



Appeal Decision

Site visit made on 23 March 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/C2708/W/22/3309412

Land to South West of Nan Scar, Cowling, Keighley BD22 0DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Helen Reed against the decision of Craven District Council.
 - The application Ref 2021/22991/FUL, dated 4 June 2021, was refused by notice dated 21 April 2022.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference has been made within the evidence of a previous appeal decision for the site.¹ While I am aware that it was refused on heritage grounds, that decision was not submitted by either party. In any case, I have determined this appeal based on its own merits. I also note that consent was granted for a dwelling at the site in 2016,² but this has now lapsed. I come to this below.

Main Issues

3. The main issues are:
 - i) Whether the development would accord with Policy SP4 of the Craven Local Plan which sets out the spatial strategy for the District;
 - ii) the effect of the proposed development upon the character and appearance of the area, including the Cowling Conservation Area; and,
 - iii) the effect of the proposed development upon highway safety.

Reasons

Policy SP4

4. Cowling is classified as a Tier 4a settlement in the Craven Local Plan 2012-2032 (adopted 2019) (CLP). Policy SP4 seeks to direct development to the main settlements and criterion D of this policy directs limited growth to Tier 4a settlements (villages with basic services) to sustain their vitality and function. Land outside of main built-up areas is to be classed as open countryside where development is more strictly controlled.

¹ APP/C2708/W/16/3144750 on 4 June 2014.

² 22/2016/17201

5. The CLP does not define settlement Tier 4a settlement boundaries, but the policy defines the main built-up area (MBUA) and sets out a number of criteria for the decision maker to apply as follows *"The main built-up area is defined as the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes*
 1. *Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built-up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and*
 2. *Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built-up area of the settlement, and*
 3. *Agricultural buildings and associated land on the edge of the settlement, and*
 4. *Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement."*
6. Cowling is a linear settlement with the A6068 running through part of it. Nan Scar leads from this highway and the appeal site is located in between these roads, in an open area of land at the end of a run of dwellinghouses, to the west of Cowling.
7. The site address notes the settlement as in Cowling, however the Council consider that the site is within the hamlet of Ickornshaw, which is not identified in the settlement hierarchy. Historically, the settlements of Cowling and Ickornshaw, along with Middleton, may have been distinct and do have different traits in terms of their character (see below). However, today they appear as a continuous unified settlement. Ickornshaw Beck runs through both Cowling and Ickornshaw, and while it is wooded and provides discernible areas of open, wooded space at points along the A6068, as a linear natural feature, it does not provide any notable separation between these settlements.
8. Moreover, Holy Trinity Church (the Parish Church for Cowling) and Cowling Community Primary School, are both located off Gill Lane, at or close to Nan Scar reinforcing the feeling that the Ickornshaw hamlet is today part of the MBUA of Cowling.
9. In addition, the site is an area of poor-quality overgrown land sandwiched between Nan Scar and the A6068, adjacent a number of dwellings, including a 19th Century terrace, as well as modern developments recently or in the process of being constructed. Accordingly, the site would have a close association with built development and would relate more to the MBUA, rather than having any strong characteristics with the open countryside.
10. Based on the criteria above I consider that the site is sensibly located in the MBUA of Cowling and would therefore accord with CLP Policy SP4.

Character and appearance

11. The appeal site is located within Cowling Conservation Area (CCA). This incorporates the historic settlements of Ickornshaw, Middleton and Cowling, along with significant parts of the wider surrounding landscape. The historic development of these settlements form character areas within CCA but these

are all unified by their historic development of textile industry and in the materials used with squared ashlar and slate.

12. Today the textile mills have largely been demolished, but the workers dwellings form a significant part of the local housing stock today. Ickornshaw was the earliest part of the CCA to be developed and today contains with rows of small terraced dwellings in a scattered formation, contrasting in character with more urbanised, denser terraced dwellings of Cowling which developed during the 19th Century. These attributes as set out above all form part of the significance of the CCA.
13. Nan Scar forms the western gateway into Ickornshaw and Cowling. Heading down the valley from the A6068 above, the impression is of a historic rural settlement giving views of the roofscape and important landmark buildings such as the Wesleyan Chapel. The appeal site is an undeveloped area of open land. Due to topography, it is higher than the carriageway of Nan Scar and due to its location, the appeal site is a gateway site into the settlement and into the CAA.
14. As previously stated, the site is poor-quality and in an overgrown state. It provides an open aspect into the built-up area of the CAA but does not particularly enhance the views along Nan Scar. In this regard, I consider the principle of development at the site would be acceptable.
15. However, the design as proposed would cause harm to the character and appearance of the CCA. The pitches of the roofs would differ as the 2-storey part of the proposed dwelling would be a shallower pitch roofscape giving a poor-quality addition to the roofscape which is important to the CCA.
16. There would be no front door to the street and the fenestration to the front elevation would be visually jarring due to the different sizes and arrangement in the wall. The 3-storey element would appear top heavy with the expanse of masonry between the upper windows and the eaves. This would also reinforce the poor proportionality of the roofscape in terms of the pitch.
17. The dwelling would also be of a large scale in extending over 3 floors, with the upper rooms served by rooflights. The combination of scale with the topography of the site would result in a development which would be significantly out of scale with its surroundings. It would dominate the historic terrace opposite and in the views along Nan Scar.
18. I note the adjacent modern dwellings to the site. However, the design and massing of new adjacent dwellings would not justify similar scale and massing at the appeal site, which is further up Nan Scar, on a smaller and 'gateway' plot into the CCA.
19. While the appellants state that the proposal follows established design concepts, given the importance of the site and its sensitivities, I do not consider it would represent an appropriate design response. I also agree with the concerns raised that the submitted Design and Access Statement contains limited discussion on the heritage elements of the site could have led to a more considered design response in this location.
20. Overall, the development would not preserve or enhance the character of the CCA, due to its poor design. Accordingly, it would conflict with CLP Policy ENV2 which seeks to ensure that proposal conserve elements which contributes to

the significance of a heritage asset and requires the preservation and enhancement of the character or appearance of a Conservation Area. That harm can be qualified as less than substantial harm where paragraph 202 of the National Planning Policy Framework (the Framework), I will come later to assessing whether the public benefits of the proposal outweigh that harm. The development would also conflict and paragraph 194 in terms of the information requirements. Finally, the development would also conflict with CLP Policy ENV3 which requires good design which responds to context based on a proper understanding and in terms of creation of good townscapes and sense of place.

Highway Safety

21. Given the topography of the area, the site forms part of an embankment with the A6068 above. Development at the site would this entail the excavation of the embankment and would necessitate the construction of a retaining wall to support the A road structure above.
22. No details of how this might be achieved was submitted as part of the application. However, a Structural Report which was written for the previously approved scheme at the site was submitted by way of example that these matters can be adequately addressed. It is understood that the report was required by condition as part of that consent.
23. The A6068 is a main road which takes a considerable volume of traffic. It is therefore necessary for any development to address structural matters so that the use and safety of this highway can be maintained.
24. The Framework is clear, at paragraph 43, that the right information is crucial to good decision making and ideally the Structural Report should have been updated and submitted as part of the application stage.
25. However, planning conditions are used to make otherwise unacceptable development acceptable and given that a condition on this was accepted previously, it is understandable why no such report was submitted with the application.
26. Overall, I consider that highway safety concerns could be resolved with the imposition of a condition. The nature of such a condition would be to prohibit the commencement of the development until satisfactory details were submitted and approved by the Council. Accordingly, there would be no conflict with paragraph 111 of the Framework which states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

27. The Council's Decision Notice also included a reason for refusal relating to various discrepancies in the submitted application documents. I have dealt with some specific matters above. I note the discrepancies in the plans, which includes inconsistencies in the length of the single storey element on the rear elevation, when compared with the site plan, and floor plans. On this latter point, in spite of these inaccuracies, what is proposed was clear enough for me to come to a decision in this case. However, were I to be minded to allow, I would have had to have considered the implications of these inaccuracies further.

28. Concerns are also raised by the appellant regarding the handling of the application by the Council. However, this is a matter between parties and has no bearing on my assessment of the appeal based upon its merits.

Balance and Conclusions

29. I have found no harm in terms of the principle of development in this location and in terms of highway safety. However, I have found harm to the character and appearance of the area in terms of the design and the effect upon the CCA.
30. The case of the appellant is that there would be no harm and as such no public benefits have been put forward in support of the scheme. In any case, typical benefits in terms of the addition of a new dwelling would not outweigh the harm I have identified, to which I am required by statute and policy to give great weight. The harm to the character and appearance is thus determinative.
31. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Searson
INSPECTOR