



Appeal Decision

Site visit made on 4 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/C2708/W/21/3279976

Land To North West Of Clay Hall, Broughton Road, Skipton BD23 3AA

- 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 Mandale Homes North Yorkshire against the decision of Craven District Council.
 - The application Ref 2019/20076/FUL, dated 8 July 2020, was refused by notice dated 28 June 2021.
 - The development proposed is erection of 42 no. dwellings with associated landscaping and public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's original decision notice, dated 28 June 2021, does not refer to any local or national planning policies. The appellant later received a revised decision notice, also dated 28 June 2021, with amended wording and reference to both local and national planning policy. The amended wording does not alter the main issues for the appeal. The policies contained within the revised decision notice clearly form part of the development plan and therefore are relevant to the determination of this appeal.
3. The Council has confirmed that it no longer wishes to contest the second reason for refusal relating to an education financial contribution as a S106 legal agreement has been entered into. A completed and signed planning obligation has been submitted that provides contributions towards affordable housing, public open space and education. I have dealt with the appeal accordingly.

Application for Costs

4. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed vehicular access on highway safety; and

- The effect of the proposed development on flooding.

Reasons

6. Planning permission has previously been granted for various different housing schemes at the appeal site. This includes an outline permission for up to 20 dwellings which was granted in 2016 before the Craven Local Plan 2012 to 2032 (2019) (LP) was adopted. This permission has now lapsed. Nonetheless, the Council accept that the appeal site is an existing housing commitment. The appeal scheme proposes an additional 22 dwellings compared to the most recent approval. The appeal site forms part of the district's housing trajectory, albeit for less dwellings.

Character and appearance

7. The appeal site lies to the west of Skipton, outside of the existing built up area. The site is a relatively long and narrow open grassed area which is adjacent to Broughton Road as well as the Leeds and Liverpool canal. The A629 flyover is to the eastern side of the appeal site.
8. In addition to the road infrastructure and canal, the development would be seen within the context of the countryside, including the River Aire floodplain, and built development, which includes Niffany Farm and holiday cottages. The rolling landscape and the Yorkshire Dales National Park provide a pleasing and distinctive backdrop. The width of the site, flood zone areas and flyover constrain the developable areas of the site.
9. The submitted Landscape and Visual assessment is based on a proposal for only 30 dwellings. Nevertheless, it concludes that that given the strong sense of place and local distinctiveness, consideration should be given to the orientation, massing, number and position of the proposed dwellings within the site. I find these general considerations to also be applicable to the appeal proposal.
10. Development of the site would undoubtedly alter its character due to its current undeveloped nature and would introduce a significant amount of built form. The layout of the development would follow the grain of the linear site. Existing mature trees and hedgerows would provide a degree of natural screening. Nonetheless, particularly in winter months the development would be more visible, and the vegetation is thin in places. The suggested use of selective screening would help to reduce the proposal's visual effect upon the area.
11. The approach to Skipton from the A59 is predominantly rural until the flyover is reached. The buildings at Niffany Farm are sympathetic to the rural and countryside setting. The existing entrance to Skipton, after the flyover, is sympathetic to the adjoining countryside. This is because of the allotments and the density of the housing, when viewed from Broughton Road, is broken up due to the siting, orientation and design of dwellings as well as grass verges and gardens.
12. Policy SP3 of the LP sets out that new housing developments should be developed at appropriate densities which should be approximately 32 dwellings per hectare (dph). There is disagreement between the main parties regarding the proposed density of the site. The site area differs within the submitted documents including the application form and the submitted drawings. Regardless of which site area is correct, the density proposed would be more

than 32 dph. I recognise that the policy refers to approximately 32 dph as being appropriate. Having said that, the policy acknowledges that regard should also be given to local and site-specific circumstances.

13. There are examples of nearby residential areas similar to the density proposed. However, these cannot be directly compared to the appeal scheme due to site specific constraints and they have different characters to the appeal site which does not form part of the main built up area of Skipton.
14. The combination of the proposed density, layout, design (which includes predominantly 2.5 storey dwellings) and appearance would result in a suburban style development. The design of the development would not break up the built form and would primarily read as two long rows of built development due to the limited space between dwellings.
15. The proposal would also have a poor relationship with the surrounding area, including Broughton Road and the canal, because of the orientation of the properties. The development would not respect, and does not take inspiration from, the existing character of the surrounding landscape. Accordingly, the dwellings would appear cramped within the site, and would have an adverse visual impact on the entrance to Skipton.
16. For these reasons, the proposed development would cause harm to the character and appearance of the area. Consequently, it would conflict with Policies ENV3 and SP3 of the LP. These policies seek, amongst other matters, to promote good design and ensure developments respond to the context of the area and are appropriate in terms of density, scale, height, massing and materials.

Highway safety

17. Access would be gained from Broughton Road and would utilise an existing access which relates to a previous planning permission¹. It is likely that the daily trip generation of the scheme would be greater than the previously approved developments due to the increase in dwellings. Broughton Road provides a main highway connection between Skipton and the A59. The road to the west of the flyover is unlit with bends and subject to the national speed limit.
18. A visibility splay of 2.4 x 215m visibility splay is normally required in a 60mph speed limit road. There have been accidents and fatalities on Broughton Road, which points to the importance of ensuring the proposed development does not result in harm to highway safety. The appellant has provided speed surveys taken from two points east and west of the proposed vehicle access. The proposed access is close to a bend which has the effect of reducing traffic speeds. Therefore, the speed surveys represent a worst case scenario.
19. The speed surveys provide evidence to demonstrate that average speeds close to the proposed access are significantly lower than the national speed limit. Consequently, there are no objections from the Local Highway Authority subject to a suitably worded planning condition. Having regard to this along with the Design Manual for Roads and Bridges, the appellant's Visibility Technical Note, anticipated daily trip generation and the location of bends, the speed surveys have been taken at appropriate locations. Even if the number of

¹ Planning application reference 63/2005/5207

daily trips would be higher as suggested by local residents, the level of trips generated would still not be of a scale to warrant an alternative junction arrangement.

20. For the reasons given above, the proposed vehicular access would not have an unacceptable impact on highway safety. Accordingly, the scheme would comply with Policy INF7 of the LP. This policy seeks, amongst other matters, to ensure proposals provide safe, suitable and convenient access to all development sites. It would also comply with paragraph 111 of the National Planning Policy Framework (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Flooding

21. My attention has been drawn to recent local flooding events and the flooding history of the site and its surroundings. Additionally, it has been suggested that details should be agreed before an application is approved because the conditions may prove to be unachievable.
22. The eastern end of the appeal site is located within flood zone 3. However, the proposed houses would be situated within flood zone 1. There are no objections to the scheme from the relevant authorities and organisations on flooding grounds, subject to suitably worded conditions. Having said that, the Council considers that the issue of surface water drainage cannot be addressed by a condition to ensure that the development would not give rise to flooding elsewhere.
23. The Flood Risk Assessment and Drainage Strategy (H76802 R001 Rev A) sets out that a provisional estimate of the watercourse capacity has been made from site observations. The relevant statutory and other consultees did not object to this approach or request further details relating to this matter.
24. No compelling evidence has been presented to suggest that there are issues with the watercourse capacity or its condition. Furthermore, there is no substantive evidence which indicates that an alternative conclusion and different view to the expertise consultation responses is justified. The submitted information demonstrates an acceptable approach to the management of surface water on the site and further detailed drainage information and requirements can be addressed by planning conditions. Thus, subject to appropriate conditions, the scheme would not increase the risk of flooding in the surrounding area.
25. Accordingly, the scheme would comply with Policy ENV6 of the LP. This policy seeks to ensure that growth in Craven will help to avoid and alleviate flood risk. It would also comply with chapter 14 of the Framework which seeks to ensure that planning applications do not increase flood risk elsewhere.
26. The revised decision notice relating to this main issue refers to Policy ENV8 of the LP. This policy relates to water resources, water quality and groundwater. Based on the evidence submitted, I do not consider that this policy is relevant to the appeal.

Conservation Area

27. The appeal site is adjacent to the Skipton Conservation Area (CA). The Council's reasons for refusal do not relate to the CA. Based on the information presented, this section of the CA is characterised by primarily the canal and associated towpath as well as Niffany Swingbridge. Views of both the rural landscape and the built up area of Skipton can be seen from this part of the CA and form part of its setting. The proposed development would harm the countryside setting of this part of the CA and would obstruct views of the surrounding landscape. Therefore, it would fail to preserve or enhance the character or appearance of the CA.
28. Paragraph 199 of the Framework states 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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
29. The harm arising to the CA's setting would be localised and less than substantial, nevertheless it is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
30. The development would deliver on-site affordable housing, market housing, on site open space, provide economic benefits and would contribute towards public open space and education provision. The benefits associated with affordable and market housing are dealt with in more detail below. In this case, in weighing the less than substantial harm against the benefits, I conclude that the benefits are greater than the harm caused to the setting of the CA.

Other matters

31. The appellant has referred to Policy SP4 of the LP. Whilst in principle the policy supports the release of non-allocated sites for housing that adjoin the main built up area, that is subject to specific circumstances being met. There is insufficient evidence to demonstrate that the proposal would fully accord with this policy.

Planning Balance and Conclusion

32. I have concluded that the proposed development would not have an unacceptable impact on highway safety or flood risk. However, the development would cause harm to the character and appearance of the area to which I attach significant weight.
33. The scheme would provide market and affordable housing. Based on the evidence before me, the Council is able to demonstrate well over a five year housing land supply. Whilst national policy seeks to significantly boost the supply of homes, there is no evidence to suggest that there is a pressing need for either market or affordable homes within the locality. Although the appeal site forms part of the district's housing trajectory that is for less dwellings. There is no robust evidence before me to demonstrate that dismissing this appeal would result in the planned growth in the spatial strategy for the settlement not being delivered during the plan period. Nonetheless, the scheme

would provide on site open space, economic benefits and would contribute towards public open space and education provision.

34. Although I give the benefits weight, they do not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

35. For the reasons given above, the appeal does not succeed.

L M Wilson

INSPECTOR