



Appeal Decision

Virtual Hearing held on 28 September 2021

Site visits made on 1 June 2021 and 29 September 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2021

Appeal Ref: APP/C2708/W/21/3269595

Land off Carla Beck Lane, Carleton, Skipton, BD23 3BU

- 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 Keith Downs against the decision of Craven District Council.
 - The application Ref 2020/21368/OUT, dated 24 January 2020, was refused by notice dated 24 August 2020.
 - The development proposed is an "outline application with all matters reserved for residential development of 0.25 Ha of agricultural land to create 5 dwellings".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. Illustrative plans were submitted, and I have treated these as such, but for their description of the access point to the site from the highway.
3. The appeal was originally to be determined by written representations, but following the first site visit, was instead determined following a hearing. That hearing was held virtually owing to transport problems and was followed by a further unaccompanied site visit as agreed with the parties and set out in my banner heading above.
4. Prior to the event, despite the contents of the submissions of the main parties, a third party queried whether the site was within a designated Green Belt and Conservation Area. The Council clarified that neither designation applies to the site.

Main Issues

5. The main issues are i) whether the site is a suitable location for the development proposed, and ii) the effect of the proposal on the character and appearance of the area owing to the elevated nature of the site.

Reasons

Location

6. Policy SP4 of the Craven Local Plan 2012-2032 (the Local Plan) sets the spatial strategy for the area, distributing growth across settlements, according to tiers within it. Carleton is a Tier 4a settlement, and Criteria B states that the spatial strategy will direct limited growth towards such settlements to sustain their vitality and function. The policy then goes on to set out criteria for

development which will be supported. These require an assessment as to the relationship of the site to the main built-up area of the settlement, which is in turn defined within the policy.

7. On the basis of evidence of all parties and my site visits, I agree that Carleton is a multi-nodal settlement, comprised of the main, larger area of development to the west of the site, containing the bulk of the facilities and services, and the area immediately adjoining the appeal site.
8. Policy SP4 defines the main built-up area as the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings. The definition has a number of exclusions. Having regard to the appearance of the area around the appeal site, the clearly changing context to it with regard to the developed baseline and the potential for future change, I find that the area around the site is a group of dispersed buildings clearly detached from the main built-up area of the settlement. The site therefore adjoins but is not within a built-up area. For the reasons set out above, I do not consider that this is the *main* built-up area of the settlement.
9. Criteria H of Policy SP4 supports proposals for additional housing growth on non-allocated land for housing within the main built-up area of settlements. For the reasons set out above, Criteria H does not pull in favour of the proposal as the site is not within the built-up area, and in any event, the surroundings do not represent the *main* built-up area.
10. Criteria I of Policy SP4 supports the release of non-allocated sites for housing that adjoin the main built-up area of settlements in certain circumstances. The most relevant of these is where it can be demonstrated that the growth planned in the spatial strategy for the settlement will not be delivered during the plan period.
11. Parties agree that the overall level of housing and growth delivery in the District is sufficient, that there is no overall housing supply shortfall. However, Policy SP4 seeks to deliver a sustainable *pattern* of growth, and Criteria I(a) specifically refers to growth in particular settlements. The appellant originally presented the 2020 Settlement Growth Monitoring Report (SGM), which showed that at the time of that report there was a shortfall against the housing provision for Carleton. Commentary in the SGM report noted that "*the negative balance between the residual housing requirement and the residual planned supply in Carleton is unlikely to be resolved in the immediate short term as there are no registered planning applications for housing currently under consideration*".
12. At the hearing, the Council presented the 2021 SGM. This shows a slight improvement to the position, but commentary still states that "*the negative balance between the residual housing requirement and the residual planned supply in Carleton is unlikely to be resolved in the immediate short term*". In discussion, the Council clarified that as the SGM is updated annually, the "*immediate short term*" is generally understood to mean the period until the next SGM is produced.
13. Parties agreed that Policy SP4 requires approximately 55 units in Carleton across the plan period, 2012 to 2032. Excluding completions and extant permissions, a negative balance of around ten units remains, to be delivered across the remaining eleven years of the plan period. The appeal proposal

could deliver five units which would significantly contribute to addressing this negative balance.

14. However, the evidence before me has not demonstrated that the planned growth in the spatial strategy for the settlement will not be delivered during the plan period as required by Criteria I of Policy SP4, only that it has not been so far. I accept that it would not be appropriate to reach the end of the plan period and then assess whether or not the planned pattern of growth had been delivered. However, given the annual monitoring in the SGM, the number of years remaining in the plan period, the amount of housing which has been delivered, which has been consented, and which remains to be delivered, it does not appear that this is the approach being taken, or that there is a risk at this time of that situation arising.
15. I therefore find that it has not been demonstrated that the planned growth in the spatial strategy for the settlement will not be delivered during the plan period. In addition, I have already found above that the site does not adjoin the *main* built-up area of the settlement. Criteria I does not therefore support the policy.
16. Policy SP4 also considers proposals for residential development in the open countryside and at Criteria K sets out how the plan will limit proposals for new homes in the countryside away from existing settlements. This is the criteria against which the Council has assessed the proposal in their decision notice.
17. There was much discussion at the hearing and in the submissions as to whether or not the site was within Carleton, having regard to the interpretation of the Local Plan, specifically the Local Plan Policies Map and the Inset Maps (maps 20-24). The guidelines for the distribution of new dwellings to deliver the spatial strategy in Policy SP4 include an allowance for the open countryside and small sites. No evidence was before me on the level of delivery of this allowance. However, I find that it is clear from the structure and formatting of the policy how the guideline numbers are to be applied to the settlements, tiers and the open countryside.
18. The appellant argued that the open countryside could only be those parts of the district not otherwise bounded by the Inset Maps. It could not therefore include the appeal site and as a result the assessment of the proposal against Criteria K by the Council was incorrect.
19. However, Criteria K in Policy SP4 offers a clear definition of open countryside, consistent with the requirements of the caselaw cited by the appellant, and I do not consider that this definition conflicts with or is otherwise confused by either the Policies Map or Inset Maps. In light of my conclusions above on the relationship of the site to the main built-up area and my conclusions on Criteria I in particular, the site does clearly therefore fall within the open countryside. The proposal is not one of the exceptions listed under Criteria K and is not supported by reference to Criteria I.
20. The proposal is therefore clearly contrary to Policy SP4 of the Local Plan and the site is not a suitable location for the development proposed having regard to the development plan policies.

Character and appearance

21. The appeal site is part of a currently large, open field which falls towards Carla Beck Lane. The western boundary is formed by a stone wall, the northern boundary by the current field boundary features. The proposed eastern and southern boundaries do not exist on the ground at present, although the southern boundary is broadly in line with a fence on land to the west. Although the appeal site is not elevated within the wider context of the valley the settlement sits within, it is clearly elevated above Carla Beck Lane. The currently open southern and eastern boundaries to the site, as well as the relatively low walls adjoining the road to the east also add to the visibility and openness of the site.
22. Trees, subject to a TPO, run along Carla Beck Lane to the front of the appeal site and the adjoining six-unit site. This belt of trees is noticeably thinner in the area indicatively proposed for the access to the site, which would limit the effect of the proposal on the protected trees. Notwithstanding that, the protected trees, in combination with the level change between the northern edge of the site and Carla Beck Lane, as well as the existing boundary treatments do clearly separate the site from Carla Beck Lane and other nearby development.
23. As a result, even accepting that the appeal proposal is in outline with all matters reserved, I find that the proposal would, as a result of the established, open, character and appearance of the site, its elevated nature and its relationship to Carla Beck Lane, appear intrusive and incongruous. To my mind this effect would be heightened by the need for the site to be defined by two new boundaries between it and the remainder of the current field.
24. At the hearing, there was much discussion around the relative effect of the adjacent, extant six-unit scheme and the appeal proposal. Whilst I accept that the overall, high-level effects of that development and this one could be similar, those effects would not be measured from the same baseline. The site for the adjacent six-unit is already clearly distinct from the larger fields on this side of Carla Beck Lane and the open countryside. That site is less visible in longer views, and given the stone wall along its eastern boundary, has a more closely defined and enclosed appearance, particularly from the public right of way, the highway and in longer views. In addition, there are already buildings on that site. All of these factors combine to give the adjacent six-unit site a clearly different character, appearance and subsequent effect to the appeal site and proposal before me.
25. The proposal would therefore harm the character and appearance of the area and would be contrary to Policy ENV1 of the Local Plan. This seeks to ensure, amongst other things, that sustainable development ensures the quality of the countryside and landscape is conserved, new proposals respect and safeguard the landscape character of the area and enable settlement growth in ways which respect form, distribution and landscape setting.

Conclusion

26. I accept that the National Planning Policy Framework seeks to significantly boost the supply of homes and that plans and decisions should apply a presumption in favour of sustainable development. This is consistent with the overall aim of the Local Plan.

27. I also accept that the proposal could deliver benefits, over and above the provision of housing, including support for the vitality and function of Carleton and the services within it. Noting the spatial relationship of the appeal site to the adjacent six-unit scheme, I cannot reasonably seek to distinguish it from that site with regard to its sustainability or other benefits. The extant six-unit consent on the adjacent site, and the benefits which would arise from this proposal are therefore material considerations in the determination of this appeal.
28. However, for the reasons set out in my main issues above, that site is clearly different to this one; it has a different existing character, appearance, relationship to the settlement its surroundings and as a result, effect and acceptability when tested against the Local Plan policies. In addition, I do not consider that the benefits of the appeal proposal, limited as they are by the scale of the proposal, are of such weight that they can outweigh the conflict I have found with the development plan with respect to the location of the development proposed and the character and appearance of the area.
29. I therefore conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
30. The appeal should therefore be dismissed.

S Dean

INSPECTOR

Appearances

FOR THE APPELLANT:

Mr Mark Howells	Kings Chambers
Mr Will Swarbrick	Walton & Co
Miss Gemma Kennedy	WBW Surveyors
Mr Jon Golby	Golby and Luck
Mr Keith Downs	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss Andrea Muscroft	Craven District Council
Miss Holly Morphet	Craven District Council
Councillor Richard Pringle	Craven District Council

INTERESTED PARTIES:

Mr J Middleton
Mr O'Hara
Miss F Astin
Mr L Rutter
Mr Shoosmith