



Appeal Decision

Site visit made on 19 February 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2019

Appeal Ref: APP/C2708/W/18/3217056

**Land west of Greenroyd Drive, Sutton in Craven, Keighley, West Yorkshire
BD20 7LY**

- 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 Robert and Lynda Summerskill against the decision of Craven District Council.
 - The application Ref 2017/18753/FUL, dated 12 January 2018, was refused by notice dated 7 September 2018.
 - The development proposed is the erection of 10 dwellings, demolition of existing dwelling (32 Greenroyd Drive) and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Summerskill against Craven District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Government published the 2018 Housing Delivery Test (HDT) results, and an updated revised National Planning Policy Framework (the Framework), on 19 February 2019. On 28 March 2019 the Office for National Statistics published the updated annual affordability ratios. I have given the main parties the opportunity to comment on these matters.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including Sutton in Craven conservation area and nearby listed buildings;
 - whether the proposed development would increase the risk of flooding within the site or elsewhere.

Reasons

Character and appearance

5. The appeal relates to part of the large garden of Bay Horse Barn, a former agricultural building now in residential use. The appeal site and Bay Horse Barn, together with the listed Bay Horse Inn and Orchard Cottage on the adjacent site, are in Sutton in Craven conservation area (the CA), which covers much of the built fabric within the historic village centre, together with the former Greenroyd Mill, and the area of open space at Sutton Park.
6. The site appears to have originally formed part of a larger area of open land associated with the former Bay Horse Inn, Orchard House, and Bay Horse Barn. It adjoins Wet Ings Lane, an historic footpath which connects to housing on Greenroyd Drive, just outside the CA, and then runs through the CA, alongside housing built in the grounds of the former Greenroyd Mill, before following the line of Sutton Beck into the historic village centre.
7. There are trees and other vegetation along the boundary between the site and Wet Ings Lane, which are quite tall and dense in places. However, whilst there are some conifers within the site, much of the vegetation along the part of the boundary immediately adjacent to Wet Ings Lane is deciduous. At the time of my visit, when that vegetation was not in leaf, I observed that filtered views were possible through that boundary vegetation from the adjacent part of Wet Ings Lane, extending across the open land within the site, and to Bay Horse Barn and the open fields rising up the hill beyond it. Therefore, whilst the views from Wet Ings Lane would be subject to seasonal changes, public views from that adjacent footpath within the CA would be possible for relatively lengthy periods of the year, in addition to further views which exist from private properties around the site.
8. Walking along Wet Ings Lane gives glimpses into the history and evolution of the village, including the railings of the large mill which formed part of the village's industrial past, examples of the residential growth which took place in the 20th century, and more recent infill housing in the grounds of Greenroyd Mill and the former Bay Horse Inn. Those changing views as one travels along Wet Ings Lane, taking in elements of the village's history, are a positive element of this part of the CA, and contribute to its significance.
9. As the site now forms part of a residential garden, some characteristics of its appearance and boundary planting are consistent with that domestic use. However, the site nonetheless retains its essential characteristic of openness, and Bay Horse Barn, which has retained much of its rural character despite its conversion, is still visible across the site from Wet Ings Lane. Therefore, whilst not formally identified or designated as an important open space, in its current, open form the site forms a further component of those changing, glimpsed views into the history of the village as experienced from Wet Ings Lane. Whilst those views are possible only from a limited part of the CA, they are nonetheless a positive component of it, and contribute to its significance.
10. The site, I am advised, also forms one of the last, if not the last, remaining area of former agricultural land immediately adjacent to the boundary of the historic village core, the remainder of the historic village centre having been encircled by later residential development over the years. The site thus also remains as a significant physical and visual link between the historic village

core and the agricultural land which historically served it, and which forms part of its setting. As such, it plays an historic role in the significance of the CA, as well as a visual one.

11. The proposed houses would be of a traditional appearance, reflecting the detailing and materials of other existing housing within the CA. They would be located within open garden areas, with new planting proposed within the site. However, in developing the full extent of the site with new buildings, together with their associated access, parking and garden areas, the scheme would significantly erode the open character of the site and the views across it from Wet Ings Lane towards Bay Horse Barn and the open fields beyond. The development would therefore remove the remaining physical and visual connection between the historic centre of the village and its agricultural surroundings, and the sense of connection between the village and that part of its history, as experienced from the adjacent footpath and from other surrounding parts of the CA. As such, the development would cause harm to the character and appearance of the CA, and to its significance.
12. My attention has been drawn to a recent planning permission for 2 houses opposite Bay Horse Barn, just outside the CA. Whilst visible from Wet Ings Lane, those new dwellings would not affect the open character of the site itself, or the views across it from Wet Ings Lane towards Bay Horse Barn. The site's significance in providing an ongoing visual connection between the core of the village and those associated rural buildings would therefore not be affected.
13. On the basis of the evidence before me, it appears that the new dwellings would reduce the extent of views from within the CA towards the open fields beyond to some degree. However, as there would be some separation between their two storey sections and those of the existing buildings to either side, those views would not be eliminated altogether, and the open fields on the steeply-rising land beyond would remain visible alongside and above the new dwellings, albeit to a more limited degree than previously. Those permitted dwellings may cause some harm to the CA. However, they would not erode the open character of the appeal site, or its contribution to the significance of the CA, and their presence would not justify the further harm to the character and appearance of the CA which, I have identified, would arise as a result of the current appeal proposal.
14. Whilst it appears that the site may have had some historic connection with the listed buildings at the Bay Horse Inn and Orchard House, the physical and visual links between the site and those buildings, and thus the sense of their historic connection, have been compromised to some degree by the new housing which has been built in the grounds of the Bay Horse Inn. Therefore, whilst I find harm to the character and appearance of the CA, I do not find that the setting of those listed buildings would be harmed as a result of the development.
15. The recent development within the grounds of the Bay Horse Inn may, itself, have led to some harm to the character and appearance of the CA. However, the presence of that development does not justify the further harm to that character and appearance that would arise as a result of the current appeal proposal.
16. I observed that the site and its surroundings are visible from more distant, elevated vantage points beyond the village, including from parts of Strikes

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- Lane. However, the sense of separation and distinction between the village core and surrounding newer housing, and the site's contribution to maintaining that sense of separation between the older and newer parts of the village, is less readily apparent in those more distant views. Overall therefore, I do not find that the development's effects on the character of the CA would be perceptible from those more distant viewpoints.
17. However, for the reasons given, on the basis of the evidence before me and my own observations, I find that the proposed development would cause harm to the character and appearance of the CA as experienced from within the CA itself. It would thus cause harm to the significance of the CA which arises, in part, from the visual characteristics of the site in its current form, as well as from its role in maintaining an historic connection between the CA and its wider setting. Having regard to my duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must give considerable weight to that harm, and to the presumption that preservation is desirable.
 18. As the harm would only be evident in a relatively localised area of the CA, and the wider significance of the CA is also drawn from other characteristics, the harm arising to the CA as a whole would be less than substantial. Nevertheless, I must have regard to the significance of the CA, and the Framework requires any such harm to be weighed against the public benefits of the proposal.
 19. The proposed development would create a net increase of 9 new dwellings in an existing village, close to community and leisure facilities, and with some public transport availability. It would therefore contribute to housing supply and availability in the district and locally, and future occupants would provide some support to shops and services within the village and in the nearby settlement of Crosshills. The development would also provide some employment opportunities during construction.
 20. I have had regard to support in the Framework for boosting the supply of housing. However, the benefits of 9 houses towards housing supply, and in those other respects referred to, would be relatively modest. There is little before me to suggest that the Council has a shortfall in housing land supply, or that its housing need is so acute as to justify or outweigh the harm I have identified to the character and appearance of the CA, to which I attach considerable weight.
 21. Therefore, for the reasons given, whilst I do not find harm to the setting of nearby listed buildings, I conclude that the proposed development would cause harm to the character and appearance of the appeal site and its surroundings, including the Sutton in Craven conservation area. No specific conflict with development plan policies has been drawn to my attention. However, the proposal would conflict with the Framework, which requires me to take account of the desirability of sustaining the significance of heritage assets and to give great weight to the asset's conservation. I give significant weight to the Framework as a material consideration, and conclude that the appeal should be dismissed on that basis.
 22. I have also had regard to the draft Sutton in Craven Conservation Area Appraisal, dated August 2016, as a further material consideration. However, as the document remains in draft form and does not appear to have been the subject of public consultation, I have afforded it only limited weight.

Flood risk

23. The site is in Flood Zone 1. However, I have noted reference in the submissions before me to there being some history of flooding within Sutton in Craven.
24. A Drainage Strategy Report (DSR) has been provided as part of the appeal. The DSR concludes that groundwater levels in the area would be likely to preclude the preferred option of infiltration drainage via soakaways, but suggests that some sustainable drainage provision may be feasible in the form of permeable surfacing to private driveway areas within the site.
25. The DSR identifies that, due to levels differences, and the presence of protected trees and root systems between the site and the adjacent watercourse, it is unlikely that a route to that watercourse for the discharge of surface water would be available. Various options are therefore set out for connecting the development to existing sewers which are identified within and close to the site.
26. The DSR sets out proposals for the staged attenuation of surface water as part of the drainage design which, it states, would result in surface water discharge levels that would either match or improve on greenfield rates. The DSR also takes account of the possibility of discharge rates being increased in the event of failure of the drainage system, and concludes that any excess flows which may arise in such circumstances would be minimal, could be managed, and would not increase flood risk to others within and external to the site.
27. The details, calculations and conclusions in the DSR have not been disputed by the Council. On the basis of the evidence before me, I have no reason to believe that the existing sewers referred to would be unable to cope with the anticipated discharge from the development. Therefore, and in the absence of any substantive evidence to the contrary, I have no reason to conclude that a satisfactory surface water drainage solution could not be achieved, or that the development would result in an increased risk of flooding within the site or elsewhere. On the basis of the DSR supplied with the appeal, I am therefore satisfied that the specific details of any such scheme could be adequately dealt with by condition.
28. Concerns have been raised regarding the proposed planting of trees within the easement of an existing sewer within the site. A revised landscape drawing has been provided by the appellant which indicates that those matters raised could be resolved via alternative landscaping proposals. On that basis, I am satisfied that such matters could be satisfactorily dealt with by condition.
29. I have also been referred to concerns regarding the proximity of some of the proposed dwellings to the on-site sewer. However, there is little before me to suggest that any issues which may arise with regard to the relationship between buildings and sewer easements would be irresolvable, and the evidence before me does not lead me to conclude that permission should be withheld on that basis.
30. Therefore, for the reasons given, I conclude that the proposed development would not increase the risk of flooding within the site or elsewhere. I have not been directed to any specific conflict with development plan policies. However, the proposal would not conflict with the Framework, to which I attach

significant weight as a material consideration, and which states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Other Matters

31. I have been referred to pre-application advice provided by the Council, to further correspondence between the Council and the appellant during the course of the application, and to further submissions made by the appellant in response to comments received from consultees at that stage. Whilst noting such correspondence as has taken place, I have determined the appeal on its own planning merits and on the basis of the submissions before me, and those earlier discussions do not affect my conclusions above.
32. My attention has been drawn to recent planning permissions for housing nearby, including on the car park of the former Bay Horse Inn, and opposite Bay Horse Barn. However, on the basis of the limited information before me, there appear to be differences between the history and former uses of those sites, and in the circumstances in which they received permission, compared with the appeal site and proposal before me. In any event, whilst having regard to those recent planning permissions, I have determined the current appeal on its own planning merits.
33. I have had regard to other concerns raised by interested parties, including with regard to highway safety and the demolition of the existing house at 32 Greenroyd Drive. However, as I have found the proposal to be unacceptable for other reasons, I have not needed to consider those other matters further in this instance.

Conclusion

34. I have found that the proposed development would not increase the risk of flooding within the site or elsewhere. However, the absence of harm in that respect does not outweigh the harm to the character and appearance of the site and its surroundings, including to the Sutton in Craven conservation area, which I have identified.
35. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR