
Appeal Decision

Site visit made on 8 November 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/C2708/W/22/3302551

Land north of The Old Coach House, Tosside, Skipton BD23 4SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs J V Drachenberg against the decision of Craven District Council.
 - The application Ref 2021/22615/OUT, dated 5 February 2021, was refused by notice dated 10 January 2022.
 - The development proposed is outline application with access, layout and scale considered for 2 no detached two-storey dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application with access, layout and scale considered for 2 no detached two-storey dwellings at land north of The Old Coach House, Tosside, Skipton BD23 4SQ in accordance with the terms of the application, Ref 2021/22615/OUT, dated 5 February 2021, subject to the conditions set out in the attached schedule.

Procedural matters

2. The description of development set out in the header and decision above differs from that contained on the application form but was agreed by the appellants' agent. The application is in outline with access, layout, and scale to be dealt with at this stage but appearance and landscaping reserved for subsequent approval. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would result in a sustainable pattern of development.

Reasons

4. Tosside is a small upland village centred on a crossroads. At this junction are a church and village hall which appear to be the only remaining facilities in the village apart from the café/restaurant operated by the appellants from the Old Vicarage. The village is defined as a Tier 5 settlement by Policy SP4

of the Craven Local Plan¹ (CLP). The policy supports small scale proposals for housing within the main built up area of Tier 5 settlements provided that certain criteria are met.

5. In terms of whether the appeal site would be within the main built up area, I have had regard to the definition within Policy SP4. The two dwellings would relate well to the two large, detached houses of the Old Vicarage and Old Coach House and separate garage block which form a line of development facing out east across open countryside. In turn, on approaching the settlement from the east, this group of buildings is visually well related to the relatively modern houses on the opposite side of the lane and development around the crossroads.
6. The appeal site and the two detached properties are separated by a wooded copse from dwellings to the north of the crossroads on Longtons Lane, including a group of Council houses. However, to my mind, this does not result in the pocket of development at the Old Vicarage being clearly detached from the main built up area, having regard to the physical connection described above. Moreover, I see the copse as a village feature rather than one related to the open countryside. Furthermore, the development either side of the copse is partially visible through the trees. It is also of note that, as the former vicarage, the site has a clear functional connection to the village. Something of a functional relationship remains through the operation of the appellants' business which serves local residents as well as visitors.
7. The appeal site is separated from open farmland to the east by a stone wall and paddock fencing. The same wall also marks the boundary between the two existing houses and garages and the adjacent large field. The driveway, which would serve both existing and proposed dwellings, runs on the settlement side of the wall. Part of the site is used as a driveway and a stable block lies to the northern end. Like the existing development, the new houses would sit up against the wooded backdrop of the copse and have a suitable footprint and scale. The copse would limit views of the houses from the Forest of Bowland Area of Outstanding Natural Beauty, the eastern boundary of which runs along Longtons Lane. As such the development would not be overly conspicuous. Therefore, whilst predominantly undeveloped, the site does not, in my view, clearly relate more to the surrounding countryside than the built up area of the village.
8. With regard to the criteria within Policy SP4 for housing in Tier 5 settlements, I have not been made aware of nor did I see any recent development within Tosside. Nor have I been pointed to other opportunities which could accommodate small scale growth. Therefore, the proposal would not lead to the limit of 4 dwellings for the plan period being exceeded. Moreover, I would regard 2 dwellings as small scale for a settlement of some 20 dwellings (criterion a). The Council do not cite conflict with any development plan policies other than SP4 (criterion e). It is not necessary to comply with the other criteria b) to d), as a) and e) are met.
9. Tosside has few facilities and a limited bus service. The nearest schools, shops and medical services are several miles away. Therefore, residents

¹ Adopted 12 November 2019 with a plan period of 2012-2032

would be heavily reliant on the private vehicle to access everyday needs. However, the CLP acknowledges this whilst still allowing a low but proportionate amount of growth in Tier 5 settlements to maintain sustainable, vibrant, and healthy rural communities. Such an approach recognises the predominantly rural nature of Craven District and is consistent with paragraph 79 of the National Planning Policy Framework.

10. For the above reasons I conclude that the proposal would result in a sustainable pattern of development and would comply with Policy SP4 of the CLP.
11. I have considered the conditions suggested by the Council. Where necessary I have amended the wording for clarity and effectiveness. Conditions relating to the submission of reserved matters are necessary because of the outline nature of the proposal. Reference to the approved plans is needed for certainty. Specifying the requirements for landscaping and foundations and ensuring the implementation of tree protection measures are required because of the location of the site relative to open countryside and landscape features.
12. Drainage details are needed to prevent pollution and flooding. Biodiversity enhancement is necessary to achieve biodiversity net gains. An energy statement is required to ensure compliance with Policy ENV3 of the CLP. Restrictions on construction hours should be imposed because of the proximity of neighbouring dwellings which share the access drive.
13. There is no evidence that the site forms part of the green infrastructure network so a requirement to incorporate enhancement under Policy ENV5 of the CLP is not necessary. In any event the landscaping and biodiversity requirements covered by other conditions would achieve similar objectives.
14. Conditions 6) to 10) need to be resolved pre-commencement as they are fundamental to achieving a well-planned development or they relate to measures that need to be agreed or in place before works start.
15. For the reasons given above I conclude that the appeal should be allowed subject to the attached conditions.

Mark Dakeyne

INSPECTOR

Attached – Schedule of Conditions

SCHEDULE OF CONDITIONS

Reserved matters, commencement, and plans

- 1) Details of the appearance and landscaping, (hereinafter called 'the reserved matters') shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan Drawing No 282/1C and Site Plan Drawing No 282/2C.
- 5) Any application which seeks approval for the reserved matter of landscaping pursuant to condition no 1 of this permission shall include, but not be limited to, the following details:
 - (i) retention of trees and any other vegetation on and overhanging the site;
 - (ii) the introduction of landscaping buffers along the eastern boundary of the site;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) and (ii) above;
 - (iv) the type, size, species, siting, and planting distances for hedges, trees, and shrubs;
 - (v) details of hard surfacing and drainage of parking and driveway areas;
 - (vi) details of boundary treatments; and,
 - (vii) a programme for the implementation, completion and subsequent management of the proposed landscaping.The landscaping scheme shall be carried out in accordance with the approved details and programme for implementation, completion and subsequent management and retained thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Pre-commencement

- 6) No development shall take place until the measures for Tree Protection and Tree Care (other than those relating to foundation design) received on 12 March and 30 June 2021 respectively have been put in place. Such measures shall be maintained thereafter for the entirety of the construction period.
- 7) No development shall take place until a Construction Method Statement (CMS) for the foundations of the dwellings has been

submitted to, and approved in writing by, the local planning authority. The CMS shall include:

- (i) the type of foundations;
- (ii) the siting, area, and depth of the foundations; and,
- (iii) the depth of excavation required to facilitate the foundations' construction.

Development shall thereafter be carried out in accordance with the approved CMS.

- 8) No development shall take place until a scheme for the disposal of foul and surface water for each dwelling has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- (i) separate systems for the disposal of foul and surface water; and,
- (ii) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the approved details before the dwelling to which the drainage relates is first occupied, and shall be maintained and managed as approved thereafter.

- 9) No development shall take place until a Biodiversity Enhancement Scheme and Management Plan and a programme for its implementation has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved Biodiversity Enhancement Scheme and Management Plan and implementation programme and shall be permanently retained as such thereafter.

- 10) No dwelling hereby approved shall be commenced until an Energy Statement applicable to that dwellinghouse has been submitted to, and approved in writing by, the local planning authority. The Energy Statement shall include the following items:

- a) full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and,
- b) calculations using the Standard Assessment Procedure or Simplified Building Energy Model methods which demonstrate the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed.

No dwelling shall be occupied until it has been constructed in full accordance with the approved details in the Energy Statement. The measures shall be retained in place and fully operational thereafter.

Construction phase

- 11) No site preparation, delivery of materials or construction works, other than internal building operations such as plastering and electrical installation which are not audible beyond the site, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays, excluding bank holidays.

END OF SCHEDULE OF CONDITIONS