
Appeal Decision

Site visit made on 1 December 2015

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05/01/2016

Appeal Ref: APP/C2708/W/15/3134174

Land off Main Street, Sutton-in-Craven, Keighley, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr H Ingham against the decision of Craven District Council.
 - The application Ref 66/2015/15334, dated 29 December 2014, was refused by notice dated 3 June 2015.
 - The development proposed is the construction of 50 new houses and associated access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all detailed matters reserved for future approval. I have therefore dealt with the appeal on this basis.
3. The Council has not identified any policies from The Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (Local Plan) in its decision notice but refers only to the National Planning Policy Framework (the Framework). Accordingly, I have determined this appeal principally in relation to the Framework.

Main Issue

4. The main issue is whether the proposal would be a sustainable form of development, with particular reference to the character and appearance of the area and flood risk.

Reasons

5. The appeal relates to a large agricultural field that is aligned with mature trees and dry stone walls. Due to the topography of the area this and other adjoining fields gradually rise up from the boundary that fronts Sutton Lane, thereby providing a prominent natural landscape and a predominantly open visual gap between the built up areas of Sutton and Eastburn.
6. The appellant disputes that the site is within the open countryside. Whilst the appeal site adjoins built development in Sutton; it forms part of a wider network of fields. I therefore consider the appeal site to have more affinity with the open agricultural land form and I share the Council's view that the site is located within the countryside.

7. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental, that are expected to be delivered equally.
8. The appeal proposal would clearly provide some economic and social benefits. It would make a contribution of 50 deliverable houses to the supply of housing, initially bringing employment opportunities during the construction of the houses and then providing homes whose occupiers would contribute to the local economy. I also recognise that it is in a relatively accessible location within walking distance of Sutton's local facilities and services, and is relatively well served by public transport to Skipton and Keighley. These factors weigh in the proposal's favour.
9. In terms of the environmental dimension the appeal site lies within Flood Zone 1, and a Flood Risk Assessment has now been provided. The Council accept that this does not conclude that the site cannot be developed, and there is little evidence to suggest that it would increase flood risk elsewhere. As such I am satisfied that appropriately worded planning conditions could reduce the impact of flooding.
10. It has also been put to me that opportunities would exist to enhance biodiversity on the site through the retained green wedge and measures such as the planting of native trees, ponds and the erection of bat and bird boxes. However landscaping and appearance are reserved matters and details of some of these are only qualified by the indicative plans. In any case, benefits in terms of biodiversity must be offset by the amount of increased activity and amount of development being taken up by the built development.
11. Moreover, in defining the environmental role of the planning system, paragraph 7 of the Framework emphasises the need to protect and enhance the natural and built environment. The core planning principles set out in paragraph 17 of the Framework also include the need to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and to enhance the natural environment.
12. I recognise that the proposed layout plan is only indicative, and that the appellant suggests that a suitable transition between development and green space could be achieved through the retention of a large proportion of the site as open space and a landscaped buffer. It has also been put to me that this open space would significantly exceed the requirements of the local plan and that the appeal site does not have any specific designation. Nonetheless, the proposed dwellings and associated access roads would also take up a considerable amount of the site, intensifying the urban form and significantly reducing its openness. Given the amount of development proposed it would also be likely to sprawl beyond an area facing the Corn Mill Walk highway which I consider to define the end of the built form on the opposite side of Sutton Lane.
13. Although there may not be any guidance on minimum distances between villages, and I appreciate that any assessment is therefore subjective, I consider that the gap between the built up areas of Sutton and Eastburn would be substantially eroded. Indeed, the topography of the area is such that much of the development would be elevated, and visually prominent from a

- number of vantage points, including along the Sutton Lane, Corn Mill Walk and the cricket ground.
14. In my judgment the clear visual intrusion into the gap, when viewed from Sutton Lane, would result in a substantial diminution of the graduated sense of arrival at Sutton from Eastburn, and significantly reduce the sense of open rurality and separation experienced when moving between the two settlements. Substantial harm would be caused to the attractive landscape character and setting of the area as a result. In light of my findings, I conclude that the scheme would not protect, restore, conserve and enhance the natural and built environment. As such there would be significant conflict with the environmental role of sustainability and paragraphs 7 and 17 of the Framework. It would therefore not result in a sustainable form of development.
 15. There is a difference of opinion between the parties as to whether there is a five-year supply of deliverable housing land but, for the purposes of this appeal, I adopt the position of the appellant, namely that there is a shortfall in the supply of housing land. This is not to be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the planning balance.
 16. Nonetheless I conclude that whilst the proposal would not have a harmful effect in regards to flood risk, the adverse impact that the proposal would cause to the character and appearance of the countryside would significantly and demonstrably outweigh this and the benefits discussed above when assessed against the policies in the Framework taken as a whole. Furthermore, whilst noting the appellant's willingness to provide 20 affordable houses upon the site, new footways, cycle paths, and a gift of 1ha of land to the village for recreational use I have not been provided with a mechanism to secure these. Whilst these are not determining factors they contribute towards my conclusion that the proposal would not constitute sustainable development for which there is a presumption in favour.
 17. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR