



Appeal Decision

Site visit made on 15 November 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/E2001/W/21/3282450

Land to the South of Williamsfield Road, Hutton Cranswick YO25 9BH

- 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 Paul Lisseter (Williamsfield Developments Ltd) against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01548/STOUT, dated 20 May 2020, was refused by notice dated 29 April 2021.
 - The development proposed is described as outline planning application for residential development of approx. 67 dwellings (resubmission of application 17/03880/STOUT).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved apart from access. Accordingly, apart from the means of access, the indicative layout plan has been treated as a guide to how the site might be developed, recognising that there may be other ways to provide the same quantum of development.
3. Despite assurances from the appellant that a legal agreement would be provided to secure affordable housing and other identified developer contributions, there is no legal agreement before me.
4. A previous appeal proposal for up to 67 dwellings on the site was dismissed (Ref APP/E2001/W/18/3207411). I have seen the previous Inspector's decision and in reaching my Decision I have had regard to it where relevant.
5. The Council is progressing with a review of the East Riding Local Plan, but it is still in its early stages and so can be afforded limited weight.

Main Issues

6. The main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposal having regard to development plan policies and other material considerations, including housing land supply;
 - The effect of the development on the character and appearance of the surrounding area; and
 - Whether the proposal makes appropriate provision for affordable housing and other developer contributions to satisfactorily mitigate its effects.

Reasons

Policy principle of the location

7. The development plan includes the East Riding Local Plan 2012-2029 Strategy Document 2016 (the LPSD) and the East Riding Local Plan Allocation Document 2016 (the LPAD). Policy S3 of the LPSD seeks to focus new development within the development limits of the settlements in the settlement network, under which Hutton Cranswick is listed as a tier 4 Rural Service Centre. As the appeal site lies outside the development limits of Hutton Cranswick and is not identified as a housing allocation in the LPAD, the proposal is contrary to LPSD Policy S3.
8. Policy S4 of the LPSD defines land outside the settlement limits as being countryside, within which only certain categories of development will be supported. The proposal does not fall under any of the listed categories and is therefore also contrary to LPSD Policy S4.
9. Under Policy SC5 of the LPSD, the housing requirement for Hutton Cranswick is set at 170 dwellings. This is part of the overall figure for East Riding of at least 23,800 additional dwellings for the plan period. It is the appellant's position that the housing requirement in Hutton Cranswick will not be met by completions, commitments or the existing allocations within the village. This is, in the main, due to deliverability concerns over allocated site (CRA-C), which it is noted has not been included in the Council's Housing Land Supply Position Statement (2020/21 to 2024/25) and has been identified for de-allocation through the Local Plan Review. Without CRA-C the appellant calculates a total expected delivery of 115 dwellings in Hutton Cranswick over the remaining plan period, leaving a potential shortfall of 55 dwellings which they say could only be met by development in the countryside.
10. However, the housing requirement for Hutton Cranswick is derived from a larger wider requirement, and in the previous appeal decision at the site the Inspector made clear that there is no settlement specific delivery test. Furthermore, the Local Plan Review process is progressing and has identified a new housing allocation for Hutton Cranswick (not the appeal site). Although this allocation is subject to objections and I give it little weight, it is nevertheless indication that the Council is alive to the need to promote an appropriate level of housing in the village and is moving towards allocating new sites, the merits of which should be settled through plan-making rather than through ad hoc appeal decisions. While this process is ongoing CRA-C remains an allocated site and the end of the plan period is still some time off. At this stage, it is by no means certain that the adopted housing requirement for Hutton Cranswick will not be met.
11. In any event, it is not contested that the Council now has a 10.4 year supply of deliverable housing sites (5YHLS) calculated against their local housing need using the standard method. This is a different situation to the Pocklington appeal (APP/E2001/W/20/3259564) where the Council could not demonstrate a 5YHLS and paragraph 11d of the Framework was engaged. In addition, the 2021 Housing Delivery Test results show a measurement of 173% for East Riding, indicating that recent housing delivery has been substantially above the housing requirement.

12. Even with a shortfall of 55 dwellings against the adopted housing requirement for Hutton Cranswick, it would make minimal difference to the Council's overall 5YHLS and I have no firm evidence that the development is necessary to ensure the future viability of local services and facilities in the village. I therefore attach full weight to the conflict with Policies S3 and S4 of the LPSD which seek to direct new homes within the identified limits of the settlements in the settlement network, and are consistent with paragraphs 78 and 79 of the National Planning Policy Framework (the Framework). The proposal would result in significant harm in this respect.
13. For all these reasons, I conclude that the site is not an appropriate location for the proposal, having regard to the locational policies in the development plan and other material considerations, including the housing land supply position.

Character and appearance

14. The appeal site of approximately 3.6 hectares is a long and broadly flat agricultural field lying to the south of the new Williamsfield Road housing development off Station Road. The field is bounded by mature hedgerows with intermittent trees and is surrounded by other fields on three sides, while a grassed area of 'open space' separates the site from the existing housing to the north. A public footpath runs along the southern boundary of the site and across the railway line further to the west. On the western side of the railway line is residential development at Laburnum Avenue and Beech View in the main built-up part of the village.
15. In terms of landscape character, the appeal site falls within Natural England National Character Area 40: Holderness (NCA40). In the East Riding Landscape Character Assessment 2018 (LCA) it is identified as lying within LCT 16E: Lund Sloping Farmland. These describe a gently undulating and open landscape of ordinary to good quality with intensively farmed, rectilinear arable fields of large to medium size, bounded by hedgerows with trees in places, and interspersed with less regular early enclosure fields around scattered villages. Overall, it is considered to have a strong sense of character resulting from landscape pattern, land use, and settlement character. The LCA strategy for this area is to maintain rural character including agricultural land use for either livestock or crops; promote planting of hedgerows and trees; and discourage development that will introduce uncharacteristic built elements.
16. The appellant states that their landscape and visual appraisal has been updated to reflect changes to the layout and baseline conditions since the previous appeal at the site. They suggest that the site falls within what they term the 'settlement landscape' comprised of smaller linear enclosure fields in contrast to the larger arable fields of the 'wider landscape' beyond. However, this does not change that the proposal would represent a long and relatively narrow finger of development appearing to protrude significantly out beyond this less built-up part of the village and into the open countryside. Although there is a similar depth to the existing development west of the railway line, there is an intervening field between and the railway line clearly defines the edge to the settlement at that point. The extent to which the appeal site is contiguous with the built-up part of the village is minimal. Consistent with the previous appeal decision, I find that the proposed development would relate poorly to the existing configuration of the settlement.

17. The site is not part of a landscape designated within the development plan or elsewhere as being of particular recognised value. Nonetheless, it is undeveloped with a rural character that is not untypical of its national and local landscape character area. It contributes positively to what is a prevailing rural feel to the setting of the village, notwithstanding it is not currently put to active agricultural use. The proposal would lead to a permanent urbanising incursion into the site that would detract from its undeveloped and intrinsic rural character, and for the reasons above, would appear as an uncharacteristic interruption in the landscape setting of the village.
18. The established boundary vegetation would be retained and potentially reinforced in places. There would also be potential for additional planting within the site. However, the development would still likely be visible above the boundary hedges, including from a number of sensitive vantage points where moderate adverse and one major adverse level of effect have been predicted in the LVA. Furthermore, any new planting within the site would take many years to establish and there is a lack of clarity over what this would entail. As such, the screening from both existing and proposed landscaping would not mitigate the negative effects of the development and there is little evidence before me which demonstrates that the development could be sensitively 'absorbed' into the local landscape over time.
19. In the previous appeal the Inspector agreed with the Council's assessment that overall the effect would be substantial adverse. Although the appellant has attempted to overcome previous concerns, this is still essentially the same scheme as matters relating to layout and landscaping are reserved and the surrounding context has not significantly changed. The previous appeal decision is an important material consideration, and for all the reasons above, I can see no good reason to reach a different conclusion on this main issue.
20. I therefore conclude that the proposal would significantly harm the character and appearance of the surrounding area. Thus, there is conflict with Policies ENV1 and ENV2 of the LPSD, which amongst other things, expect development proposals to safeguard and respect the character and appearance of the area, and be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting, and where possible take opportunities to protect and enhance landscape characteristics. The proposal would also be contrary to paragraph 174 of the Framework, which requires decisions to recognise the intrinsic character and beauty of the countryside.

Affordable housing

21. The appellant intends to deliver 20% affordable housing (13 units) as required by Policy H2 of the LPSD. There is evidence of an unmet need for affordable housing throughout the East Riding area. In terms of Hutton Cranswick, the Council's Housing Strategy and Development Section advise that there may be a need for a small number of additional affordable homes, although the precise level of this local need has not been quantified. The Council accepts that affordable housing provision is a benefit that can be given significant weight.
22. However, in the absence of any legal agreement the means to secure the proposed affordable homes are not in place, and so there is no guarantee that any of the units would be affordable. It would not be reasonable to address this matter by planning condition. Consequently, the proposal would not make

appropriate provision for affordable housing, and is contrary to Policy H2 of the LPSD in this regard.

Other developer contributions

23. The appellant has indicated that financial contributions of the amounts identified by the Council and Network Rail for the maintenance and management of off-site play/recreation facilities, as well as railway crossing improvements would be dealt with by way of a legal agreement. On the evidence before me, there is no suggestion that these provisions are anything other than necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. I am therefore satisfied that they would comply with the relevant tests for planning obligations as set out in the Framework and in Regulation 122 of the CIL Regulations.
24. However, in the absence of any legal agreement, the proposal would not satisfactorily mitigate the effects arising from the development in these regards. It would not be reasonable to address these matters by planning conditions. The proposal is therefore contrary to Policies C1 and C3 of the LPSD, which require new development to meet the need for new and/or improved infrastructure, including recreation facilities, and mitigate its impact on the wider environment and the community.

Other Matters

25. The village has a limited range of services and facilities which could be reached by foot and bicycle, while bus and train services would provide public transport access to larger settlements. In addition, despite the objections from some local residents, the Council does not take issue with the proposed access and other highways matters, nor in relation to other planning considerations including drainage, wildlife, and local school capacity. I also note the potential energy efficiency approach to construction. However, all these matters are integral to good planning, necessary to satisfy planning requirements, and therefore neutral in effect.
26. Although the indicative layout makes provision for some amenity green space within the site, layout and landscaping are reserved matters. Its provision, amount, and quality is therefore not certain. Nor is there evidence of any shortfall in this form of open space, and given the site's poor physical relationship with the rest of the settlement, its benefit to other local residents of the village would be very limited. Similarly, while there may be opportunities for new planting and habitat creation within the site, the amount, type, and biodiversity gains associated with this are not clear and would be dependent on a development scheme that would be environmentally harmful. Accordingly, these matters are no more than neutral in my assessment.
27. Ivy House Farm/14 Station Road is grade II listed and lies approximately 200 metres from the northern boundary of the appeal site at the entrance to the existing Williamsfield Road site. In addition, the Cranswick Conservation Area is around 260 metres to the north west of the appeal site and encompasses the historic core of the village to the west of the railway line. I have considered the effect of the proposed development on these heritage assets and I concur with the Council's assessment that their settings and

significance would not be adversely affected. However, this absence of harm is a neutral matter.

28. A decision by the Secretary of State (APP/R0660/A/13/21977532) has been highlighted where the benefits of housing delivery were sufficient to outweigh conflict with the development plan in the overall planning balance, even though there was a 5YHLS. However, as the circumstances presented and overall balancing exercise were specific to that scheme, it has limited bearing on my consideration of this appeal.

Planning Balance

29. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is clear that the planning system should be genuinely plan-led.
30. The proposal would be contrary to the Council's plan-led approach to the location of housing. It would also have a harmful effect on local character and appearance. In addition to the relevant development plan conflict, there is conflict with the Framework in these regards. These matters weigh very considerably against the proposal. The absence of a mechanism to secure affordable housing provision and other necessary developer contributions weighs further against the proposal.
31. On the other hand, the development would provide a modest number of dwellings which would contribute positively towards the Government's objective of significantly boosting the supply of homes. However, it is evident that the Council has been robust in its housing delivery and a timely review of the development plan is being undertaken, which demonstrates that efforts are being made to do its part in boosting housing supply. Affordable housing provision is a significant benefit, but without an appropriate mechanism to ensure that it would materialise, cannot carry any weight in this case. Overall, the benefits of new housing weigh moderately in favour of the proposal. There would be some time-limited economic benefits during construction and longer-term ones from future occupiers' contributions to the local economy, which also weigh moderately in favour of the proposal.
32. Taken together, the benefits associated with the development would not outweigh the harm that I have identified and the conflict with the development plan as a whole. For the avoidance of any doubt, even if I had been provided with a completed legal agreement to secure the affordable housing and other developer contributions, the added benefit of affordable housing would not have altered my conclusion.

Conclusion

33. The proposal conflicts with the development plan taken as a whole. Material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR