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## Appeal Decision

Site visit made on 4 July 2023

**by E Worthington BA (Hons) MTP MUED MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 July 2023**

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**Appeal Ref: APP/E2001/W/23/3316849**

**Land to the east of Newton Garth, Church Lane, East Riding of Yorkshire, Catwick, HU17 5PW.**

- 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 R Clubley, Richard James Homes Ltd, against the decision of East Riding of Yorkshire Council.
  - The application Ref 21/01058/OUT, dated 24 March 2022, was refused by notice dated 26 January 2023.
  - The development proposed is the erection of 3 detached houses.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the proposal relates to the settings of a listed building and a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The application was submitted in outline with approval sought for matters of access and layout only. I have considered the appeal on this basis.

### Main Issues

4. The main issues are:
  - whether the site would be a suitable location for development having regard to the settlement strategy and development plan policies; and
  - the effect of the proposal on the character and appearance of the surrounding area, including whether it would preserve the setting of the nearby Catwick Conservation Area and the setting of the nearby Grade II\* listed building Church of St Michael (Ref 1249378).

### Reasons

#### *Settlement Strategy*

5. The appeal site is on the north side of Church Lane and is an open grassed paddock area. Despite being located between the existing houses at 4 Newton Garth to the west and Providence House to the east, it is outside the development limits of Catwick in an area that is defined as countryside in the East Riding Local Plan (Local Plan).
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6. Local Plan Policies S1 and S2 aim to promote sustainable development and seek to address climate change by supporting development that reduces greenhouse gas emissions by, amongst other things, directing new development to areas where there are services, facilities, homes and jobs which reduces the need to travel and where it can be served by sustainable modes of transport.
7. Local Plan Policy S3 sets out the settlement hierarchy which looks to focus development into existing settlements where it would generally make the best use of existing services and infrastructure and minimise the need for travel. The National Planning Policy Framework (the Framework) aims to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
8. In the countryside, Local Plan Policy S4 indicates that new housing will only be supported under certain circumstances. These are set out in part C of the policy and include replacement dwellings, new dwellings of exceptional quality or of truly innovative design, affordable housing for local people, or agricultural, forestry or other rural-based occupational dwellings subject to demonstrating an essential need. It has not been put to me that the appeal proposal would meet any of these exceptions.
9. The council accepts that the site is not isolated from other built development. As set out above, there are houses to either side of it and other dwellings and a commercial yard to the south. The appeal site's western boundary adjoins the village's development limit. The Council advises that Catwick is accessible by walking and cycling and is on public transport routes with links to larger settlements. As such, the parties agree that the appeal site is on the edge of a sustainable settlement. I have also had regard to the appellant's argument that people are increasingly working from home, travelling less, and living and working more sustainably.
10. Nevertheless, since it is located within the open countryside and outside of the development limits of Catwick for the purposes of the development plan, the proposal would undermine the settlement strategy of the development plan and would be in clear conflict with Policies S1, S2 and S4 of the Local Plan (which together seek to focus new development within the development limits of existing settlements).
11. The appellant refers to the provisions of Part A of Local Plan Policy S4 which seeks to support development outside of the settlements where it would help maintain the vibrancy of the villages and the countryside. I acknowledge that the proposal would be of relatively small scale for only three dwellings and would not involve the significant loss of best and most versatile agricultural land. I also accept that in introducing more homes to Catwick the proposal would be likely to help to maintain the vibrancy of the village. Even so, Part A of Local Plan Policy S4 is clear that development in the countryside should also accord with the specific provisions of Part C of the Policy, and, as set out above, the appeal proposal would not.
12. I therefore conclude on this main issue that the proposal would not represent a suitable location for development having regard to the settlement strategy and development plan policies.

*The character and appearance of the surrounding area and the settings of the conservation area and the listed building*

13. The appeal site is open to the road and rises back from it. It has a long frontage on a bend in Church Lane which is a narrow winding lane with grass verges and intermittent hedgerows. Whilst there is some residential development there it is generally sporadic in nature and inter-dispersed with paddocks and agricultural fields. Thus, the lane maintains an attractive rural character.
14. Although the appeal site is on the edge of the development limits and close to the dwellings to the west, as an open and undeveloped site, with a paddock to the north, and agricultural fields and a single dwelling to the south, it relates closely to the surrounding countryside and has an open rural character commensurate with its countryside location.
15. The appeal site is adjacent to the Catwick Conservation Area, the boundary of which adjoins its eastern side. This covers much of the settlement and is characterised by its informal historic village character and lack of intensive development which contribute to its rural feel. The Conservation Area Appraisal recognises that Church Lane is in marked contrast to the main road through the village and retains its rural charm as a winding lane.
16. Thus, I consider that the significance of the conservation area, in so far as it relates to this appeal, is derived from the sparse nature of the development there along with the area's pleasant rural character. It is also drawn from the traditional historic buildings there, their relationship with each other and the spaces around them including the surrounding countryside.
17. The Church of St Michael is to the north east of the site and is Grade II\* listed. It is constructed of cobbles with stone dressings and some brick and a graduated slate roof in an attractive gothic revival style. The impressive west tower is built in three stages and dates to the 15<sup>th</sup> century with the rest of the church dating to 1862. Its leafy churchyard fronts Church Lane and the impressive building is a distinctive feature of the village and the conservation area.
18. In so far as relating to this appeal, the significance of the church is derived from its architectural and historic interest as an important long standing place of worship, along with its role in the settlement and relationship with the rest of the village and its rural surroundings.
19. The settings of both the church and the conservation area, and the contribution that these make to the significance of those assets, in so far as relating to this appeal, is derived mainly from the historic character of the traditional buildings in Catwick along with the open spaces between them and their rural surroundings. These factors contribute positively to the understanding and the special interest and significance of the church and the conservation area along with the ability to appreciate them.
20. The Framework defines setting as the surroundings in which a heritage asset is experienced. The appeal site is an open space on the edge of the village with a long frontage to Church Lane. It provides a gap that separates the more recent development and built up part of the village to the west from the more historic and less densely developed part of the village to the east. There is

clear intervisibility between the appeal site and the conservation area which incorporates the neighbouring property at Providence House, and some contextual views of the conservation area include the appeal site.

21. Whilst the church is more remote from the appeal site and separated from it by intervening dwellings and planting, some views of the church tower are possible from Church Lane across the appeal site. It is seen from there above the trees on approach to the conservation area. These views are taken in the context of the open nature of the appeal site.
22. Thus, the appeal site has a visual relationship with both the conservation area and the church, and therefore contributes to their settings. I have had special regard to this matter in considering this appeal. That the appeal site was not included within the conservation area itself when the boundaries were drawn up, does not affect my findings in relation to its contribution to its setting.
23. The proposal would introduce three dwellings to the site. I am aware that the scheme was amended during the Council's consideration of the application to alter the size of the dwellings and their layout and to remove a garage in order to provide more openness and greenery to the frontage. These changes were also incorporated to give greater separation to the boundary with Providence House and increase views across the site into the conservation area and towards the church tower.
24. Providence House's large garden would be retained to the boundary of the appeal site and would separate that dwelling from it. Whilst matters of appearance are reserved for future consideration, the appellant indicates that the detailed design of the houses would reflect the character of those within the village and include steeply pitched roofs and gables facing the road. I also appreciate that the Conservation Officer raises no objection to the development of the appeal site in principle.
25. Nevertheless, although the proposed layout would generally reflect the pattern of development on the north side of Church Lane at its western end, as set out above, that part of Church Lane occupied by the appeal site has a distinctly different character to the land within the village development limits. In introducing three houses (and the associated domestic paraphernalia, parking and garden areas) the proposal would seriously erode the open nature of the site and urbanise this part of Church Lane thereby diminishing its rural character. It would extend built form eastwards along Church Lane and infill the important open break that the appeal site provides between the more urban form of the village to the west, and the conservation area to the east.
26. This being so, I find that the proposed houses would be seen as an unwelcome intrusion and encroachment of residential development into the countryside. They would appear at odds with the rural surroundings and whilst they would not completely obscure them, they would detract from views towards the listed church and the conservation area.
27. Bringing matters together, in introducing residential development to the appeal site within the settings of the nearby historic church and the conservation area, for the reasons given, the proposal would unacceptably detract from the site and its surroundings. It would be harmful to the character and appearance of the area and diminish the contribution of the settings of the listed church and

the conservation area to their significance. Thus it would detrimentally affect how these heritage assets are experienced.

28. I therefore conclude on this main issue that the proposal would fail to preserve the settings of the nearby conservation area and listed church. I give this harm considerable importance and weight in the balance of this appeal.
29. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
30. I find the harm to the heritage assets to be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
31. The proposal would contribute to housing land supply. I appreciate that the government seeks to significantly boost the supply of homes, and that small and medium size sites can make an important contribution to meeting the housing requirement and can be built out quickly. The appellant argues that there are no available and suitable sites left within the village and there is support for the proposal from local residents who consider it would enable people to move to Catwick where there is demand for houses but few properties on the market.
32. As set out above, the additional dwellings would also add to the vibrancy of the village in line with Local Plan Policy S4. However, the proposal's contribution in these regards would be small given its limited scale for only three dwellings.
33. This being so, I find that the proposal would not give rise to public benefits that would be sufficient to outweigh the harm to the significance of the designated heritage assets I have identified.
34. Accordingly, the proposal would be contrary to Local Plan Policy S4 which expects proposals to respect the intrinsic character of their surroundings (C), Policy ENV1 which requires development to contribute to safeguarding and respecting the diverse character and appearance of the area and support high quality design, and Policy ENV2 which requires proposals to be sensitively integrated into the existing landscape. The proposal would also be at odds with Local Plan Policy ENV3 which states that the significance, views, setting, character appearance and context of heritage assets should be conserved. Thus, overall the proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework and would be in conflict with the development plan as a whole.

### **Planning Balance and Other Matters**

35. As set out above, I have found that the public benefits of the proposal would not outweigh the less than substantial harm to the heritage assets. I have also found that the proposal would not be a suitable location for development having regard to the settlement strategy and development plan policies.

36. No other particular benefits of the proposal have been put to me. Thus I confirm that the benefits as considered above, are insufficient to outweigh the totality of the harm that I have identified in relation to the main issues in this case and the clear conflict with the development plan that would arise. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
37. The appellant refers to other similar development that has been approved nearby. I am not aware of the full circumstances that led to that development so cannot be sure they are the same as in the case before me. Nevertheless, in direct contrast to the appeal scheme, I note that the site referred to is within the development limits and was found not to affect the setting of the conservation area. As such it does not justify the appeal proposal. I confirm in any event that I have considered the appeal scheme on its own merits and made my own assessment as to its impacts.
38. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

*E Worthington*

INSPECTOR