16. The appellant refers to new houses constructed to the east of Davey Hall which he also considers affects the setting of the listed buildings. As well as a detached dwelling, these new houses include semi-detached dwellings of a standard design. However, these buildings reflect the linear arrangement of the village and the building line established by an adjacent terrace. In views along the main road through the village, these new dwellings are set back from the building line of Davey Hall and cottages and do not unduly detract from the significance of the listed buildings. Therefore, despite these new dwellings containing some modern design elements and their proximity to Davey Hall, they do not materially harm the setting of the listed buildings.

17. For the above reasons, I conclude that the appeal proposal would lead to significant harm to the setting of the listed buildings, albeit that harm would be less than substantial within the terms of the Framework.

Other Matters

18. I am mindful of the benefits of the proposal. Residents of the dwellings would add to the support of services and facilities in the area. However, there is an existing planning permission[1] for the development of 5 dwellings on the site, and the support given by extra residents resulting from the appeal proposal would be very limited.

19. In comparison to the existing planning permission, the proposal would add to the supply of family housing. However, whilst there may be a demand for this form of accommodation, it has not been demonstrated that there is an overriding need in this area. It has also not been demonstrated that family housing cannot be provided in a form more suitable for this sensitive location. With regards to general housing supply, the proposal would only add 2 further units above that already permitted. On that basis, and even allowing for the Council's housing land supply, I give the contribution to the mix and supply of housing only limited weight in favour of the proposal.

20. It is common ground between the main parties that the proposal would lead to the redevelopment of brownfield land. However, whilst the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes, this is not a suitable site for this form of development due to the identified harm. I am also mindful that a more appropriate form of residential development has been approved for the site, albeit with a lower number of dwellings. On that basis, the use of brownfield land carries limited weight in favour of the proposal.

21. The proposal would lead to the removal of the utilitarian buildings located on the appeal site. However, it may be possible to remove these buildings whilst providing a more suitable form of redevelopment, as is demonstrated by the extant permission on the site. This therefore carries very limited weight in favour of the appeal proposal.

Conclusion

22. Drawing the above together, I conclude that the proposal would lead to significant harm to the character and appearance of the area as well as the setting of Grade II listed buildings. Whilst the harm to the listed buildings would be less than substantial, the public benefits that would arise from the proposal would not outweigh that harm, either individually or cumulatively. The proposal would therefore be contrary to Policy BE15 of the RCUDP as well as the Framework with regards to harm to the setting of listed buildings as well as conserving and enhancing the historic environment.

23. The Council accepts that it cannot demonstrate a 5 year supply of deliverable land for housing and that it currently has a 2 year supply. It also accepts that some of its housing policies are out of date and do not comply with the Framework. However, the 'tilted balance' of paragraph 11 of the Framework is not engaged in this case. This is due to paragraph 11(d) which sets out that permission should be granted unless the application of policies in the

[1] Application No. 18/00033/FUL

Framework that protect assets of particular importance provide a clear reason for refusing the development. Footnote 6 of the Framework confirms that this includes policies relating to designated heritage assets. I have concluded that the proposal would harm the setting of listed buildings, therefore due to this harm to designated heritage assets and the conflict with the policies of the Framework the 'tilted balance' does not apply.

24. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR