



Appeal Decision

Site visit made on 7 September 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/C2708/W/22/3298592

East Berwick Farm, Berwick East, Draughton, Skipton BD23 6DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Wilkinson against the decision of Craven District Council.
 - The application Ref 2021/23575/VAR, dated 8 December 2021, was refused by notice dated 25 February 2022.
 - The application sought planning permission for demolition of dwelling and attached buildings, construction of replacement dwelling and conversion of outhouse without complying with condition 2 attached to planning permission Ref 20/00964/FUL, dated 25 March 2021.
 - The condition in dispute is No 2 which states that: *'This permission relates to the following plans:*
 - Drawing No. 3102/01/001 "Site Location Plan" received 24 December 2020;
 - Drawing No. 3102/01/100 Revision A "Site Plan as Existing" received 24 December 2020;
 - Drawing No. 3102/01/200 "Elevations as Existing" received 24 December 2020;
 - Drawing No. 3102/03/110 Revision B "Site Plan as Proposed" received 24 December 2020;
 - Drawing No. 3102/03/111 Revision G "Floor Plans as Proposed" received 24 December 2020;
 - Drawing No. 3102/03/201 Revision K "Elevations as Proposed" received 24 December 2020;
 - Drawing No. 3102/03/202 "Garage Plans & Elevations Existing and Proposed" received 24 December 2020.*Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.'*
 - The reason given for the condition is: *'For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.'*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission 20/00964/FUL was granted for the demolition of the existing buildings and erection of a replacement dwelling.
3. The application subject to this appeal is made under Section 73 of the Planning Act for minor material amendments. It seeks revised but not substantially different designs for the new dwelling approved through 20/00964/FUL. This

type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks removal of that condition and replacement with a condition specifying the plans that reflect the amended proposal.

4. The main issue is the effect of the revised design on the character and appearance of the area.

Reasons

5. The appeal site comprises a traditional farmhouse with attached range of stone built agricultural buildings. The site lies in an open upland location surrounded by farmland in an attractive pastoral landscape. Buildings tend to consist of isolated farmsteads and traditional agricultural buildings, some of which have been converted. These traditional buildings contribute to the traditional agricultural character of the landscape and the appeal site is consistent with this setting. The site is visible from public rights of way that run along its western boundary and the land immediately to the south. It is also visible as part of wider landscape views from the north.
6. Whilst the existing traditional buildings would be lost as part of the proposal, the proposed replacement dwelling, as approved, broadly reflects the prevailing character described above. This is primarily due to the linear form of the buildings, the proposed materials, the traditional style and arrangement of fenestration and the resulting high solid to void ratio.
7. It is proposed to install a large, glazed corner screen extending from floor to eaves height across the north west and north east elevations of the proposed replacement dwelling. This large expanse of glazing would be highly evident in views from the public rights of way in the vicinity, which is partly illustrated in the images provided by the appellant. In these views the large area of glazing would appear as an overtly modern ad hoc addition to the building that would appear as an incongruous feature, at odds with the otherwise traditional character of the proposed building. Due to the more limited depth of this gable, there would be little benefit to the overall design from reducing the visual massing in views from the public right of way. Moreover, the proposed gable would appear at odds with the solid to void ratio of the rest of the building and would conflict with the prevailing character of the area.
8. It is not clear how the proposed glazing would reduce the scale of the building in views from the public right of way or why this would be necessary, given that this is a replacement dwelling over a similar footprint, of a design that is clearly intended to be otherwise reflective of the traditional character of the area.
9. I have had regard to the photographs of other corner windows provided by the appellant, however for the reasons I have outlined above this would not be reflective of the character of the area or of the approved scheme as a whole.
10. I therefore conclude that the revised design would be harmful to the character and appearance of the area. It would therefore conflict with Policies ENV1 and ENV3 of the Craven Local Plan (2019) and the paragraphs 126 and 130 of the National Planning Policy Framework which together and amongst other things, seek to preserve character and appearance.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Paul Martinson

INSPECTOR