



Appeal Decision

Site visit made on 9 November 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/C2708/W/20/3255975

Land adjacent to 35 Green Lane, Glusburn, Keighley BD20 8RR

- 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 & Mrs G & A Woon against the decision of Craven District Council.
 - The application Ref: 2020/21420/FUL, dated 7 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is new detached dwelling and change of use of land to garden area.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling and change of use of land to garden area, at Land adjacent to 35 Green Lane, Glusburn, Keighley BD20 8RR, in accordance with the terms of the application, Ref: 2020/21420/FUL, dated, 7 February 2020, subject to the conditions set out in the schedule attached.

Application for Costs

2. An application for costs was made by Mr & Mrs G & A Woon against Craven District Council. This application is the subject of a separate Decision.

Procedural Matters

3. As part of the appeal the appellants have submitted a 'Landscape Planting Schedule', which was not submitted to the Council as part of the planning application. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council as local planning authority, and on which interested people's views were sought.
4. The Landscape Planting Schedule does not change the proposal, rather it provides precise details of the proposed tree planting, which was shown as 'indicative' in the application. Furthermore, the Council and notified interested parties have had the opportunity to comment on the information as part of the appeal process. For these reasons, I am prepared to accept the Landscape Planting Schedule and I am satisfied that the rights of the Council or any interested party have not been prejudiced by this approach.
5. Part of the supporting text to Policy SP3 of the Craven Local Plan 2012-2032, adopted November 2019 (CLP) was missing from the submitted

evidence. It was requested from the Council but not provided. I have therefore determined the appeal using the extracts of the supporting text to Policy SP3 supplied within both the Council's and the appellants' evidence.

Main Issues

6. The main issues are:

- Whether or not the proposal would be contrary to the spatial strategy for the area, having regard to the appeal site's location in relation to the main built up area of Glusburn;
- Whether or not the proposal would provide appropriate levels of housing density or mix; and,
- Whether or not the proposal would provide biodiversity net gain.

Reasons

Background

7. The appeal site is a parcel of land to the north of No 35 Green Lane (No 35). The site is part of an existing agricultural field which fronts onto Green Lane. The land, which slopes gently down from north to south, is enclosed to the north, east and south by dry stone walls and is open to the west. Residential development is present to the north, east and south of the site.
8. The proposed detached, two-storey, four-bedroom dwelling and attached single-storey garage would be constructed of local stone and sawn stone surrounds, with a roof of blue slate and sawn stone tabling and would have painted timber windows and doors. The proposal includes a change of use of the associated land from existing agricultural use to a garden area. Access to the site would be gained via Green Lane. The proposal would also provide access and a new garden area to No 35, along with access to the remaining part of the agricultural field to the west of the appeal site.

Spatial strategy for the area

9. Policy SP1 of the CLP seeks to ensure that the housing needs of Craven are provided over the plan period. Policy SP4 of the CLP sets out the Council's spatial strategy for housing growth, providing a hierarchical approach to ensure that a sustainable pattern of development is promoted and delivered with most growth directed towards the larger settlements.
10. Glusburn is identified as a Tier 3 Settlement (Local Service Centre) which a proportionate level of growth will be directed towards. The main parties disagree as to whether the appeal site lies outside or within the 'main built up area' of Glusburn. This dictates whether the proposal is assessed against Part I or Part H of Policy SP4.
11. The Council submits that the appeal site 'lies outside but adjoins the main built up area' and, therefore, the proposal requires to be assessed against Part I. The Council concludes that as the proposal fails to be justified under criteria a), b) or c) of Part I, it is contrary to Policy SP4 and the spatial strategy for the area. However, the appellants contend that the appeal site is within the main built up area of Glusburn and so should be considered against Part H which supports additional housing growth on non-allocated land for

housing within the main built up areas of Tier 1, 2, 3, 4a and 4b settlements provided they accord with all other relevant local plan and neighbourhood plan policies.

12. 'The main built up area' is defined as the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes: 1. Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and 2. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement, and 3. Agricultural buildings and associated land on the edge of the settlement, and 4. Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement.
13. I acknowledge that the appeal site is open to the west with agricultural fields beyond. Nonetheless, on my site visit, I observed that the land is very much surrounded by continuous residential development on the remaining three sides to the north, east and south, which extends a considerable distance on both sides of Green Lane. To my mind, the appeal site is an integral element within the street scene, constituting a gap or space between closely grouped and visually well related buildings within the settlement. As such, I am satisfied that, in these respects, the appeal site accords with the definition of being part of the main built up area of Glusburn.
14. The main parties agree that the appeal site is not excluded from the definition of the main built up area under parts 1, 2 and 4 of the definition and there is nothing before me which would cause me to disagree. However, the Council asserts that, as the appeal site is undeveloped agricultural land, it is excluded under part 3 of the definition. Whilst the wording of part 3 is potentially open to interpretation, in my judgement, it relates to agricultural land which is associated with agricultural buildings that are located on the edge of a settlement. Therefore, although the existing use of the appeal site is unquestionably agriculture, the land itself is not associated with agricultural buildings and, one could argue, not wholly on the edge of the settlement. On this basis, I am content that the appeal site is not excluded under part 3 of the definition.
15. Drawing the above together, I conclude that the proposed development would not be contrary to the spatial strategy for the area, having regard to the appeal site's location in relation to the main built up area of Glusburn. As such, it requires to be assessed against part H of Policy SP4 of the CLP, referred to above.

Appropriate levels of housing density or mix

16. Policy SP3 of the CLP helps to guide the mix and density of new housing developments to ensure that land is used in an effective and efficient manner to address local housing needs. This means that in typical greenfield developments or in brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare (net). The appeal site is approximately

0.125 hectares. Thus, the Council state that there is a requirement for the appeal site to deliver four dwellings.

17. It is clear that the proposal would fall significantly short of the density as stated within Policy SP3 and, in this respect, would be an under-development of the site. I am mindful of the intent of Policy SP3 and the provisions within the National Planning Policy Framework (the Framework) which seek to ensure the efficient use of land. Nonetheless, I am also aware that the wording of Policy SP3 and the associated supporting text are not explicitly clear in confirming whether or not the Council's requirements for housing density or mix are applicable to both allocated and non-allocated sites.
18. I accept that it is not confirmed that the requirement will only apply to allocated sites and could include non-allocated sites. However, from the submitted evidence, I consider it reasonable to conclude that the policy principally relates to allocated and/or large sites and not to small development sites, such as the land which is the subject of the appeal. As such, I am not convinced that there is a need for the appeal site to comply with the housing density requirement of Policy SP3.
19. Furthermore, it is also apparent that Policy SP3 allows for flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
20. No information relating to the viability of the scheme or local variations in housing need have been submitted. However, I am cognisant of the constraints of the appeal site in practically accommodating four houses along with the associated access to No 35 and the adjacent field without having harmful effects on the living conditions of adjacent residents or future occupiers of any new dwellings. Moreover, the improved access and proposed landscaping would contribute to the attainment of other local plan objectives concerning highway safety and biodiversity net gain. As such, I consider the flexibility provided within Policy SP3 to be pertinent and applicable to the appeal site and the appeal proposal and provides justification as to why a lower housing density or mix is appropriate in this instance.
21. Therefore, having regard to the constraints of the appeal site, the detail of the appeal proposal and the flexibility within Policy SP3, I conclude that, in this instance, the proposed development would provide appropriate levels of housing density or mix. As such, it would comply with policy SP3 of the CLP, referred to above.

Biodiversity net gain

22. Policy ENV4 of the CLP confirms that growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. Part a) states that wherever possible, development will make a positive contribution towards achieving a net gain in biodiversity; part b) states that development proposals should achieve benefits in biodiversity that are equal to, or where possible exceed the biodiversity value of the site prior to development; and, part c) confirms that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.

