



Appeal Decision

Site visit made on 14 July 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH October 2020

Appeal Ref: APP/H2733/W/20/3251870

Glebe Lodge, Mill Lane, Cayton, Scarborough YO11 3NN

- 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 Graham Carter against the decision of Scarborough Borough Council.
 - The application Ref: 19/02332/FL, dated 30 September 2019, was refused by notice dated 12 December 2019.
 - The development proposed is described as: Demolition of barn and erection of dwelling, store and garage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application form describes the proposal as: "Proposed new build and store/garage following demolition of barn". The description used by the Council on the Decision Notice more accurately and clearly sets out the development that is proposed and the appellant has adopted this description on the appeal form. I have, therefore, also used this for the purposes of the appeal.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for new residential development having regard to the development plan and the availability of shops, services, and employment opportunities;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the appeal proposal makes suitable arrangements for the disposal of surface water.

Reasons

Whether the appeal site is a suitable location for new residential development

4. Policy SH1 of the Scarborough Borough Local Plan 2017 (the Local Plan) sets out a settlement hierarchy for the borough and defines development limits for

each of the settlements. Local Plan Policy HC2 allocates a number of identified sites for new residential development and is also permissive of new housing development on other sites within the defined Development Limits of settlements, where it would be in accordance with other policies in the Local Plan. It is not in dispute that the appeal site lies outwith the development limit for any defined settlement and for policy purposes is regarded as being in the countryside.

5. Local Plan Policy ENV6 states that outside the defined Development Limits new developments will be limited to those for which a countryside location is essential and sets out various criteria against which proposals will be assessed. The dispute between the parties centres on the interpretation of Criterion D of Policy ENV6, which allows for development involving the replacement of existing non-agricultural buildings that have a negative impact on the character of the area with one of a higher quality.
6. From the evidence that I have and from what I saw when I visited the site, the existing building on the site, although a former barn, has most recently been used for domestic storage purposes in connection with the neighbouring house. The building is a portal framed structure with an external skin of concrete blocks and asbestos cement sheets. The building is in a poor state of repair and, notwithstanding the Council's concerns regarding the design of the proposed new dwelling, it does not make a positive contribution to the appearance of the surrounding area. Whilst the appellant argues that the criterion does not explicitly prevent the replacement of a former barn or other non-agricultural building with a dwelling, the Policy itself is clear that beyond development limits, new development will be limited to that for which a countryside location is essential. As such, it may allow for a dwelling where there is an essential need for a rural worker to live permanently at, or near, their place of work in the countryside.
7. However, the appeal proposal is for a private dwelling for the appellant and, consequently, would be an unrestricted, open market, dwelling. It is not contended that the dwelling is for occupation by a rural worker. Whilst it might be convenient for the appellant to live in proximity to his family members, who occupy the dwelling at Glebe Lodge, there is no evidence before me that demonstrates that a countryside location is essential for the proposed dwelling. It is not suggested that the proposal fulfils any of the other criteria of ENV6. As it has not been demonstrated that a countryside location is essential for the dwelling, the proposal would conflict with Local Plan Policies SH1 and ENV6.
8. Although the appeal site is beyond the development limit, there are some facilities in Cayton that are within reasonable walking distance. A bus stop is located opposite the access to the appeal site which has regular services to Filey and Scarborough, and I saw that there are also large commercial areas nearby. The proposed new dwelling would not be remote from shops, services or employment opportunities.
9. This notwithstanding, it is not argued that the Council cannot demonstrate a deliverable five year supply of housing land or that any relevant policies in the Local Plan are out of date. I have also noted that Local Plan Policy HC2 allocates sites in and around Cayton that would provide for approximately 1,715 dwellings and that there are other allocated housing sites nearby at Eastfield and Osgodby. The appeal site is not among these. Policy HC1 allows

for the residential development on sites that are well related to the development limits of settlements only where there is no longer a demonstrable supply of sites to fully meet the Council's five year land requirement. There is no evidence before me that would show the appeal site is required to help meet the Council's housing targets or would justify its release for general market housing at this time. The proposal would not meet the requirements of Policy HC1.

10. I therefore conclude that the appeal site is not a suitable location for new residential development having regard to the development plan and the availability of shops, services, and employment opportunities. It would not comply with the relevant requirements of Local Plan Policies SH1, ENV6, HC1 and HC2.

Character and appearance

11. The appeal site forms part of the large curtilage of Glebe Lodge, a modern two storey detached house and is currently occupied by a portal framed building clad in concrete blocks and asbestos cement sheeting. The site is located just beyond the main built up area of Cayton. To the south and west of the appeal site is a caravan park lying between the appeal site and the main built up area of the settlement. There are open fields to the north and east of the site. Further north on Mill Lane there are a small group of residential properties and two large caravan parks.
12. The proposed new dwelling would be a single storey structure with the walls finished in brick and render, and with a concrete tiled, pitched, roof. It would be of a relatively simple design with a small gabled projection on the front elevation and a lower, integral, garage to one side of the main house. A smaller, freestanding, pitched roof, building to be used as a store by the occupiers of Glebe Lodge, would be erected adjacent to the proposed new bungalow. The submitted drawings are annotated to the effect that the new brickwork and roof tiles on both structures would match those of Glebe Lodge.
13. Whilst the Council suggest that the design of the proposed bungalow does not reflect the local vernacular, there is no substantive evidence before me in respect of what the local architectural style and building typologies might be. I saw when I visited the site that in the vicinity of the appeal site there are buildings of a range of ages and designs with a variety of heights and roof forms. Brick and render are common materials in the area and there are a range of roofing materials present including concrete tiles, slate, and pantiles. Whilst there were some older buildings located along Main Street in Cayton, the majority of domestic properties in the vicinity are from the Twentieth Century, particularly those closest to the appeal site. In terms of its appearance and architectural detailing, the proposed new dwelling would be similar to the existing dwelling at the entrance to the adjacent Cayton Village Caravan Park and the dwellings further south on Mill Lane and Limekiln Lane on the edge of Cayton. In addition, it would be broadly similar to the general architectural approach taken with Glebe Lodge, albeit single storey.
14. The appeal site is not within a conservation area nor is the surrounding area subject to any specific landscape designation. From the evidence and the submitted drawings, the main roof of the proposed new bungalow would be slightly higher than that of the existing building. It would also occupy a similar footprint, although in combination with the proposed detached store building

the overall perceived length of the principal elevation would be slightly longer. Whilst the proposed new dwelling would be visible from the main road, it would be set well back from the road frontage and the visual effect in the surrounding landscape would not be significantly greater than that of the existing building.

15. I find that the proposed new dwelling would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of Local Plan Policy DEC1 or the National Planning Policy Framework (the Framework) which, when read together, expect new development to be of a high standard of design that responds positively to the local context.

Surface water drainage

16. Only very limited information has been submitted in respect of surface water drainage. Local Plan Policy ENV3 seeks to ensure, among other matters that mitigation measures such as sustainable drainage systems are used, where possible, in order to facilitate development in areas of sensitive drainage and that new development has adequate provision for foul and surface water disposal in advance of occupation.
17. The appellant states that the proposed new dwelling would be provided with a rainwater harvesting system to attenuate surface water discharge and I also note that it is stated that the existing building on the site has connections to a surface water drainage system. Policy ENV3 does not explicitly state that full details of any proposed surface water drainage arrangements must be provided prior to the determination of a planning application.
18. From the evidence before me, I am satisfied that appropriate arrangements for surface water drainage could be achieved and that the appeal site is of a sufficient size to accommodate sustainable drainage solutions to attenuate surface water discharges from the site. The precise details of how drainage arrangements would be implemented could be addressed through a suitably worded planning condition.
19. I therefore conclude that suitable arrangements for the disposal of surface water could be provided and that the proposal would not conflict with the relevant requirements of Policy ENV3 of the Local Plan.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal site is not a suitable location for a new open market, dwelling and that the proposal would conflict with Policies SH1, ENV6, HC1 and HC2 of the Local Plan.
21. Although I have found that the proposal would not cause harm to the character and appearance of the area and that suitable arrangements for surface water drainage could be secured by way of a planning condition, neither of these points, either individually or collectively, would overcome the other conflict with the development plan that I have found.
22. The Framework seeks to significantly boost the supply of housing and the appeal proposal would result in one additional dwelling being added to the local

housing stock. It is not argued that the relevant policies in the Local Plan are out of date, and it is not in dispute that the Council can demonstrate a deliverable five year supply of housing land. The Local Plan also allocates sites for a significant number of new dwellings in Cayton and the surrounding settlements. Consequently, the very modest contribution to housing supply that would be made by one new dwelling can be given very little weight.

23. No other material considerations have been identified that would warrant granting planning permission for a proposal that conflicts with relevant policies in an up to date development plan.
24. For the above reasons, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR