
Appeal Decision

Site visit made on 2 October 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2023

Appeal Ref: APP/C2708/W/23/3316871

Land off Meadow Lane/Meadow Close, Cononley, Keighley Easting (x) 339172 Northing (y) 447008

- 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 Calvert Homes (Cononley) Ltd against the decision of Craven District Council.
 - The application Ref 2022/23854/FUL, dated 11 March 2022, was refused by notice dated 24 January 2023.
 - The development proposed is Erection of 27 no. dwellings
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Decision

1. The appeal is allowed. Planning permission is granted for Construction of 25 no. dwellings with off street parking and associated infrastructure at Land off Meadow Lane/Meadow Close, Cononley, Keighley Easting (x) 339172 Northing (y) 447008 in accordance with the terms of the application Ref 2022/23854/FUL dated 11 March 2022 subject to the conditions set out within the attached schedule.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. That in the formal description above, which differs from the banner heading, better reflects what is before me given amendments that were made to the scheme. The appellant has adopted this description on their appeal form and I have considered the proposal on this basis.
3. Craven District Council is no longer in existence as a result of local government re-organisation in Yorkshire. The former district now forms part of a larger unitary authority known as North Yorkshire Council who are the Local Planning Authority.
4. The development plan for the area in relation to the appeal remains the same as when the decision was originally made by the Council – the Craven Local Plan 2012-2032 (2019) (CLP).
5. The original decision by the Council refused the application on 8no. grounds. These related to Affordable housing contributions; Housing density and mix; Highway safety and impact on the highway network; Flood risk; Harm to the setting of designated heritage assets; Failure to optimise renewable and low carbon energy sources; Amenity of the occupiers of Meadow Close; and exceeding the growth capacity of the area and impact on basic services.

6. However, the Council has confirmed within its statement that it defends the appeal only on one of those original grounds, relating to the setting of designated heritage assets.
7. The Council have not clearly identified any harm to the setting of Pear Tree Farmhouse within their reason for refusal which is focussed on the nearby grade II listed barn (Pear Tree Barn). However, I must consider the effect of the proposal on the setting of that building so have included this assessment within my analysis.
8. Although the evidence indicates that the application has been advertised, the press notices that are before me do not explicitly mention that the proposal affects the setting of listed buildings. However, the application appears to have been advertised and the effect of the proposal on the setting of the listed buildings appears to have been an acknowledged matter, visible throughout the process. I do not therefore consider that there has been prejudice in this regard.

Application for Costs

9. An application for costs was made by Calvert Homes (Cononley) Ltd against North Yorkshire Council. This application is the subject of a separate Decision.

Main Issues

10. The first main issue is the effect of the proposal on the setting of Cononley Conservation Area (the Conservation Area). The second is the effect of the proposal on the setting of the Grade II listed barn (Barn to north of No.62) (also known as Pear Tree Barn) and the Grade II listed Pear Tree Farmhouse.

Reasons

11. The appeal site sits on the northern side of the rural village of Cononley set within a pastoral landscape within the Aire Valley, set away and to the west of the Leeds Liverpool Canal, A629 and River Aire itself. Cononley is set on the Airedale line with its own rail station a short distance from the site from where links are provided to regional stations and beyond.
12. The appeal site sits on the north-eastern side of the main body of Cononley in between Meadow Close, Moorfoot Lane and the railway line. The site sits closely to the north-east of but outside of the Conservation Area.
13. The site appears to broadly retain historic field patterns which relate to historic field systems surrounding the village defined by traditional stone walls. It has a real sense of openness that penetrates into the core of Cononley towards Meadow Lane which enables a visual and associative connection between the once agricultural village and its surrounding farmland.
14. The site makes a positive contribution to the setting of the Conservation Area and therefore it's significance. However, that positive contribution is restrained by modern housing development that has previously extended in a north-easterly direction from Meadow Lane, in particular housing on Meadow Close.

15. The large detached modern houses form prominent features within this part of Cononley, whilst the wide grass verge at the entrance to Meadow Close forms a rather suburban feature.
16. The link between the Conservation Area and the fields of the appeal site has been eroded by the provision of modern formal pavements including tactile elements which sit adjacent to a wide tarmac entrance adjacent to Pear Tree Barn. The gravelled parking area and garage building have the same effect. The harm to the significance of the Conservation Area would therefore be less than substantial and at the lower end of that category of harm.
17. For the same reasons, the site does make a positive contribution to the setting and therefore significance of Pear Tree Barn and Pear Tree Farmhouse which sit on the opposite side of Meadow Lane and fronting onto Main Street respectively. I have paid special regard to the desirability of preserving the setting of these buildings.
18. However, both buildings have now rather been subsumed into the body of modern Cononley and the positive aspects of the appeal site in terms of its contribution to the setting of the Pear Tree Barn and Pear Tree Farmhouse, in the event that they were both formerly linked to the land are reduced by the adjacent and nearby features as detailed above.
19. The harm to the significance of Pear Tree Barn and Pear Tree Farmhouse would therefore be less than substantial and at the lower end of that category of harm.
20. The harm to the heritage assets should be weighed against the public benefits of the proposal. These would relate to ongoing social and economic benefits associated with the provision of the dwellings that would likely be occupied and enjoyed by many people down the years in a pleasant and sustainable village location close to a railway station. I afford the public benefits associated with the provision of the number of dwellings proposed in such a location substantial weight. They outweigh the harm to the heritage assets that I have identified.
21. The proposal would therefore accord with Policy ENV2 of the CLP which amongst other things states that harm to the significant of designated heritage assets will only be permitted where this is outweighed by the public benefits of the proposal. There would be no conflict with the Framework which includes the same principle within its guidance.

Other Matters

22. There is nothing to indicate that access which would principally involve Meadow Close would have any significant adverse impact on highway safety on a street accommodating large, detached houses, the majority of which include off street parking capacity or with relation to the wider area or that parking availability would be insufficient so as to cause a highways safety issue.
23. There is nothing to indicate that any significant adverse impact would occur to living conditions for neighbouring occupiers through light, noise, air pollution or other impact. Disturbance during construction is an inevitable consequence of any development of this type.

24. There is nothing to indicate that drainage could not be properly managed at the site. There is nothing to indicate that there is any policy restriction on housing numbers in Cononley even in the event that planned allocation were to be exceeded.
25. I am aware of the previous appeal decisions on the site referenced APP/C2708/W/21/3288786 & APP/C2708/W/21/3288764. However, those appeals were dismissed on grounds relating to matters on which the Council no longer appears to have any objection and I have no reason to disagree with that position.
26. The Council consider that the dwellings with regard to sustainability features meet the requirements of Policy ENV3 relating to this matter. There is nothing compelling to indicate that this would not be the case and a condition is included.
27. The Council are satisfied that the housing mix is appropriate with regard to the most up to date evidence of need and demand and there is nothing to indicate that the housing mix proposed would be unacceptable or which would warrant me taking another position. There is nothing to indicate that the density proposed would be unacceptable having regard to the viability position outlined within the evidence.
28. There is nothing compelling presented to suggest that the scheme would be able to viably provide affordable housing nor that the facilities and infrastructure of the village would be significantly compromised by the proposed development. There is nothing to indicate any significant adverse impact on Ecology interests and a biodiversity management plan and condition is included within the proposal. There are other mechanisms and regulations through which the practices of any future developer of the site could be managed.
29. A similar revised application appears to have been submitted to the Council in order to resolve points of disagreement. However, there is nothing to indicate that any such application has been determined and as such it is a matter which attracts only very limited weight.
30. Financial contributions are proposed towards open space and primary and secondary education as well as provision for a biodiversity management plan which would serve to mitigate the effects of the development with regard to those matters. These are associated with a unilateral undertaking which is before me and which has been provided to the Council for any comment.
31. The evidence indicates that the submitted undertaking is necessary to make the development acceptable in planning terms to enable the proposal to accord with the requirements of the CLP.
32. It is directly related to the development and fairly and reasonably related in scale and kind to the development. The planning obligation therefore meets the tests within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and at Paragraph 57 of the Framework.

Conditions

33. Standard conditions are necessary to define the permission. A construction management plan is necessary in the interests of those living in the area as is a condition restricting working hours. Conditions 4, 5 & 24 are necessary in the interests of proper drainage of the site. Conditions 6, 8, 9, 18 & 19 are necessary in the interests of highway safety. Conditions 7, 15 and 23 are necessary in the interests of the character and appearance of the area.
34. Conditions 11 and 23 are necessary in the interests of biodiversity. Conditions 12, 17 and 21 are necessary in the interests of the living conditions of future occupiers. Conditions 14, 16 and 20 are necessary in the interests of sustainability within the development.

Planning Balance and Conclusion

35. The proposal would harm the significance of the Conservation Area through development within its setting. There would also be harm to the significance of Pear Tree Barn and Pear Tree Farmhouse through development within their setting, which I have afforded considerable importance and weight. The Framework advises that great weight should be given to the conservation of designated heritage assets.
36. However, the benefits of the scheme outweigh the harm identified. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. The appeal is therefore allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development permitted shall be carried out in accordance with the following approved plans and documents:
 - 1122_01A LOCATION PLAN 22062-PWA-00-XX-DR-C-1000 P01 PROPOSED SITE AREA ***
 - 1122_03H (AMENDED) PROPOSED SITE PLAN
 - 1122_05B (AMENDED) TYPE B ELEVATIONS
 - 1122_04A (AMENDED) TYPE B FLOOR PLANS
 - 1122_07B (AMENDED) TYPE C ELEVATIONS
 - 1122_06 (AMENDED) TYPE C FLOOR PLANS
 - 1122_08A (AMENDED) TYPE D (OPTION 1) FLOOR PLANS
 - 1122_09C (AMENDED) TYPE D (OPTION 1) ELEVATIONS
 - 1122_12 (AMENDED) TYPE E FLOOR PLANS
 - 1122_13A (AMENDED) TYPE E ELEVATIONS
 - 1122_15A (AMENDED) TYPE F ELEVATIONS
 - 1122_14 TYPE F FLOOR PLANS
 - 1122_16 (AMENDED) TYPE G FLOOR PLANS
 - 1122_17A (AMENDED) TYPE G ELEVATIONS

- 1122_21 (AMENDED) TYPE H FLOOR PLANS
- 1122_22A (AMENDED) TYPE H ELEVATIONS
- 22062-PWA-00-XX-DR-C-2... (ADDITIONAL INFO) EXTERNAL WORKS
- 1122_19A (AMENDED) PROPOSED SITE SECTION
- 1122_20A (AMENDED) PROPOSED SITE SECTIONS
- REV 3 (AMENDED) ECOLOGICAL IMPACT ASSESSMENT
- 122 24 OFF SITE BIODIVERSITY MITIGATION
- AIA, TREE PROTECTION AND TREE PLANTING
- SOAK TEST V4
- TRANSPORT STATEMENT MAR 2022
- DESIGN AND ACCESS STATEMENT
- PHASE 2 SITE INVESTIGATE & GEO ENVIR
- NOISE IMPACT ASSESSMENT
- SUSTAINABLE DESIGN & CONSTRUCTION ST.
- HERITAGE STATEMENT
- MATERIALS SCHEDULE
- 22062-PWA-00-XX-DR-C-5001 P02 (AMENDED) SECTION 104 PROPOSED CATCHMENT
- 22062-PWA-00-XX-RP-C-1000 P05 (AMENDED) FLOOD RISK ASSESSMENT AND DRAINAGE
- 22062-PWA-00-XX-RP-C-1001 P03 (AMENDED) PROPOSED MAINTENANCE AND MANAGEMENT
- 22062-PWA-00-XX-RP-C-1000 P05 FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY
- 22062-PWA-00-XX-DR-C-1002 P07 (AMENDED) PROPOSED DRAINAGE LAYOUT
- 22062-PWA-00-XX-CA-C-1000 P04 (AMENDED) MICRODRAINAGE CALCULATIONS

3. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

a) details of any temporary construction access to the site including measures for removal following completion of construction works;

b) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

c) the parking of contractors' site operatives and visitor's vehicles; areas for storage of plant and materials used in constructing the development clear of the highway;

d) details of site working hours;

e) details of the measures to be taken for the protection of trees; and

f) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

g) dust management.

4. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

5. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

6. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

7. The development shall be constructed in accordance with the materials schedule dated 11th November 2022 and retained as such thereafter.

8. There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

10. The development shall be carried out in accordance with the details shown on the submitted plan, "22062 PWA 00 XX DR C 1002 (revision P02) dated 12/04/2022 that has been prepared by Paul Waite Associates."

11. Prior to commencement of development above slab level of any of the dwellings a scheme for the placement of bird and bat boxes and swallow bricks for each dwelling shall be submitted to and agreed in writing with the Local Planning Authority. The details agreed shall be completed for each house prior to occupation and maintained as such thereafter.

12. The noise mitigation measures shown in section 5 (Recommendations) of the submitted noise impact assessment referenced AS22-15(V3) dated 25.03.22 must be strictly adhered to.

13. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:

- 08:00 hours and 18:00 hours Monday-Friday
- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

14. Electric charging points shall be provided for each dwelling prior to their occupation and retained as such thereafter.

15. The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March). If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season. Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission.

16. The proposed dwellings hereby approved shall be construction in accordance with Part M of Building Regulations and retained thereafter.

17. Prior to first occupation of any of the dwellings detailed within this condition, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that those plots closest to the railway line (11, 12, 13, 21, 22, 23, 24 & 25) are designed and constructed so as to ensure that vibration dose values do not exceed 0.4 m/s^{1.75} between 07.00 and 23.00 hours, and 0.2 m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled 'Guide to Evaluation of Human Exposure to Vibration in Buildings'.

18. No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at Land Off Meadow Lane/Moorfoot Lane, Cononley have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created

these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

19. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

20. No individual dwellinghouse hereby approved shall be occupied unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development including solar panels;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy ENV3 of the Craven Local Plan.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

21. Prior to the occupation of plots 12, 13, 21, 22, 23, 24 & 25 details of the proposed acoustic fencing along the boundary with the railway line shall be provided and agreed in writing with the Local Planning Authority and retained as such thereafter.

22. All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter. Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

23. Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

24. The Development shall be built in accordance with the following submitted designs; Flood Risk Assessment and Drainage Strategy, P Waites Associates, Reference 22062-PWA-00-XX-RP-C-1000 Revision P05, Dated 10.11.22

The flowrate from the site shall be restricted to a maximum flowrate of 3.5l/s. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.