



Appeal Decision

Site visit made on 30 October 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/U2750/W/24/3348986

**Bowerley House, New Street to Langcliffe Road, Settle, North Yorkshire
BD24 9LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Steadman Construction Ltd., against the decision of North Yorkshire Council.
 - The application Ref is ZA23/25502/OUT.
 - The development proposed is erection of 4No. new dwellings and solar array.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide a suitable location for housing with respect to the Council's spatial strategy; and
 - The effect of the proposal on the character and appearance of the area, including the setting of the Langcliffe Conservation Area (CA) and the Settle-Carlisle Railway CA.

Reasons

Whether the proposal would provide a suitable location for housing

3. The appeal site is located to the southwest of Langcliffe, which is itself located within the adjoining authority area of the Yorkshire Dales National Park (YDNP). Policy SP4 of the Craven Local Plan 2012 to 2032 Adopted 12 November 2019 (the Local Plan), which sets out the Council's spatial strategy and approach to housing growth, does not assign a settlement tier to Langcliffe.
4. There are already residential properties within the wider Bowerley site, and I recognise that occupants of these may consider themselves part of the same community as Langcliffe. However, the appeal site does not clearly sit within a gap between existing buildings, nor is it closely grouped or visually well related to the main cluster of development in Langcliffe. It is therefore not within or adjoining the "main built up area" of a settlement, as defined in Policy SP4.
5. For the purposes of applying the relevant policies of the development plan, the site is thus located within the open countryside. Whether the land for the proposed development sits within the curtilage of private property or is used as

a domestic garden would not alter its status in this regard, nor would this demonstrate that it is suitable for additional residential development.

6. Policy SP4(K) of the Local Plan provides some limited support for proposals for new homes in the open countryside away from existing settlements, provided that they comply with one of the four exceptions listed. There is no compelling evidence to indicate that the proposal would fall within one of these exceptions.
7. The proposed development would therefore fail to provide a suitable location for housing with respect to the Council's spatial strategy. It would be contrary to Policy SP4 of the Local Plan which, among other provisions, seeks to promote a sustainable pattern of growth by directing development to a hierarchy of settlements based on their size and access to services.

Character and appearance of the area

8. The site for the proposed dwellings is located between the Settle-Carlisle Railway CA and the Langcliffe CA. Scattered development can be found throughout the wider valley. Nevertheless, within the vicinity of the appeal site it is predominantly characterised by expanses of farmland and pockets of woodland. The stretch of land immediately alongside the Settle-Carlisle Railway CA in this location is largely open and undeveloped, providing a sense of space and a buffer to the development further up the hill towards Langcliffe.
9. The Conservation Area Appraisal for the Settle-Carlisle Railway CA highlights that the landscape is both an integral part of the Settle-Carlisle Railway CA, and the wider setting for it. It plays a significant part of the character of the conservation area, not only due to the drama and variety it provides, but also the scarcity of man-made structures. The Conservation Area Appraisal for the Langcliffe CA acknowledges that the area in which the appeal site is located is somewhat detached from the main village, and modern development here does not complement the overall character of the CA. Nevertheless, the natural landscape setting contributes to its rural character.
10. The appeal site comprises a sloping parcel of land to the rear of Bowerley House, bounded by a surface car park on one side and the railway to the other. To the north of the site is a small wooded area with more fields beyond. There is a contemporary dwelling to the south, though this sits within a large plot and has been integrated into the landscape. The boundary between the appeal site and the adjacent railway is not enclosed. Moreover, given the topography of the area, the stone walls along other boundaries provide limited screening.
11. While there is no public access to the appeal site, I saw that it is readily visible from the adjacent railway line. Views from passing trains may be fleeting, however the site can also be seen from the lane on the other side of the track, and in more distant views across the valley from Stackhouse Lane. The largely open and undeveloped nature of the appeal site therefore positively contributes to the setting of the Settle-Carlisle Railway CA and the Langcliffe CA.
12. Appearance and landscaping would be reserved matters. Nevertheless, the proposal would introduce 4 dwellings, set across 3 levels, into the existing space. Alongside this would be associated hard surfacing, boundary enclosures and residential paraphernalia. The dwellings would be sited midway down the bank. However, given the site's topography, they would be elevated above the adjacent rail line, and would sit relatively high on the side of the valley.

13. The appeal proposal would thus considerably erode the existing open and undeveloped characteristics of the site and have an urbanising influence. This would detract from the contribution the site makes to the setting of the Settle-Carlisle Railway CA and the Langcliffe CA.
14. The evidence indicates the appeal site previously formed part of the extensive landscaped gardens and grounds associated with Bowerley House and is still actively used as garden space by existing residents. I observed a modest wooden building with decking on site, and the appellant indicates the site would return to use as a garden were the appeal dismissed. Nevertheless, such use would retain the largely undeveloped and open nature of the site and would thus not have the same harmful impact as the appeal proposal. This does not therefore lead me to a different conclusion on this main issue.
15. The proposal would harm the character and appearance of the area, including the setting of the Settle-Carlisle Railway CA and the Langcliffe CA. It would be contrary to Policy ENV2 of the Local Plan. This policy, among other provisions, seeks to ensure proposals affecting a designated heritage asset conserve those elements which contribute to its significance, and that harm to these will be permitted only where this is outweighed by the public benefits of the proposal.
16. The appellant contends there is a shortfall of housing within Langcliffe, and no other location to house new residents, though no substantiating evidence has been provided. Nonetheless, I recognise that the proposal would contribute to the local housing supply. It would also provide a temporary boost in employment during construction, and additional residents may contribute to the local economy and vitality of the community.
17. The proposal will also include a tree planting and landscaping scheme, with the use of indigenous species, though the details of this are limited at this stage. The reuse of materials, renewable energy provision and other energy saving measures could also provide some benefits. However, the extent to which this would provide an overall enhancement, rather than simply mitigate the effects of the proposed development, is not clear from the evidence.
18. With respect to paragraph 208 of the Framework and Local Plan Policy ENV2, less than substantial harm would be caused to the significance of the Settle-Carlisle Railway CA and the Langcliffe CA, which are designated heritage assets. Paragraph 205 of the Framework is clear that great weight should be given to the asset's conservation. Having regard to the above matters and given the scale and context of the proposal, I consider the public benefits before me are modest and insufficient to outweigh the identified harm.

Other Matters

19. Paragraph 109 of the Framework seeks to ensure that the planning system actively manages patterns of growth, focusing significant development on locations which are or can be made sustainable. This is consistent with the objectives of Policy SP4 of the Local Plan. The appellant maintains that the site is in a sustainable location. I saw on my site visit that it is within a reasonable walking distance of the centre of Langcliffe. However, I observed only limited local services and amenities here. There is otherwise little substantiated evidence before me regarding the accessibility of the site to local services and amenities, and the availability of public transport. This does not therefore outweigh the identified conflict with the Council's spatial strategy.

20. My attention has been drawn to several previous planning decisions for development at the appeal site and neighbouring land. These include approvals for 48 holiday units in 1984¹, and hotel extensions in 1980² and 1989³. The latter of these would have extended near to the boundary of the adjacent railway. However, these are historic decisions, determined within a different national and local planning policy context. Moreover, they are all for a different form of development to the appeal proposal. None of these examples, nor others set out in the planning history of the site before me, demonstrate that the appeal proposal would comply with the current development plan.
21. A proposal for a subterranean eco-dwelling, car port and solar array on the adjacent land was considered at appeal⁴, and dismissed solely on the basis of harm to surrounding trees. A similar proposal was subsequently granted planning permission⁵ by the Council. I saw that this dwelling has now been constructed. However, only limited details of the circumstances that led to both decisions are before me. Furthermore, that proposal was for a single dwelling, integrated into the landscape, on a different site, and subject to a full planning application. The level of detail provided, and the nature, location and scale of the development in both cases were materially different to the appeal scheme. This therefore does not provide justification for the proposal in this case.
22. The appellant states there is no evidence that the Council visited the appeal site as part of their consideration of the planning application, and that there were delays in its determination. This cannot however lead me to a different conclusion on the main issues.
23. Representations both supporting and objecting to the proposal were received from interested parties. This weighs neither for nor against the proposal in this instance. While no objections were received from the YDNP Authority, or the Settle & Carlisle Development Company, this does not in itself indicate that the appeal proposal is acceptable with regard to the main issues.
24. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

25. The proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR

¹ Council Ref 5/48/23C

² Council Ref 5/48/23A

³ Council Ref 5/48/23F

⁴ Appeal Ref: APP/C2708/W/19/3239506

⁵ Council Ref 2020/22172/FUL