



Appeal Decision

Site visit made on 18 October 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/C9499/W/22/3295101

Land at Stackhouse Lane, Giggleswick, Settle BD24 0DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Carr & Stocks Developments Ltd against Yorkshire Dales National Park Authority.
 - The application Ref C/31/659, is dated 8 October 2021.
 - The development proposed is 'Full planning permission for erection of 8 No. residential dwellings with associated landscaping and drainage works at land at Stackhouse Lane, Giggleswick, Settle BD24 0DL'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Carr & Stocks Developments Ltd against Yorkshire Dales National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal relates to a planning application that was not determined by the National Park Authority (the NPA) within the prescribed period. The NPA have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused planning permission on two grounds. I have had regard to this statement and the representations received by the NPA for the residential development of the site in framing the main issues.

Main Issues

4. The main issues are:
 - whether or not the scheme would contribute to the sustainable delivery of housing needs in the Yorkshire Dales National Park (the YDNP)
 - the effect on the character and appearance of the locality and the designated landscape.

Reasons

Housing delivery

5. The site lies within a rural landscape adjacent to the settlement boundary of Giggleswick. The town is within the wider protected landscapes of the Yorkshire

Dales National Park. It is an allocated housing site in the Yorkshire Dales National Park Local Plan 2015-2030 [2016] (the LP).

6. Policy C1 of the LP relates to housing provision in the YDNP. The supporting justification highlights a need for 55 dwellings per year over the plan period. This is to be provided between allocated and windfall sites. It clarifies that the English National Parks and the Broads: UK Government Vision and Circular 2010, which remains valid guidance by reference in the updated National Planning Policy Framework¹ (the Framework), highlights that the National Parks are not suitable locations for unrestricted housing.
7. The supporting text is clear that in allocating housing sites, housing delivery should provide for and prioritise locally derived housing needs. Such sites are intended to support the social and economic needs of communities that live and work in the area (Policy C1 supporting Para.4.6). It also recognises that some open market housing will be permitted in order to facilitate the delivery of the predominant requirement for affordable and local occupancy housing. Amongst other things, the Circular states that National Park Authorities are expected to focus on meeting affordable housing requirements.
8. Accordingly, Policy C1 sets out the mix of housing requirements across sites of varying sizes. On larger housing sites it seeks a minimum of 50% affordable housing or a mix of affordable and local occupancy restricted dwellings. On sites of 6 to 10 dwellings it seeks the payment of a commuted sum in lieu of the delivery of the relevant proportion of affordable housing. On a site where it is not proposed to restrict occupancy, this is a 50% requirement. Smaller sites are limited to local occupancy only. It is therefore clear that the priority of the policy is to deliver local needs housing.
9. Supporting Paragraph 4.8 explains that open market housing will be allowed on sites of between 6 and 10 dwellings where this would provide a financial contribution to affordable housing. The extent of the contribution is dependent on any local occupancy housing provided. For a development of 8 dwellings without reservation for local occupancy, the starting point is that the scheme should deliver a commuted sum contribution of 4 affordable housing units equivalent. If it is demonstrated that the site cannot deliver the mix of housing required, then provision is made for an alternative mix based on an independent site viability study.
10. An initial viability appraisal submitted by the appellant demonstrated that the scheme would not facilitate the delivery of, or a financial contribution to, affordable housing. This was primarily as a consequence of high site abnormal costs. The assessment provided no conclusion as to the effect of local occupancy restricted housing which was not offered as part of the proposed housing mix on the site.
11. As a consequence of the NPA's own assessment, based on an updated viability model to inform the review of the LP, there was some dispute between the main parties as to the amount of the obligation achievable. This was primarily concerned with the land value to be used in the viability assessment. Although this was not fully resolved, a pragmatic benchmark figure of £260k provided by the NPA's viability advisor has subsequently been utilised by the appellant.

¹ Paragraph 176 and Footnote 59 of the Framework

12. This has culminated in an affordable housing contribution of £36,906 being offered by way of commuted sum. It could be secured through the unilateral undertaking under s106 of the Act provided by the appellant.
13. According to the NPA, the policy requirement equivalent of 4 affordable units on the site would equate to a commuted sum of £336,000. This is not disputed by the appellant. The proposed contribution would therefore be only a limited proportion of that sought in Policy C1.
14. I recognise that the delivery of some 3 & 4 bedroomed houses on the site would meet a minority part of the identified housing type requirement as set out in the NPAs Strategic Housing Market Assessment 2019. Furthermore, in addition to the benefit of the proposed affordable housing contribution, there would be some economic benefits arising from the construction and occupation of the houses.
15. However, in the wider context of meeting local housing need and the poor record of affordable housing delivery in the YDNP over the last 4 years, the overall mix of housing type and tenure would be limited. In essence, it would not deliver either an affordable unit equivalent or one reserved for local occupancy which Policy C1 seeks to prioritise. Despite the finding of the revised viability study, I am not persuaded that the proposal would meet the balance of contribution to local housing needs intended by Policy C1 on a site allocated for that purpose.
16. Furthermore, the 8 market units would constitute a significant proportion of the annual market housing target - the primary mechanism for delivering affordable or occupancy restricted housing. The cumulative effect of accepting such a limited proportion of contribution to local needs housing would likely burden the NPA with additional land allocation requirements in a designated area where there is a necessity to limit the scale and extent of development within it².
17. Moreover, the Government's vision is clear that the delivery of only modest amounts of affordable housing in the National Parks places housing in those areas beyond the reach of many local households. Paragraph 77 of the Circular states that 'This can affect the social and economic diversity of rural communities and may, in some circumstances, undermine social support networks and the viability of rural businesses, which are key components of sustainable rural communities.'
18. I note the appellant's contention that the requirements of Policy C1 should be applied on fair-reading of the policy which allows for scheme viability to be taken into account. This follows the principle set out in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13. Notwithstanding the pragmatic approach and flexibility within the policy to facilitate the aim of providing mixed housing to meet local needs in the YDNP, I find that the balance of wording within the policy and its pre-text is clear. As a policy relating to housing in a National Park it is primarily concerned with the delivery of housing to meet identified local needs. As an aspect of providing it, scheme viability should not be read in isolation but in its proper context and having regard to the aims of the policy.

² Paragraph 176 of the Framework

19. For the above reasons, I find that the balance of the contribution to the housing mix, including local housing need requirements would fall significantly short. The scheme would reduce the ability to supply housing to meet local needs and run contrary to the aim of achieving sustainable housing delivery in a landscape area with the highest status of protection. The scheme would thereby conflict with Policy C1 of the LP as it seeks to prioritise and deliver local needs housing with the aim of meeting the social and economic well-being of local communities. It would also conflict with Policy SP1 as it would reduce future ability to meet the supply of local needs housing.

Character and appearance

20. The site is in a rural location adjacent to the settlement boundary. It lies at the end of a row of individually designed bungalows and 2-storey detached dwellings set in regular plots fronting Stackhouse Lane. The existing houses are predominantly enclosed by drystone walls and set behind landscaped front gardens immediately beyond the roadside verge. To the north of the site lies a close group of residential properties including converted rural buildings.
21. The proposal would introduce a number of house designs constructed in natural stone and each providing accommodation on 3 floors. The buildings would consist of a staggered row of 4 terraced units and 4 detached dwellings. The houses would be accessed from a single shared entrance with rear parking to the terrace and front access via a shared drive to the detached units.
22. The proposed layout would contrast to the relatively consistent rhythm of buildings along the road frontage. The various orientations and spacing of the buildings would introduce a variety of plot sizes and ratios which would have little reference to the characteristic regularity of those on the adjacent part of Stackhouse Lane.
23. The gabled frontages of 2 of the larger units would contrast with the consistent character of main roof ridges running parallel to the road. Furthermore, the significant depth of those buildings, and the greater depth-than-width design of the other buildings, would give rise to deeper building footprints than those typically found in the locality.
24. In conjunction with the access road, turning areas, parking courts and driveways, the secondary frontage created by the internal driveway running parallel to the road would contribute to a significant total area of hard surfacing on the site. It would contrast to the landscaped garden setting of existing buildings on the frontage. Moreover, the resultant set back of the detached buildings in conjunction with their significant depth would work against the natural lay of the land.
25. The arrangement would result in the requirement for substantial excavation of the natural levels. It would cause a significant incursion into the higher parts of the field. This would require large scale terracing with extensive retaining structures.
26. The combined effects of the cumulative scale of the buildings, the large areas of hardstanding and the degree of engineering solutions to the site layout would contrast starkly with the prevailing character of development fronting Stackhouse Lane. Furthermore, the relatively small front garden spaces would offer limited opportunities for structural landscaping to assimilate the

development into its context. Whilst I recognise the appellant's offer to secure this by condition/s, I am not convinced that the site could accommodate it given the scale and spread of development within it.

27. As a proposed housing site, its development would inevitably urbanise the greenfield site and cause a high degree of change. In longer distant views the site would be seen in conjunction with the established area of development on Stackhouse Lane, Meadow Rise and The Mains. However, despite being an extension of the existing urban area, the cumulative scale of development on the site would appear as a significant incursion into the rural landscape on account of the open land to the front and rear.
28. Although vantage points might be more limited when trees are in leaf, the site is visible across the open aspect of the lower valley and the immediate surrounds. The combined effect of substantial ground terracing and dominant vehicle areas would limit the ability to assimilate the development within the bordering rural landscape. Taken with the cumulative scale of the buildings backed by retaining structures, it would appear unduly stark in more distant views as it would only partially benefit from the established tree screen to the southeast. This terminates opposite the adjacent property at 'Netherfield'.
29. The effect in close proximity would be more significant. As above, there would be a poor level of coherence with development on Stackhouse Lane and a failure to respond to the site's existing characteristics. The significant engineering into the natural lay of the land would be clearly observable. In conjunction with the cumulative effects described above, it would appear discordant in the rural landscape and would cause a considerable degree of harm to it.
30. For the above reasons, I find that the proposal would conflict with Policies SP2 and SP4 of the LP as they require development to respond positively to the site, its surrounding context and landscape setting and so conserve the natural beauty of the National Park. For similar reasons, it would conflict with Paragraphs 130 and 176 of the Framework.

Other Matters

31. Under Policies SP1 and W2 of the LP there is a requirement to achieve proportional biodiversity enhancements on development sites. This can be achieved on or off site. Although no detailed scheme of enhancements has been provided, there is no dispute between the main parties that such measures could be secured through planning condition/s to ensure the proposal meets those policy requirements.
32. Access to the site would be taken from Stackhouse Lane. At the time of my site inspection, albeit a snapshot in time, the lane was lightly trafficked. Vehicle speeds in both directions were moderated by the road alignment and narrowing close to the house and converted buildings to the north. I find that the proposed access could provide suitable visibility along Stackhouse Lane to enable drivers to safely access and egress the site without undue risk to themselves or other road users.
33. I note the frustrations expressed by the appellant in relation to the nature and degree of feedback from the Authority in attempting to achieve a policy

compliant form of development leading up to this appeal. However, this is not a matter for this appeal.

Planning Balance and Conclusion

34. The proposal would harm the character and appearance of the area and conflict with the NPA's strategic approach to meeting local needs housing. The proposed financial contribution to affordable housing or the economic benefits of the construction and occupation of the houses, taken singularly or together, would not outweigh the identified harm. The proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR