



Appeal Decision

Site visit made on 18 January 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/E2001/W/21/3284505

White House Farm, Buckton Gate, Buckton, YO15 1DH

- 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 B Kneeshaw (Orbit Homes) against the decision of East Riding of Yorkshire Council.
 - The application Ref: 20/03981/PLF, dated 29 November 2020, was refused by notice dated 16 April 2021.
 - The development proposed is one new-build 3-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken into account the revised *National Planning Policy Framework* (the Framework), published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest version. I have not sought the views of the main parties since the substantive elements of the Framework with regard to the main issues of the case, have not changed from the previous version.

Main Issues

3. The main issues are:
 - i) Whether the site would represent a suitable location for the proposed development with specific regard to the settlement strategy and the principles of sustainable development.
 - ii) Whether the development would contribute towards an acceptable mix of housing in the locality.
 - iii) Whether the development would provide adequate outdoor amenity space for future occupiers.

Reasons

4. The appeal site is within a former agricultural unit in which a number of barns and agricultural buildings have been converted to dwellings under recent permissions. The proposed dwelling would be located between the former farmyard and Buckton Gate, to the south and east of the existing converted dwellings. The appeal site contains the remnants of a chalk stone barn which would have faced into the internal fold yard. These remains would be cleared to accommodate the proposed dwelling.

Settlement Strategy - Principle of New Development

5. The appeal site is located outside the defined development limits of the village. Therefore, for planning policy purposes it is by definition, in the countryside. Policy S4 of the *East Riding Local Plan Strategy Document 2012-2029* (LP) restricts development in the countryside to a number of exceptions, including replacement dwellings, dwellings for farm workers, and the conversion of existing buildings. None of these exceptions apply to the appeal proposal which is for the erection of an open market dwelling. Furthermore, there is no justification why the dwelling requires a rural location. Whilst both parties agree that the appeal site is on the edge of the village in a location with acceptable access to services, the proposal would nonetheless represent a conflict with LP policy S4. Consequently, development of this site would undermine the strategic locational policies of the development plan and the ability of the Council to deliver a plan led approach to rural development.
6. The appellant points out that although also outside the development limits, permission was granted for the conversion of the long barn to the west of the farmyard to two dwellings. However, it would appear that this satisfied the exception in Policy S4 which permits the conversion of existing buildings, and therefore does not serve to justify the appeal proposal in any meaningful way. The other two converted dwellings fronting Main Street (plots 1 & 2) lie within the development limits and were therefore assessed against different policy considerations.
7. The proposed dwelling has been designed to reflect the vernacular style of the of the traditional and rebuilt barns on the site and as it would face inwards onto the courtyard, the appellant suggests it would be a logical enclosure of the former farm courtyard to form a discrete residential enclave. However, although a stone barn formerly occupied the appeal site only the remnants of two walls remain, and it is not suggested that the appeal scheme represents a conversion/re-instatement of this former barn. There is no allowance in Policy S4 for the replacement of a barn with a new build dwelling as being an acceptable form of development in the countryside.
8. The appellant also questions the logic of the development limits, saying the boundary is now somewhat arbitrary as it does not encompass the whole of the former farmyard or the buildings that partially enclose it. Nonetheless, the development limits are defined in a relatively recently adopted Local Plan, which would have been subject to full public consultation.
9. I accept that the dwelling has been sensitively designed in the local tradition using appropriate materials and design features. The site is located fronting Buckton Gate, a minor road leading out of the village with only sporadic residential development. This part of the village is predominantly rural in character and the appeal site marks the transition from the built-up part of the village around the Main Street/Buckton Gate junction with the predominantly rural and largely undeveloped character of the countryside to the south.
10. The dwelling would be at odds with the strong linear form of the village and would introduce new residential development fronting Buckton Gate which currently forms a rural approach to the village proper, being characterised by open spaces, farm buildings, and only sporadic residential development. The proposal would domesticate the site and result in encroachment into a

currently open area and this would be harmful to the character and appearance of the surrounding area.

11. To conclude on this issue, I consider that the site would not represent a suitable location for new housing with specific regard to the settlement strategy and principles of sustainable development. The proposal would also be harmful to the character and appearance of the area.
12. It would conflict with LP Policies S1, S2, and S4 which seek, amongst other things, to set a settlement strategy that will help to direct new development into existing settlements where development would generally make the best use of existing services and infrastructure and minimise the need to travel. It would also conflict with LP Policies ENV1 and ENV2 which seek to achieve high quality design that contributes to a sense of place and require new development to protect and enhance existing landscape character.

Housing Mix

13. SD Policy H1 says new development should contribute to the overall mix of housing in the locality, taking into account the current need, demand, and existing housing stock. The Council's *Planning Guidance on Housing Mix* (updated 2019) identifies that the Parish of Bempton and Buckton currently has a level supply of three-bed properties, an over-supply of four-bed properties, and an under-supply of one and two bed properties. On this basis the Council says that the dwelling would not meet an identified housing need in the village.
14. However, in the context of the level supply of three-bed dwellings in the Parish, I do not consider that the provision of one additional three-bed dwelling of fairly modest size would significantly undermine the Council's aims of achieving an appropriate and balanced housing mix in the locality. However, this lack of harm does not weigh in favour of the proposal in the overall planning balance.

Outdoor Amenity Space

15. The application plans show an area of private amenity space to the rear of the dwelling measuring approximately 50sqm. This would be the only outdoor garden space for the occupiers, although a larger area to the south would be available for parking and manoeuvring. The Council says the garden size would be incompatible with the surroundings and would appear insufficient for a dwelling of the size proposed. Nonetheless, the Council does not refer to any guidance for minimum standard garden sizes.
16. However, the dwellings at plots 1 & 2 have been approved without private outdoor amenity space, although the Council says the policy approach and requirements for conversions differs from that of new build dwellings. I accept that the 'formal' garden area would be very modest. However, given the reasonable extent of other open areas within the appeal site, I find that there would be acceptable amenity space for future occupiers. As such I find no conflict with LP Policy ENV1 which requires proposals to have regard to the amenity of existing or proposed properties.

Other Matters

17. The Framework is clear that a presumption in favour of sustainable development should apply and that the starting point for decision taking is the development plan. Paragraph 11d) of the Framework states that the policies

most important for considering the application should be considered to be out of date where the local authority cannot demonstrate a five-year housing land supply, or where the delivery of housing was substantially below the housing requirement for the previous three years. The Council says it is able to demonstrate a five-year supply across the Authority and this has not been challenged by the appellant. Consequently, I consider that the Council's policies in relation to housing supply are up to date and can be afforded full weight in my decision.

18. I note that the Parish Council has no objections to the proposal although would not support any further development on the site; and no objections have been made by local residents. However, this does not overcome the issues regarding the harmful effect of the proposal which I have identified above.

Conclusion

19. I have concluded that the proposal would not harm the Council's aims to achieve a satisfactory housing mix in the locality, and that the amount of outdoor amenity space would be adequate to serve the proposal. Nonetheless, this does not outweigh the substantial harm that would be caused by the development having regard to the settlement strategy and the principles of sustainable development, and the harmful effect of the development on the character and appearance of the area.
20. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR