



Appeal Decision

Site visit made on 9 June 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/E2001/W/22/3290120

Land to the north west of Melton Park Villa, Melton Park, Melton HU14 3HP

- 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 Jamie Ashton of Rural Solutions against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/00073/PLF, dated 8 January 2021, was refused by notice dated 29 November 2021.
 - The development proposed is described as: 'conversion of existing building to a dwelling with associated hard and soft landscaping'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jamie Ashton of Rural Solutions against East Riding of Yorkshire Council. That is the subject of a separate Decision.

Preliminary Matters

3. Planning permission was refused on 27 November 2019 and subsequently dismissed at appeal on 23 July 2020 for the replacement of the appeal building with a new exemplar single family dwelling. This was dismissed¹ on the grounds that it would not significantly enhance its immediate setting and would not constitute exceptional quality.
4. Planning permission was subsequently granted on 4 November 2020 to convert the appeal building to a mixed office, storage and distribution use². The approved development included some minor external alterations to the building but sought to retain the general pattern of fenestration. This permission has not been implemented.

Main Issues

5. The main issues are:
 - whether the appeal site would represent a suitable location for the proposed development having regard to the settlement strategy and the development plan policies; and

¹ APP/E2001/W/20/3246480.

² 20/02402/PLF.

- the effect of the proposed development on the character and appearance of the area.

Reasons

Settlement Strategy

6. The appeal site comprises of a blockwork and timber clad agricultural building located within a grassed parcel of land lying adjacent to the boundary with the grounds of the dwelling Melton Park Villa. The site lies within the open countryside and is remote from the closest settlement of Melton. A converted Grade II listed former coach house and stable buildings lies on the opposite side of the gravel access lane leading from South Lawn Way, a wide national speed limit road providing access from the village to the A63 dual carriageway.
7. The site is partly enclosed by trees which includes a linear group to the rear of the building and a larger triangular planted area to the side of the building. Together these contribute to the wooded appearance of the area when viewed from South Lawn Way. Whilst the building has considerable length and is located in an elevated position in the landscape, as a result of the tree cover it is predominantly screened in views from South Lawn Way.
8. Policy S4 of the East Riding Local Plan Strategy Document (2016) (the Local Plan) relates to development outside of identified larger settlements. Part (A) of the policy supports new development in villages and the countryside where it is of an appropriate scale for its location. The policy requires proposals to take into account the need to support sustainable patterns of development, encourage the re-use of previously developed land, and protect the best or most versatile agricultural land, in order to help maintain the vibrancy of villages (listed in Appendix B) and the countryside. The policy is clear that the development in villages and the countryside should also accord with the specific provisions of parts (B) or (C) of this policy. Part (B) of the policy supports new housing in the development limits of villages.
9. Outside of the development limits of villages, the land is termed countryside, and part (C) of the policy lists several forms of development that are supported, where proposals respect the intrinsic character of their surroundings. Criterion 1 supports conversion of existing buildings for new housing providing that the preservation of the building would enhance the immediate setting, and i) where it would represent the optimal viable use of a heritage asset; or ii) it would re-use a redundant or disused building without significant alteration or significant extension.
10. As part of the works to convert the building to a dwelling, the blockwork would be painted black, window openings would be re-used and the large doorway would also become part glazed. The asbestos corrugated sheet roof would be replaced with a new corrugated sheet roof containing rooflights and solar panels. Although the appellant considers that the current appearance of the building does not contribute positively to the appearance of the area, and I agree, it is unclear how the above works would alter its current appearance to the extent that the building would enhance the immediate setting. To my mind, the works to the building are likely to have a neutral effect on the setting, given that they appear primarily to seek to retain the building's current appearance which does not contribute positively to the character and appearance of the area.

11. Moreover, the introduction of a domestic use into a location previously occupied by an agricultural use, would inevitably result in the introduction of domestic and urban characteristics into the landscape here, arising from hardsurfacing, car parking, refuse storage, outdoor seating, the maintenance of the garden, and other such domestic paraphernalia. Notwithstanding the presence of existing dwellings, given the elevation of the appeal site and the removal of trees (to which I shall turn to below) the encroachment of domestic and urban characteristics here would detract from the countryside setting.
12. Nonetheless, the appellant refers to re-landscaping of the site to provide landscape enhancement. However, examining the landscaping proposals, it is proposed to remove many of the trees including almost the entire triangular group (comprising G1 and G2 in the tree survey) referred to above, as well as three of the trees on the southern boundary. Whilst I accept that some of the trees are poorer quality, their value is as a group: they add to the wooded appearance of the area and screen the building from South Lawn Way. Whilst their removal and replacement with native trees (in the case of G1 and G2) may improve the balance of native trees on site in the long term, in the short to medium term this would make the building much more visible to the detriment of the landscape.
13. In my experience, the planted trees would take some time to establish and longer still before they were comparable to the existing trees in terms of screening. During this time, the harm to the landscape both from the loss of woodland cover and the increased prominence of the building will be evident in views from South Lawn Way.
14. For the above reasons, I am therefore not convinced that the preservation of the building as proposed would represent an enhancement of the immediate setting. The proposal would therefore conflict with the first part of the Policy S4(C).
15. The appeal building is not a heritage asset and therefore Policy S4(C) i) is not relevant. There has been a dispute between the parties over whether or not the proposal would involve significant alteration or extension of the existing building with regard to Policy S4(C) ii). There is conflicting evidence in that regard.
16. The visual structural assessment states that only some of the cladding would need to be replaced, whilst the appeal statement indicates that the building would be clad with new larch cladding. This is in contrast to the application form which states that the proposed development does not require any materials to be used externally. Furthermore, whilst the visual structural assessment states that the roof timbers are in good condition, it states that it did not consider the load for the new roof. As is argued by the Council, it is possible that the roof timbers/frame will need replacing to accommodate the load of the new roof and solar panels. The structural assessment is consequently limited in terms of its assessment and does not fully consider the effect of the proposed alterations on the building.
17. In the absence of a method statement confirming the extent of the works required to make the building habitable including, where relevant, meeting the Building Regulations, it is difficult to make a conclusion in this regard. Nevertheless, I have found that the proposal would not enhance the immediate setting and the proposal would therefore nonetheless represent a clear conflict

with Policy S4(C). Furthermore, the proposal would not represent one of the other forms of development in the countryside such as replacement dwellings, affordable housing, agricultural development, or tourism development that are supported by Policy S4(C).

18. With regard to accessibility and the need to support sustainable patterns of development, notwithstanding that the appeal site lies outside a village, I note that Melton village (which has a bus service to larger centres) and South Hunsley School are accessible from the site via longer, albeit achievable, walking distances. Although, I accept part of that walk would be along the unlit access track. In this regard I am mindful that the Framework states opportunities to maximise sustainable transport solutions will vary between urban and rural areas. As noted by the previous Inspector, whilst future occupiers of the proposed dwelling are likely to access many services and facilities using the private car, accessing services on foot, by bicycle or via public transport, are also realistic options.
19. Nevertheless, being located within the open countryside and outside of the development limits of Melton for the purposes of the development plan, the proposal would represent a clear conflict with Policies S1, S2 and S4 of the Local Plan which together seek to focus new development within the development limits of existing settlements. The preservation of the building would not represent an enhancement of the immediate setting in accordance with Policy S4(C). I therefore conclude that the proposal would not represent a suitable location for the proposed development having regard to the settlement strategy and the development plan.

Character and Appearance

20. The existing agricultural building is well screened by vegetation, despite its reasonably prominent location on a hillside in views from South Lawn Way. However, the proposed conversion would increase the prominence of the building through tree removal and the inevitable introduction of the aforementioned domestic paraphernalia. These domestic and urban characteristics would be clearly viewed as incongruous with the landscape setting in views from South Lawn Way. Whilst the new dwelling would be seen alongside Melton Park Villa, the two buildings are some distance apart and consequently the proposal would represent a substantial encroachment into the countryside.
21. Although the appellant proposes a landscaping scheme that would increase native species, these would take some time to establish during which time the proposal would be clearly visible to the detriment of the landscape character. As such I conclude that the proposal would result in moderate harm to the character and appearance of the area and the surrounding landscape and as such would conflict with Policies ENV1 and ENV2 of the Local Plan which seek to provide high quality design that protects and enhances existing landscape character. Conflict would also occur with Policy S4(C) which requires proposals to respect the intrinsic character of the area.
22. There would also be conflict with Framework paragraph 174 which sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

23. I have been referred to the 20/02402/PLF approval for an office, however I note that Policy S4 does not require such proposals to enhance the immediate setting. Furthermore, the Council has highlighted that this proposal did not include significant tree removal as proposed as part of the appeal scheme. The schemes are therefore not comparable.
24. As the appeal site is a considerable distance and physically separate from the Grade II listed building, the proposal would not be harmful to its setting or significance, having regard to the desirability of preserving listed buildings and their setting as set out in section 66(1) of the Act³

Planning Balance and Conclusion

25. Whilst there would be minor benefits arising from the proposal in terms of adding one dwelling to the housing supply in the area, economic benefits through the construction and occupation of the dwelling, and through increasing the frequency of native tree species, none of these benefits in isolation or collectively would outweigh the conflict with the policies in the development plan when read as a whole. As such there are no material considerations, including the approach in the Framework, to justify making a decision other than in accordance with the development plan.
26. The appeal should therefore be dismissed.

Paul Martinson

INSPECTOR

³ Planning (Listed Buildings and Conservation Areas) Act 1990.