23. The appeal site is part of an existing agricultural field which is laid to grass. The land does not form part of, nor is within the setting of, any internationally, nationally or locally designated sites. The appellants assert that the ecological value of farmed grassland is generally quite minimal. The Council has not disputed this in relation to the appeal site and, from the evidence before me and my observations on site, I have no reason to disagree.
24. The proposal would result in the introduction of built form within the site as well as an increase in hard surfacing. Although some of the existing vegetation would be cut back and/or removed to make way for the proposed dwelling and access, additional soft landscaping, including tree planting, is proposed.
25. I am aware of the provisions within the Framework that support minimising impacts on and providing net gains for biodiversity. I also recognise that, as part of the application, the proposed soft landscaping / tree planting was only indicative and, therefore, failed to conclusively demonstrate that the proposal would provide a net gain in biodiversity. However, I am satisfied that the proposed new tree planting and landscaped garden areas would offset the loss of the existing pastoral land, secure biodiversity improvements over and above the existing and achieve a net gain in biodiversity.
26. Furthermore, whilst I consider the concerns of the Council in this respect to be valid, taking into account the characteristics of the site, the inclusion of indicative planting, and the provision of additional detail in the form of the Landscape Planting Schedule, upon which the Council had the opportunity to comment, it is difficult to deduce why this matter could not have been dealt with by the imposition of an appropriately worded condition.
27. I therefore conclude that the proposal would provide biodiversity net gain and that the provision and retention of the proposed soft landscaping / tree planting can be satisfactorily secured by the imposition of an appropriately worded condition. On this basis, the proposal would not conflict with Policy ENV4 of the CLP, referred to above.

Other Matters

28. I am aware that the settlement growth figures confirm that Glusburn shows a positive balance of 114 dwellings. However, Policy SP4 of the CLP supports proposals for additional housing growth on non-allocated land for housing within the main built up areas of Tier 3 settlements provided they accord with all other relevant local plan and neighbourhood plan policies which, for the reasons given above, I consider that the proposal complies with.
29. I recognise that recent residential development and extant planning permissions, which are within the locale of the appeal site, were approved under a previous local development plan which has been replaced by the CLP. Nevertheless, they contribute to the concentration of development within Glusburn and, therefore, to its main built up area. This reinforces my view that the appeal site is located within the main built up area of Glusburn. I have determined the appeal on its own planning merits and the specific circumstances of the site and found it to comply with the CLP.
30. The Council concluded that the proposal would be acceptable in relation to the character and appearance of the area; the living conditions of occupiers of nearby properties; and, the living conditions of future occupiers of the new

dwelling. In addition, no contaminated land implications or flood risk/ drainage issues were raised and, subject to conditions, no objections on highway safety grounds were submitted. There is nothing in the evidence before me that would lead me to take a different view on these matters.

Conditions

31. The Council has suggested a number of conditions should the appeal be allowed, upon which the appellants have had the opportunity to comment. I have considered these in light of the advice and guidance set out in the Framework and the National Planning Practice Guidance and made amendments in the interests of clarity and precision. The appellants have given their written agreement to all of the pre-commencement conditions.
32. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings and information as this provides certainty.
33. To ensure a satisfactory means of access to the site from the public highway and in the interests of vehicle and pedestrian safety and convenience, a condition requiring details of the site access to be submitted and approved is necessary. In the interests of road safety a condition requiring details of visibility splays to be submitted and approved is necessary.
34. In the interests of the visual amenity of the area and achieving a net gain in biodiversity, conditions regarding landscaping (hard and soft) along with its implementation and retention are necessary. In the interests of the living conditions of neighbours and highway safety, a condition requiring the submission of, and adherence to, a construction method statement is necessary.
35. To ensure that the external appearance of the development is compatible with its context, a condition relating to the materials of external surfaces is necessary. In the interests of the adequate provision of parking facilities, a condition relating to the layout of the parking area is necessary.

Conclusion

36. For the reasons given above, I conclude that, subject to conditions, the appeal should be allowed.

F Cullen INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and information:
 - Drawing titled Site Location Plan (1:1250) Received 10 February 2020.
 - Drawing No. 2878 Received 10 February 2020.
 - Landscape Planting Schedule.

- 3) No development shall take place until details of the site access have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. These details shall include:
 - i) access width, crossing of the highway verge and visibility splays;
 - ii) any gates or barriers, the gradient, construction, and finished surface of that part of the access extending 6m into the site from the carriageway of the existing highway;
 - iii) measure to prevent surface water run-off onto the existing adopted highway; and,
 - iv) a timetable for the implementation and completion of the works.The development shall be carried out in accordance with the approved details.
- 4) There shall be no access or egress by any vehicles between the highway or proposed highway and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 45 metres measured along both channel lines of the major road Green Lane from a point measured 2m down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) location and species of new trees / additional soft landscaping;
 - ii) boundary treatment;
 - iii) hard surfacing materials;
 - iv) an implementation programme.The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the dwelling hereby approved shall be constructed in accordance with the materials detailed on the approved plans.

- 8) The development shall not be occupied until the related parking facilities have been constructed in accordance with the approved drawing and details. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Schedule of Conditions