
Appeal Decision

Site visit made on 16 January 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/C2708/W/22/3295490

Land at Springfield Crescent, High Bentham Easting (x) 367338 Northing (y) 469457

- 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 Mr Laurie Lane (Concert Living Ltd) against Craven District Council.
 - The application Ref 2021/23532/FUL, is dated 19 November 2021.
 - The development proposed is erection of 47no. residential dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Laurie Lane (Concert Living Ltd) against Craven District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted a case officers committee report, which I am advised should be considered as the Councils statement on the case.
4. The statement sets out the putative reasons for refusal of the Council. These constitute the matters of disagreement with the appellant, and they therefore form the basis of the main issues in this case.

Main Issues

5. The first main issue is whether the proposed housing density and mix would be acceptable having regard to the locational strategy for the distribution of new housing development within the district including with reference to affordable housing.
6. The second main issue is whether the proposal would result in any unacceptable risk arising from the management of surface water. The third is the effect of the proposal on the character and appearance of the area. The fourth is the effect of the proposal with regards to biodiversity.

Reasons

Housing density/mix/affordable housing

7. The site is located at High Bentham, which along with Low Bentham and Settle form key service centres (Tier 2) within the district's settlement hierarchy, second only to the principal town service centre of Skipton. The position of High Bentham towards the top of the hierarchy means that it is an important location for housing development within the northern sub-area of the district.
8. High Bentham has a mixed character, with a wide range of housing types including terraces, detached and semi-detached dwellings. There is a mixture of single, two and partial three storey dwellings, of varying ages. Stone is a dominant building material and other properties are provided with muted render finishes. High Bentham is set within a rolling landscape with the existing housing rising and falling with the variation of levels within the settlement.
9. The site forms an existing housing allocation within the Craven Local Plan 2012-2032 (2019) (CLP) under site reference HB026 within Policy SP7 for an approximate yield of 82 houses. 47 Dwellings are proposed.
10. The proposal omits an awkwardly shaped and narrow area of the allocated site to its eastern boundary. I also noted that the north-western corner of the site would be difficult to develop, with steeply sloping land levels. As such, it has to be acknowledged that developing this site to the full number of units identified under Policy SP7 may be difficult.
11. There is other infrastructure which needs to be located within the site, it is stated that care has been taken to avoid negatively impacting the living conditions of nearby occupiers and to avoid impacts on trees on site boundaries. The physical attributes of the site can be differentiated from those drawn to my attention within the Falstead scheme.
12. Policy SP3 does offer flexibility with regard to housing mix and density to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
13. However, the number of units that would result from the scheme would be some way short of what is sought under the local plan, even when accounting for the part of the allocation not included within this scheme. The evidence indicates that the developable area of 1.7 hectares would have a density of 27.8 dwellings per hectare (dph) compared to the approximate sought under Policy SP3 of 32dph.
14. Even when being mindful of some of the limitations of the site, and if I were to accept that the maximum developable area were 1.7hectares, the evidence does not assure me that there is justification for the lower density / limited number of dwellings proposed.
15. The case has not therefore been made that developing the site to the number of dwellings proposed at the density proposed would represent an efficient use of land. The proposal could compromise the delivery of the required level of housing within an important settlement within the district compromising its locational strategy for new housing.

16. The evidence indicates that the scheme would also deliver fewer one or two bed properties than recommended under Policy SP3 at an overall provision of 29.8% within the development as compared to a provision of the total of the site at 39.4% within Policy SP3.
17. It is therefore likely to be the case that the scheme would not fully meet the identified local housing needs in terms of its mix. Given that properties with fewer bedrooms are generally provided at a higher density, greater provision of one or two bed properties could have resulted in higher levels of housing provision at the site.
18. The proposal would therefore conflict with Policy SP3 of the CLP.
19. Whilst the mix of affordable housing does not appear unacceptable mindful of submissions by Progress Housing Group¹, it would be clustered in the southwestern corner of the site near the pumping station where houses would be provided and in a small grouping between the two parts of the site where the flats would be provided.
20. Given that they would be the only flats within the development, this grouping could clearly be identified as affordable housing. This, and the clustering of the affordable houses within one corner of the site, as opposed to a more balanced spread throughout the site would work against the aims of the SPD² for the creation of integrated and sustainable communities within the district.

Surface water

21. The evidence indicates that as a result of significant volumes of low permeability clay on the site, soakaway drainage may not be suitable for the development.
22. The plans include proposals to discharge surface water to Lairgill Beck. However, the Flood Risk Assessment³ (FRA) does not contain any detailed analysis of the ability of that watercourse to manage surface water flows associated with the development. Concerns around this matter have been raised by the Lead Local Flood Authority (LLFA).
23. Whilst conditions can often be used to manage drainage matters, I cannot rule out that there could be other works required away from the development site in relation to that watercourse to safely accept flows associated with the development. It is possible that such works would go beyond the scope of any condition that I could reasonably impose.
24. I cannot consequently have any certainty that addressing this matter via condition would achieve the required outcome. Further, whilst it is the case that United Utilities recommend a drainage condition, they are clear in their correspondence that they are not responsible for advising on rates of discharge to the local watercourse system, this being a matter for the LLFA. The FRA advises that discharge to Lairgill Beck is subject to LLFA approval.
25. I cannot therefore be assured that the proposal would not increase the risk of flooding elsewhere as a result of surface water arising from the site. The

¹ Letter from Progress Housing Group (Appendix I to Appellant Final Comments) 6 October 2022.

² Craven District Council Affordable Housing Supplementary Planning Document August 2021.

³ Jackson Purdue Lever Flood Risk Assessment & Drainage Strategy Springfield Crescent, High Bentham September 2021.

proposal would therefore conflict with policies ENV6 and SP7 of the CLP which require that growth in Craven will help to avoid and alleviate flood risk.

Character and appearance

26. High Bentham sits within a rolling landscape, incorporating a variety of dwelling types, sizes, designs, and materials. These can frequently be viewed from more open parts of High Bentham and the close interaction between residential properties and the surrounding countryside which encases the settlement is an established characteristic.
27. As a result, a development of mixed dwellings which would be visible from outside of the site would be very much in keeping with the village and the wider landscape. There would therefore be no harm to the character and appearance of the area arising from the proposal.
28. The proposal would not therefore conflict with Policy SP7 of the CLP to the extent that it requires that development within High Bentham will have regard to the character and appearance of the area and Policy ENV3 of the CLP which amongst other things requires good design that is appropriate to the character of the area.

Biodiversity

29. The biodiversity metric report submitted with the appeal indicates that a 0.86% gain in habitat units will be incurred on-site. Further, other methods of improving biodiversity at the site could be required via condition, were I minded to allow the appeal, such as bat and bird boxes within the dwellings.
30. There would therefore be no conflict with Policy ENV4 of the CLP which amongst other things requires wherever possible development will make a positive contribution towards achieving a net gain in biodiversity.

Other Matters

31. My attention has been drawn to appeal reference APP/C2708/W/20/3255975 relating to a single detached dwelling in Glusburn. The inspector in relation to that appeal identified flexibility within Policy SP3, as have I. However, that scheme had significant differences in that it related to a very small scheme on a non allocated site within Glusburn which is a lower tier settlement than High Bentham. I therefore afford this matter limited weight.
32. A permission for 38 dwellings south of Brockhole View, Settle, has also been brought to my attention. The evidence appears to indicate that planning approval has been granted for 38 dwellings, less than the allocation of up to 57 dwellings. However, overall, I am provided with limited detail relating to that approval or any facets of that site which resulted in that outcome. The limited information indicates a previous outline approval having been granted at the site for circa 16 dwellings. I afford this matter limited weight.
33. The evidence also indicates that established housing within High Bentham has previously been developed at lower densities than that identified within the development plan. However, much of this development appears to date back many years and housing requirements may have been different in those times. I therefore afford this matter limited weight.

Planning Balance and Conclusion

34. There are matters which weigh in favour of the proposal, such as the provision of affordable housing, and other social and economic benefits normally always associated with a housing development of this scale as well as the provision of a small biodiversity net gain. The public open space contribution proposed would be a neutral matter.
35. However, the amount of housing that would be provided and the mix of that housing would not be in accordance with the development strategy for the area. Further, I cannot be assured that the proposal would not increase the risk of flooding elsewhere as a result of surface water arising from the site.
36. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed and planning permission is refused.

T J Burnham

INSPECTOR