



Appeal Decision

Site Visit made on 13 July 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/E2001/W/21/3272853

Monktree, Mill Lane, Seaton Ross YO42 4NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Stevenson against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/03977/OUT, dated 28 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. I have sought the views of the main parties as to the relevance of any changes. I have taken account of the revised Framework in my decision. Whilst some content has been added and the paragraph numbers changed, the substance of the Framework in regard to the main issues of the case has not.

Main Issue

4. There are two main issues. These are the effect of the proposed development on the character and appearance of the area and the principle of the proposed development with specific regard to its location.

Reasons

Character and Appearance

5. The appeal site is part of the extended rear garden of Monktree, a detached dwelling set back from and facing the road. The plot is a rough L shape and the proposed development would sit immediately behind Willow Glade to the south. The access for the appeal scheme would run between Willow Glade and Ashling to its north.
6. Seaton Ross is a linear village, with built development sitting to the front of plots, facing the road. Indeed, the development limit for the village, as set out

in the Local Plan¹, draws the village boundary tightly around the rear extremities of frontage plots. Whilst plot sizes and precise extent of set back vary, this frontage type of development with spacious gardens contributes positively to a clearly rural village with a distinct identity.

7. Whilst a detached dwelling would be consistent with the type of property on Mill Lane, and the appeal site may be part of a residential curtilage, the proposed backland location would be wholly uncharacteristic of the established pattern of development in the area. It would therefore appear incongruous and accordingly reduce the spacious quality of plots in the village. In addition, it would introduce a multi-tiered pattern of development that would exude a distinctly more urban quality, at odds with the rural nature of the village.
8. The appeal scheme would therefore harm the character and appearance of the area. Consequently, it would be contrary to Policies ENV1 and S4 of the Local Plan which require proposals to have regard to the specific characteristics of the wider context and the character of the surrounding area and respect the intrinsic character of their surroundings.
9. Whilst Policy H4 of the Local Plan supports residential development that makes the most effective use of land or buildings, the supporting text states that in general, infill development may be limited to frontage development only, as backland development could have greater potential to adversely affect the character of the area. The proposed development would therefore conflict with the aims of Policy H4. Policy S1 of the Local Plan reflects the presumption in favour of sustainable development in the Framework. In significantly harming the character and appearance of the area, the proposed development would also conflict with the environmental dimensions of sustainable development and therefore the aims of this policy.
10. The proposed development would also fail to accord with the design objectives set out in paragraphs 130 and 134 of the Framework and the guidance in the National Design Guide.

Principle of Development

11. The Local Plan sets out a Settlement Network to guide the location of new development. Policy S4 supports certain types of development, including new housing usually comprising a single dwelling, in (emphasis added) a number of villages which the Officer Report states would include Seaton Ross. Although most of the proposed access would be within the defined development limit of Seaton Ross, the location of the proposed dwelling would sit outside. For development plan purposes, the appeal site is therefore within the Countryside and would be subject to the requirements of part C of Policy S4, which supports residential development in the Countryside only in limited circumstances. There is no evidence before me to suggest that the proposed development would meet any of the circumstances listed. As such, the proposed development would conflict with Policy S4.
12. The proposed development would contribute to the supply of housing with associated economic and social benefits, although the benefits stemming from one dwelling would be limited. The Council states that as at April 2021 there was a 10.4 years supply of deliverable housing sites across the authority area

¹ East Riding Local Plan 2012 – 2029 Strategy Document, adopted 2016

which the appellant has not disputed. Amongst other things, policies for the supply of housing are therefore up to date and the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply.

13. The Framework advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Whilst giving some limited weight to the benefits associated with one dwelling, they are not sufficient to outweigh the conflict with the development plan in this instance.
14. I therefore conclude that the principle of the proposed development would not be acceptable as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such the proposed development would conflict with Policy S4 of the Local Plan.

Other Matters

15. I disagree with the appellant's assertion that permitting a ribbon style linear development is not good planning practice since the acceptability of a given proposal should have regard, when assessing its effect on the character and appearance of an area, to its context. I have explained above why the linear nature of the village, amongst other things, contributes positively to its own distinct character and how, in this context, the proposed development would cause harm.
16. The Council has referred to Local Plan Policy S2 in its statement of case as one that the proposed development is in conflict with, although has not explicitly set out why. Policy S2 supports a reduction in greenhouse gas emissions and looks to a number of other policies as a means of achieving this, including Policy S4. Whilst I have found conflict with Policy S4 in so far as the proposed development would be located outside of the development limits of Seaton Ross, due to its close proximity to the village, one could legitimately argue that the need for future occupiers to travel day to day would be limited. Whilst there may not be conflict with Policy S2, this would not reduce the harms I have found, nor avoid conflict with the other policies I have cited.

Conclusion

17. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR