
Appeal Decision

Hearing Held on 1 December 2020

Site visit made on 2 December 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/H2733/W/20/3254799

**Land adjoining Woodhouse Farm, Main Street, Flixton, Scarborough,
North Yorkshire YO11 3UD**

- 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 J Coverdale on behalf of R Coverdale and Sons against the decision of Scarborough Borough Council.
 - The application Ref 20/00305/FL, dated 6 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is described as the demolition of an existing dwelling and the erection of a replacement dwelling and associated works and infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing dwelling and the erection of a replacement dwelling and associated works and infrastructure at land adjoining Woodhouse Farm, Main Street, Flixton, Scarborough, North Yorkshire YO11 3UD, in accordance with the terms of the application Ref 20/00305/FL, dated 6 February 2020, subject to the following conditions:
 1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following plans: Proposed Elevations and Floor Plans PL50 01 C received 7 February 2020, Site Location Plan PL10 02 C and Site Plan and Block Plan PL10 01 D received 16 April 2020.
 3. Prior to the external walls of the development hereby approved being first constructed, the following samples shall be made available on-site for the inspection and approval in writing by the Local Planning Authority and shall be implemented in full prior to the dwelling being first occupied: brick and pantile.
 4. A) No demolition or development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
 - (i) The programme and methodology of site investigation and recording;

- (ii) The programme for post investigation assessment;
 - (iii) Provision to be made for analysis of the site investigation and recording;
 - (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (v) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - (vi) Nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Archaeological Investigation.
- B) No demolition or development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 4A.
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 4A and the provision made for the analysis, publication and dissemination of results and archive deposition has been secured.
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
6. The development shall not be occupied until an electrical socket suitable for charging electric vehicles (minimum single phase 13 amp socket) has been provided within the curtilage of the replacement dwelling.

Preliminary Matters

2. The planning application was made in the name of the business known as R Coverdale and Sons, whereas Mr J Coverdale is cited as appellant on the appeal form. At the hearing the Council agreed that Mr J Coverdale, as co-owner of that business, had the authority to make this appeal. The appeal can proceed on that basis.
3. There is a discrepancy between the date of the planning application cited on the planning application form and the decision notice. The date used in the banner heading above is that cited on the former, being the date of the planning application.
4. There is a discrepancy between the description of development cited on the planning application form and that cited on the decision notice and appeal form. I have used the former for the purposes of the above banner heading and paragraph 1, as this is what the appellant sought, and it most accurately describes the appeal proposal.
5. There is also a discrepancy between the address cited on the planning application form and that cited on the decision notice and appeal form. From the submitted plans and my site inspection, I am satisfied that they all relate to

the same site. In the interests of precision, I have used the latter for the purposes of the above banner heading and paragraph 1.

6. Prior to the hearing, the Council had maintained that the appeal proposal was not considered as an agricultural workers dwelling nor should it be. However, the submitted evidence confirms that during the course of the planning application the appellant had clarified that the appeal proposal was intended to be a replacement rural worker's dwelling and the Council's subsequent assessment of the proposal extended to that matter.
7. During the hearing, the Council confirmed that they did not dispute the current viability of the existing farming enterprise. Furthermore, they accepted the continued need for a third rural workers dwelling at that location to support the functioning of that enterprise. From the evidence before me, I have no cause to dispute that stance.
8. During the hearing, both main parties agreed that the circumstances set out in Policy ENV6 of the Local Plan did not represent a closed list of criteria and the proposed development need only accord with one of these. From the evidence before me, it is clear that the appeal proposal would represent the circumstances set out in either criteria (a) or (b) of Policy ENV6.
9. Therefore, even if I were to find that the appeal proposal did not accord with the qualitative test set out in criteria (d), Policy ENV6 would still lend support to the appeal proposal, subject to there being no harm to the character and appearance of the open countryside landscape setting. The appeal proceeds on that basis.

Main Issues

10. Consequently, the main issue is the effect of the appeal proposal on the character and appearance of the building group, surrounding countryside and wider landscape setting, with particular regard to siting, scale and design.

Reasons

Character and appearance

11. The appeal site falls within a wider building group which is set within an extensive, flat tract of countryside. Tree belts and other buildings are scattered across this landscape which rises in the far distance. Field boundaries tend to be delineated by low boundary features which help maintain the sense of openness which defines the character and appearance of the appeal site's agricultural landscape setting.
12. The existing rural workers detached bungalow which would be replaced is modest in size and very understated in design. This property forms part of the outer limit of an established complex of buildings and structures which serve the appellant's large agricultural enterprise. Although consolidated to create a large building group, individually these are randomly placed and are varied in design, materials, scale and mass. By virtue of its height and footprint, the existing bungalow is subservient to that wider building complex.
13. The front and side elevations would be the most visible elements of the proposed dwelling from the A1039 and the local public rights of way network. However, only infrequent glimpses of the appeal proposal would be evident

from a longer distance along the A64. The rear elevation would be largely obscured from view by the existing farm buildings.

14. In terms of siting, the appeal proposal would occupy part of the footprint of the existing bungalow. It would continue to form part of the row of 3 rural workers dwellings, albeit it would be set further forward. Oblique views of the appeal proposal along the A1039 would be read alongside the random pattern of buildings within the wider farm complex. Furthermore, the proposed step in the building line would not be unduly apparent from directly facing vantage points including the approach along the access lane which serves the site. Therefore, overall, this differential with the existing dwellings would not be discernible.
15. The common garden boundary of these dwellings faces the main approach to the farmyard from the A1039. It would remain unchanged and would continue to firmly define the extremities of this part of building complex from the agricultural land beyond. The proposed incorporation of part of the adjoining paddock area to form part of a side garden would be modest. It would be read within the much wider and vast open agricultural landscape setting against the existing farm buildings and structures. Furthermore, it would not unduly interrupt the existing field pattern.
16. For all of these reasons, the appeal proposal would continue to be read as part of the complex of farm buildings. Therefore, in terms of siting, no undue visual encroachment into the open countryside would be apparent.
17. In terms of scale, consideration of the respective floorplans and the appellant's business and family circumstances demonstrated that the retention of the existing bungalow would require significant additions to achieve the required level of accommodation. Furthermore, this would not achieve the enhanced livestock surveillance and office security which were demonstrated to be beneficial to the business.
18. From the evidence before me, I am satisfied that the appeal proposal would not be of an unreasonable scale to accommodate both the business and living requirements that were presented and which were demonstrated to be commensurate to the scale of this well-established rural enterprise.
19. In visual terms, the scale and design of the appeal proposal would better reflect the existing neighbouring 2 storey semi-detached dwellings than the existing bungalow in terms of height, mass and form. Furthermore, the appeal proposal would remain subservient in appearance to the existing farm buildings that it would be read against.
20. The proposed materials and design features would pick up references from those neighbouring dwellings as well as those buildings located within nearby settlement of Flixton. These similarities would all serve to improve the visual balance of this group of dwellings.
21. Overall, despite its increased mass, the scale and uncomplicated design of the appeal proposal would reflect the understated character and appearance of those existing dwellings. The appeal proposal would represent change to the existing situation in terms of positioning, scale and design. However, in view of my findings and despite the visibility of the proposal, the degree and nature of that change would not be visually intrusive within this wider landscape context.

22. For the reasons given the appeal proposal would not be harmful to the character and appearance of the building group, surrounding countryside and wider landscape setting, with particular regard to siting, scale and design.
23. Policy ENV6 of the Scarborough Borough Local Plan (the Local Plan) seeks, amongst things, to safeguard the character and appearance of the countryside. It sets out the circumstances whereby new development within the countryside will be supported. The replacement of the existing rural workers dwelling is justified in this instance. This policy also requires that development in the countryside is of a scale which is compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape.
24. Policy ENV7 of the Local Plan states that proposals should protect and wherever possible enhance the distinctiveness or special features that contribute to the landscape character, including the sense of openness, pattern and complexity of the landscape and the visual sensitivities and inter-visibility of the landscape. Policy DEC1 of the Local Plan expects good design to create attractive places and sets out principles to achieve this. Proposals are required amongst other things to reflect the local environment. Detailed design should respond positively to the local context in terms of scale, form, height, layout and materials.
25. In the absence of harm to the character and appearance of the building group and wider countryside setting, there is no conflict with any of these policies.

Conditions

26. A list of proposed conditions was submitted by the Council. At the hearing the appellant confirmed acceptance of all of these. The Council confirmed that a condition setting out the timescales for the commencement of development had been erroneously omitted from that list. It would be necessary for me to impose a 3 year time limit in the interests of certainty. Both main parties were accepting of this. Main parties also agreed that a condition requiring compliance with the approved plans would also be necessary for the same reason.
27. A condition requiring the submission of samples of external materials to the Council for their approval would be necessary in the interests of safeguarding the character and appearance of the area. The Council confirmed the arrangements for this to be undertaken in the event of ongoing Covid-19 local restrictions. I am satisfied that this would not unduly delay the implementation of the scheme.
28. Given the archaeological interests in the wider area, a condition requiring archaeological investigation is necessary. Main parties accepted that it would be necessary for me to make some minor amendments to the Council's suggested wording in the interests of clarity.
29. Being a new dwelling in the countryside, I am satisfied that the suggested occupancy condition is necessary, reasonable and enforceable and that the appellant is accepting of this.
30. In the interests of sustainability and given the countryside location of the appeal proposal, a condition to secure the installation of an electric charging

point within the development in accordance with Policy DEC2 of the Local Plan is also necessary.

Conclusion

31. For the reasons given, the appeal proposal accords with the circumstances set out in Policy ENV6 of the Local Plan whereby new development in the countryside should be supported. From the evidence before me, there are no policy conflicts or other matters which would weigh against the appeal proposal. Therefore, the appeal should be allowed, subject to the specified conditions.

C Dillon

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr K Gallagher MRTPI

Mr O Stones MRICS, FAAV, Graduate of Farm Business Management.

FOR THE LOCAL PLANNING AUTHORITY:

Miss C Cornforth BA MA