



Appeal Decision

Site visit made on 28 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/C2708/W/22/3305378

22 Park Road, Cross Hills, Keighley, North Yorkshire BD20 8BG

- 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 Mr and Mrs Barry and Bernadette Minal against the decision of Craven District Council.
 - The application Ref 2022/23816/FUL, dated 1 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is 1 no. detached 5 bedroomed residential dwelling with double garage in the garden of Woodridge.
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Decision

1. The appeal is allowed. Planning permission is granted for 1 no. detached 5 bedroomed residential dwelling with double garage at 22 Park Road, Cross Hills, Keighley, North Yorkshire BD20 8BG in accordance with the terms of the application Ref 2022/23816/FUL dated 1 March 2022 subject to the conditions in the attached schedule.

Procedural Matters

2. The description of the proposal has been amended from the application form to the decision notice. That on the application form adequately describes the proposal although I have omitted wording that is not a description of development.

Main Issue

3. The main issue is whether or not the proposal would provide appropriate levels of housing density or mix.

Reason

4. Policy SP3 of the Craven Local Plan 2012-2032 (2019) (CLP) helps to guide the mix and density of new housing developments to ensure that land is used in an effective and efficient manner to address local housing needs.
5. This means that in typical greenfield developments or in brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare (dph) (net).
6. The evidence indicates that the site area for the proposal is approximately 0.11 hectares. Consequently, the Council indicate that the site should be expected to yield 3.52 dwellings.

7. The provision of 1 dwelling at the site would fall short of the dph suggestion within Policy SP3 and, in this respect, would be an under-development of the site.
8. I am mindful of the intent of Policy SP3 and the provisions within the Framework¹ which seek to ensure the efficient use of land. However, the wording of Policy SP3 and the associated supporting text are not explicitly clear in confirming whether or not the Council's requirements for housing density or mix are applicable to both allocated and non-allocated sites.
9. There is nothing to convince me that there is a need for the appeal site to comply with the housing density requirement of Policy SP3. Furthermore, it is also apparent that Policy SP3 allows for flexibility in its requirements for housing mix and density where this is necessary 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.
10. The evidence indicates that the site has permission for 2 dwellings (LPA Ref 2020/22348/FUL). I been supplied with limited detail on this scheme.
11. Nonetheless, the character and appearance of Park Road is quiet, spacious and dominated by large properties with well sized gardens. Therefore, even working on the basis that the site does fall under the remit of Policy SP3, the scheme for 1 dwelling would appear to fit in more appropriately with the character and appearance of the area.
12. The proposal before me would therefore help to achieve other local plan objectives, such as those within Policy ENV3 of the CLP which within the broadest sense seeks to achieve well designed development that is appropriate to local context and create a sense of place. Therefore, even if the proposal fell under the remit of Policy SP3, there would be no conflict with it. I have also identified no conflict with Policy SP1 which sets out the housing needs for the district. I have not identified conflict with other CLP Policies that are before me.

Other Matters

13. I note concerns from interested parties with regards to impacts on living conditions through loss of privacy. However, the Council have not raised concerns in this regard. Having visited the site and considered the plans, given the land levels and location and orientation of the proposed dwelling within the site, I have no reason to come to any other conclusion on the matter.
14. Concern has also been expressed with regard to the integrity of the supporting wall which adjoins the site with the rear of the properties on Baxter Wood. However, there is nothing to indicate that this would cause a problem for the development and ultimately there is nothing to indicate that the developer could not accommodate for this at construction stage.

Conditions

15. The condition relating to the sustainable design and construction would not be reasonable relating to the scale of the scheme and lacks justification. This matter has been addressed within the sustainable design and construction statement. The remainder of the conditions are included as per the suggestion

¹ National Planning Policy Framework 2021.

of the Council, subject to some minor drafting changes in the interests of clarity.

16. Planning permission is granted subject to the standard three-year time limit. It is also necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
17. Condition 4 is necessary in the interests of biodiversity, while conditions 5 and 6 are necessary to ensure proper drainage of the site. Condition 10 is necessary to ensure sustainability. Conditions 3 and 7 are necessary in the interests of the character and appearance of the area. Condition 8 is necessary in the interests of the living conditions of nearby occupiers while condition 9 is necessary to ensure adequate on-site parking in the interests of highway safety. A condition is necessary restricting permitted development rights for alterations/extensions/incidental buildings in the interests of the living conditions of nearby occupiers.

Planning Balance and Conclusion

18. There is nothing, including the provisions of the Framework, to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 2471-09B, 2471-12A, 2471-13, 2471-14A, 2471-15 & 2471-16.
- 3) The dwelling hereby approved shall be constructed in accordance with the external materials detailed on the approved proposed plans. The garage hereby approved shall be constructed with matching external materials.
- 4) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

- 5) No above grounds works shall take place until a scheme for the management of surface water run-off has been submitted to and approved in writing by the Local Planning Authority.
- 6) The parking and turning areas shall be constructed of permeable materials. They shall thereafter be retained as such.
- 7) The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the approved Arboricultural Impact Assessment. The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.
- 8) The boundary fencing and hedging shall be constructed and planted in full accordance with the approved details before the dwelling hereby approved is first occupied and shall be retained as such thereafter.
- 9) The parking and turning areas shall be constructed in accordance with the details shown on the approved plans and made available for use before the dwelling hereby approved is first occupied and shall be retained as such thereafter.
- 10) One electric vehicle charging point shall be provided for the dwelling hereby approved. The charging point shall be a mode 3 charging point with a type 2 outlet socket. The cable and circuitry rating for the charging point shall be of adequate size to ensure a minimum continuous current demand of 16 amps and a maximum demand of 32 amps. The dwelling shall not be occupied until the associated charging point has been provided.
- 11) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.