



Appeal Decision

Site Visit made on 2 September 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2021

Appeal Ref: APP/C2708/W/21/3274180

Spring Bank House, Skipton Road, Farnhill, Keighley BD20 9BT

- 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 Peter Shearer against the decision of Craven District Council.
 - The application Ref 2020/21650/FUL, dated 15 May 2020, was refused by notice dated 5 November 2020.
 - The development proposed is a residential development of 2 no. new build semi-detached dwellings and 3 no. new build terrace houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Shearer against Craven District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development from the Council's Decision Notice as this is more precise.
4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issues

5. The main issues are 1) whether the proposed development would provide a suitable location for housing having regard to development plan policy 2) whether the proposed development would preserve or enhance the character and appearance of the Farnhill Conservation Area, and 3) the effect of the proposed development on highway safety.

Reasons

Suitable location for housing

6. The appeal site is located to the south-west of the village of Kildwick, on Skipton Road (the A629), from which access is proposed. The main body of the village is located on the opposite side of the Leeds and Liverpool Canal, which runs to the north of the appeal site. There are some buildings, including those either side of the appeal site, that run along the southern side of the canal.

There is a public footpath that runs along the western boundary of the site, leading to a bridge which crosses the canal.

7. The site has a slight incline that rises upwards towards the canal. Save for a small, single storey detached stone outbuilding, the site is undeveloped grassland. There are residential properties to either side. Those to the west appear to be formed from, or designed to reflect, agricultural buildings, with the dwelling to the east being of a more traditional appearance set in its own garden.
8. The Council consider that the site lies outside the main built-up area of Kildwick and thus lies within the open countryside. The Settlement Hierarchy contained in the Craven Local Plan (2019) identifies Farnhill and Kildwick as a Tier 4a settlement, that being a village with basic services. For Tier 4 settlements, criterion I of Policy SP4 supports the release of non-allocated sites for housing that adjoin the main built-up area, subject to a number of criteria.
9. The policy goes on to define the main built-up area as the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings and gives a number of instances that are excluded from being defined as forming part of the main built-up area.
10. The Council consider that the location of the appeal site represents one such exclusion from the definition of main built-up area, that being the site lies within an area of individual buildings which are clearly detached from the main built-up area of the settlement that relates more to the surrounding countryside than to the main built-up area of the settlement.
11. The appeal site adjoins groups of dispersed buildings that are not closely grouped or visually well related. It has a clear semi-rural character that is markedly different from the closely grouped and visually well related buildings of the main part of the settlement that is found on the opposite side of the canal. The main built-up area of the settlement is located on higher ground, with the embankment and canal providing a clear transition to the lower land on the opposite side that includes the appeal site, which is more aligned with the surrounding countryside. The proposed development, due to the nature of the appeal site and its location, would therefore not be of the type put forward under criterion I of Policy SP4. Either way, were the development to constitute the type as set out in criterion I of Policy SP4, the appellant has not put forward a substantive case that the proposed development would comply with one of the requirements of the Policy.
12. The proposed development therefore is considered against criterion K of the Policy, that being residential development in the countryside. This criterion sets out the circumstances in which residential development of such a site will be supported.
13. The first is that the proposed development would meet an essential need for a rural worker. No such case has been put forward by the appellant. The second is that the proposed development is required in order to secure significant improvements to the environment or conservation of a designated heritage asset. Again, no such case has been put forward by the appellant that this is applicable to the proposed development. The third circumstance is that the proposal is for the reuse of one or more redundant or disused buildings. This is not applicable to the proposed development. The final criterion is that the

design is of exceptional quality. I have considered whether or not the development preserves or enhances the character and appearance of the Farnhill Conservation Area in further detail below. An exceptional design case has not been put forward and I do not consider this to be applicable in the proposed development. It therefore follows that the proposed development does not meet any of the criteria listed in section K of Policy SP4.

14. The appellant has referred to the appeal site, prior to 1999, being an overgrown builder's yard. An historic aerial photograph dated 2002 shows some minor differences from the current make up of the site. At the time of my site visit however, there was no evidence of any such former use, with the site having 'blended into the landscape'. I therefore give this argument limited weight in the appeal.
15. Policy SP3 sets out that new housing developments should provide an appropriate mix of housing having regard to the dwelling size and mix recommended in the SHMA. The Council set out that based on the SHMA, the development should provide one 1 or 2-bedroom property, three 3-bedroom properties and one 4-bedroom property. There is limited evidence from the Council on the implication or level of harm caused from departing from the SHMA for a minor housing development such as that proposed, where only two of the proposed dwellings would fail to meet the necessary criteria. There is also limited evidence from the appellant as to whether the proposal would trigger the flexibility that is allowed by the policy. Either way, based on the evidence before me, I do not find this matter determinative in the appeal.
16. I therefore conclude that, due to its location in the open countryside, the proposed development would be contrary to Policy SP4 of the Craven Local Plan (2019) as set out above.

Farnhill Conservation Area

17. The appeal site is located within the Farnhill Conservation Area (FCA) that is characterised as forming a large, mainly rural area, that is intersected by the Leeds and Liverpool Canal with the villages of Farnhill and Kildwick forming the main built-up areas of the FCA.
18. The appeal site sits to the south of the canal where the character of the FCA is more open, rural and agricultural in appearance. Such character and appearance is reflected in the residential properties to the west that, as I have identified, appear to be formed from, or designed to reflect, agricultural buildings. The residential property adjoining the site to the east somewhat departs from this character, although it is nevertheless set in spacious landscaped grounds.
19. The proposed development incorporates many pleasant traditional features such as cills and lintels to openings, quoin and eaves detailing. However, due to the formal and rigid layout of the development, with clearly defined parking spaces and a linear private drive, this would be harmfully out of character with the more organic layout of the surrounding developments. Despite the traditional features used in the proposed elevations, and the combination of existing and proposed planting, the proposed development would fail to respond positively to the open, spacious and rural character of the surrounding area, with an overall form more akin to an urban area.

20. Notwithstanding the provision of rear gardens, the provision of a private driveway, 10 parking spaces and other paved areas at the frontage, would result in a poorly designed development that would be dominated by hard surfaces and parked cars. It would be harmfully out of character with the semi-rural nature of the surrounding area.
21. The proposed development would therefore fail to preserve or enhance the character and appearance of the FCA. It would be contrary to Policies ENV2 and ENV3 of the Craven Local Plan (2019) which require, amongst other things, that proposals preserve or enhance the character or appearance of a conservation area, and respond to the context of the site, enhancing local distinctiveness.
22. It would also be contrary to the Framework, which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and that new development should make a positive contribution to local character and distinctiveness, being of high quality and visually attractive.

Highway safety

23. The proposed development would utilise the existing access. This access leads onto a slip-road from the A629 Skipton Road. I observed on my site visit that the A629 is a busy main road. It is a single carriageway with a 60mph speed limit.
24. The Council have referred to the lack of sufficient information to show that the vehicle movements associated with the development would not have an adverse impact on highway safety. This was reflected in the consultation response from the highway authority, who considered that a transport plan/assessment to show a plan of the junction and how it will work in a safe way and the impact it will have on the main road, is required.
25. As outlined, the vehicle access for the proposed dwellings leads directly onto a slip-road from the A629. For vehicles accessing the site from the west, in light of the presence of the slip-road, drivers are unlikely to expect a sudden drop in the speed of vehicles accessing the site. For vehicles leaving the site and turning right, this would require them to cross the path of the slip road and the eastbound side of the carriageway. Such a manoeuvre may result in the temporary blocking of the slip-road and is likely to be unanticipated by other road users, proving to be unsafe and increasing the risk of collision.
26. An alternative arrangement exists whereby all vehicles would turn left when leaving the site and make use of the junction around 50m to the east. However, I found that this had a confusing arrangement of road markings and no-entry signs. Furthermore, there is nothing existing or proposed in terms of signage or markings to ensure that this manoeuvre, to avoid potential conflict with high-speed traffic on the A629, takes place.
27. The appellant has correctly highlighted the erroneous reference to the A65 in the Councils third reason for refusal. There is no evidence however to suggest that the Council have in fact considered anything other than the impacts on the highway network surrounding the appeal site. Therefore, whilst I acknowledge the error, it does not undermine the consideration of the matter.

28. In light of the increased vehicle movements and the situation I have identified above, when combined with the lack of any substantive evidence to demonstrate otherwise, I cannot be certain that the proposed access arrangements would not have an adverse impact on highway safety. The proposed development would therefore be contrary to Policy INF7 of the Craven Local Plan (2019) which requires, amongst other things, that developments provide safe and suitable access.
29. It would also be contrary to the Framework, which requires, amongst other things, that safe and suitable access to the site can be achieved for all users and that development should be prevented on highway grounds where there would be an unacceptable impact on highway safety.

Other Matters

30. The grounds of appeal focus heavily on the conduct of the Council during the application process, including the requirement to submit information. Whilst it is clear that the appellant is frustrated with the Council's conduct on a number of matters, I am, nevertheless, required to determine the appeal on its planning merits only. Such matters would not be a reason to allow the appeal.
31. The appellant has referred to other developments in the area in support of the appeal. I have not been provided with full details or the background of these examples and I therefore give them limited weight in the appeal, which I have, in any event, determined on its own individual planning merits.

Planning Balance and Conclusion

32. The Government's objective as set out in the Framework is to support housing growth. The proposed development would result in the provision of five additional dwellings to the Council's overall housing number. This is a factor of significant weight in favour of the proposed development.
33. Having regard to paragraph 202 of the Framework, I find that the harm to the FCA is relatively localised and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. When combined with the conflict with development plan policy, and the lack of certainty in relation to highway safety, I do not find that this harm is outweighed by the provision of five additional dwellings, or any other public benefits of the proposed development.
34. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
35. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR