



Appeal Decision

Site Visit made on 1 February 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/C2708/W/20/3262964

Land adjacent 1 Mulberry Court, Sutton in Craven

- 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 Stephen Mulloy against the decision of Craven District Council.
 - The application Ref 2019/21232/FUL, dated 8 November 2019, was refused by notice dated 17 July 2020.
 - The development proposed is 3no. detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would comply with local planning policies for the release of non-allocated sites for housing that adjoin the main built up area of settlements
 - (ii) Whether the proposal would comply with local planning policies that require an appropriate mix of house sizes and appropriate densities
 - (iii) Whether the proposal would result in a net gain in biodiversity

Reasons

Release of non-allocated sites

3. Policy SP4 of the Craven Local Plan 2019 (LP) sets out the criteria for the release of non-allocated sites for housing that adjoin the main built up area of Tier 4 settlements such as Sutton in Craven.
4. The Council states that the latest settlement growth report from January 2020 shows that the settlement growth target is being met and that the trajectory at that time indicated that there will be 17 more dwellings built by the end of the plan period than the local plan settlement target. Furthermore, the Council advises that the latest Settlement Growth Monitoring table October 2020 shows that Sutton in Craven is in a positive balance between the residual housing requirement and the residual planned supply in the settlement.
5. Whilst the appellant refers to the impact of the Covid-19 Pandemic, I have no substantive evidence before me to counter that of the Council with respect to the delivery of new housing in Sutton in Craven over the LP period. Therefore, it has not been demonstrated that new housing on the appeal site would be

justified by virtue of criterion a) of Policy SP4. As market housing, the proposal does not represent a rural exception site set out under criterion b) of Policy SP4. Criterion c) allows for development which is justified by special economic, environmental and/or social circumstances. Whilst I again acknowledge the reference to the Covid-19 Pandemic, I am not persuaded that this represents the special circumstances necessary to justify the release of this non-allocated site.

6. For the reasons given above, I conclude that the proposal would fail to accord with Policy SP4 of the LP, which seeks to regulate the release of non-allocated sites for housing that adjoin the main built up area of settlements.

Mix of housing sizes and densities

7. Policy SP3 of the LP requires new housing development to provide an appropriate mix of house sizes and that development takes place at appropriate densities. There is however an absence of information provided by the Council as to whether or not the 3 dwellings proposed would address local housing needs in these respects, which is a key objective of the policy.
8. That said, the appellant does not present a counter case to demonstrate how the size and density of the proposed dwellings would meet local housing needs. Although reference has been made to the Covid-19 Pandemic, there is no substantive evidence provided to demonstrate that this justifies the appeal proposal in the context of Policy SP3.
9. There is, therefore, insufficient information before me to conclude as to whether the proposed development would accord with Policy SP3 of the LP or not.

Biodiversity

10. The appeal site currently consists of short grass or bare ground. In this context, the proposal could reasonably present a net gain in biodiversity and measures to achieve this could be secured by way of a planning condition, thus ensuring that there would be no conflict with Policy ENV4 of the LP.

Other Matters

11. The Government White Paper on planning reform has recently been subject to public consultation and its future provisions are unknown at the current time. It cannot therefore carry any weight in the determination of this appeal.
12. Whilst the Council has not raised concern with respect to the impact of the proposal on the character and appearance of the countryside or the landscape, or upon the living conditions of the occupiers of adjacent dwellings, this does not justify the conflict with the development plan that would arise.
13. The appellant considers that under Policy SD1 of the LP, the Council should exercise a presumption in favour of sustainable development. They further point to the same presumption that is set out in The National Planning Policy Framework. However, s38(6) of the Planning and Compulsory Purchase Act 2004 sets out that the development plan is the basis on which decisions are made, unless material considerations indicate otherwise. For the reasons I have set out, the proposal does not accord with Policy SP4 of the development

plan, and there are no material considerations to indicate that a decision should be taken at variance with this.

Conclusion

14. Whilst I have found that the proposal could provide a net gain in biodiversity and that there is insufficient information with respect to housing size and density, there would be a conflict with the development plan where it seeks to regulate the release of non-allocated sites for housing that adjoin the main built up area of settlements. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR