



Appeal Decision

Site visit made on 10 May 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/E2001/W/21/3287976

**Land East of Northlands Stables, Walkington Heads, Walkington,
East Yorkshire, HU17 8RU**

- 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 Waudby Associates Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/01195/PLF, dated 4 May 2021, was refused by notice dated 5 November 2021.
 - The development proposed is 2 no. proposed two-storey dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the appeal site is suitable for the development proposed having regard to its accessibility, location, and effects on the character and appearance of the area.

Reasons

3. The appeal site is a former police stables and kennels, host to two large, typically rural buildings, screened from the west, north and east by adjoining development and a line of trees. There are a number of other dwellings to the west, but the site is within the countryside and outwith any development limits identified in the East Riding Local Plan 2012 – 2029 Strategy Document (the Local Plan).

Accessibility

4. The appeal site lies relatively close to Beverley, Bishop Burton and Walkington, all of which host facilities and services which would likely be used by occupiers of the appeal proposal.
5. However, despite the relatively short distance, I do not consider that any of those settlements would be easily, readily or frequently accessed by means other than the private-car. Roads around the site are busy, with no footways and no street-lighting. Routes to the three nearest settlements, their facilities and services are in a similar condition for some distance from the site with footways and street-lighting only in evidence much closer to the edges of the settlements themselves. As such, I do not find that walking routes would be attractive or practical, such that they would replace journeys made by private-car.

6. I acknowledge that none of the distances are so great that they would be beyond the range of a bicycle journey, but given the level of traffic, its speed and the rural nature of these roads, sadly I do not consider that it would be a sufficiently attractive or practical alternative that it would replace journeys made by private-car. Public transport in the area immediately around the site also appears limited.
7. As a result, I find that the appeal site is not suitable for the development proposed having regard to its accessibility as occupiers would largely rely on the private-car for accessing facilities, services and meeting their day-to-day needs. As a result, it would conflict with Policies ENV1, S1, S2 and S4 of the Local Plan. These policies seek, amongst other things, to ensure that development is sustainable, addresses climate change issues, and supports sustainable patterns of development. The proposal would also conflict with guidance in the National Planning Policy Framework (the Framework) on achieving sustainable development and promoting sustainable transport

Location

8. As a result of its location, development on the appeal site is principally controlled by Policy S4 of the Local Plan. Policy S4 sets out that development outside settlements will be supported to help maintain the vibrancy of villages subject to a number of criteria; that development is of an appropriate scale to its location taking into account the need to support sustainable patterns of development, that it encourages the re-use of previously developed land where appropriate and that it does not involve a significant loss of best and most versatile agricultural land (a criteria not relevant in this case).
9. Given the scale of the proposal, the site, the adjacent buildings and the level of landscape screening, I find that the proposal would be an appropriate scale for its location. However, in light of my conclusions on the accessibility of the site above, I do not consider that the proposal would support sustainable patterns of development.
10. I note that the site is previously developed land, but also that the encouragement of its use for development outside settlements is only supported "*where appropriate*". Again, in light of my conclusions on the accessibility of the site, I cannot find it appropriate in the circumstances of this case. Nor do I find that there is sufficient evidence to suggest that the proposal is the only appropriate, viable or feasible use of the site, such that the policy-compliant, typically rural buildings currently on it be replaced by two dwellings.
11. Development in the countryside must also then accord with additional provisions set out in part C of the same policy. The appeal proposal, for two market dwellings, is not one of the forms of development supported by part C of Policy S4. Whilst I acknowledge the quality of the design of the proposed dwellings, I do not consider, nor have I been presented with evidence to suggest, that they are of exceptional quality or truly outstanding design.

12. I therefore find that the appeal site is not suitable for the development proposed having regard to its location and would be contrary to Policy S4 of the Local Plan as a result. I note the argument of the appellant that the site is not isolated in Framework terms, but I do not find that this is strictly relevant to the assessment of the proposal against the relevant development plan policies in this case.

Character and appearance

13. As set out above, the appeal site, located within the Yorkshire Wolds National Character Area, and important landscape area under Policy ENV2 of the Local Plan, is well screened from most public views, although the current buildings are visible across the fields from the south. The proposal, being two dwellings of generally smaller scale and more recessive materials than the existing structures on the site, would be likely less visible in the landscape.
14. I note the argument made by the Council, that the current buildings on the site are wholly typical of what might be found in a rural location such as this, and I agree with that assessment. However, I do not agree that because of that, their replacement with lower-rise buildings in a different form (and ultimately, use) would result in an uncomfortable or ultimately unacceptable contrast with the rural character of the site. This conclusion is reinforced by the relationship of the site to the other dwellings nearby.
15. However, regardless of comparisons of scale and visibility, the existing buildings are already on site, are appropriate to the character of their location in landscape terms, as it is well established, both through the GPDO, development plan and planning policy guidance, that rural buildings, even at times, large rural buildings, are appropriate in the countryside, regardless of their visibility, but houses are plainly considered differently in policy terms.
16. As such, as a result of their scale, materials and relative lack of visibility, I find that the proposed dwellings would not harm the character and appearance of the area, to the detriment of the important landscape area, contrary to policies S4 of the Local Plan, or policies C1 and I1 of the National Design Guide.

Conclusion

17. The appellant suggests that the proposal would make an important contribution to the housing land supply of the area. Whilst this may be the case, there is no evidence before me to suggest that the supply is deficient, such that the tests in the Framework might apply or otherwise alter the weight to be given to development plan policies. In any event, the Framework is clear that it and the presumption in favour of sustainable development that it contains does not displace the development plan as the starting point for decision making.
18. Whilst I have not found that the proposal would harm the character and appearance of the area, it would not be a suitable location for the proposal having regard to the development plan policies which seek to control the location of new residential development, consider its accessibility and deliver sustainable patterns of development. As such, the proposal would not sit well with the presumption in favour of sustainable development set out in the Framework, and I find that this outweighs support within it for reuse of land and alternative uses.

19. I accept that the vitality and viability of the facilities and services in Bishop Burton and Walkington in particular may benefit from additional housing nearby. However, the benefit which two houses, in an otherwise unsustainable location would bring in terms of vitality and viability are necessarily limited. Given this, I do not consider that such benefit would be capable of outweighing the policy conflict and harm I have found with regard to the accessibility and location of the site.
20. I note the benefits of the proposal set out, including the provision of two market houses, the removal of unused buildings in poor condition and the economic benefits (short-term in relation to construction and longer term in relation to spend by residents) and the other factors which weigh in its favour, including the quality of the design, materials and environmental performance. These are material to my decision. However, I do not consider that any of them are of such weight for me to set aside the development plan and take a decision other than in accordance with it.
21. For the reasons given above I 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.
22. The appeal should therefore be dismissed.

S Dean

INSPECTOR