



Appeal Decision

Site visit made on 21 May 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2019

Appeal Ref: APP/C2708/W/19/3221233

Land behind Panwell Cottage and Spring Cottage to East of Back Gate, Ingleton LA6 3BJ

- 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 T E Brown against the decision of Craven District Council.
 - The application Ref 2018/18891/FUL, dated 8 January 2018, was refused by notice dated 27 July 2018.
 - The development proposed is a residential development to create 13 no. dwellings accessed from Back Gate, Ingleton.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matter

3. During the course of the appeal, an updated Revised National Planning Policy Framework (Framework) and the 2018 Housing Delivery Test results were published, which I have considered in my decision. In the interests of fairness, the appellant and the Council were given the opportunity to comment on these matters. My decision refers to the paragraph numbers as they are now, in the Framework.

Main Issues

4. The main issues are the effect of the proposal on (i) the character or appearance of the area, including on the setting of the Ingleton Conservation Area (ii) the setting of a listed building, Panwell Cottage; and (iii) flood risk and drainage.

Reasons

Conservation Area

5. The appeal site comprises parts of a number of fields and paddocks, together with an area of trees and vegetation. The site has extensive boundaries with the remaining parts of the fields and paddocks which are largely undefined, apart from the southern boundaries that are more enclosed by fencing and

- vegetation. Dry stone walls dissect the site and a public right of way also runs through part of it. There is an access onto Back Gate, and it also lies to the rear of a number of residential properties along this road.
6. The boundary with the conservation area runs through the access, so that the vast majority of the proposal, including all of the proposed dwellings, would lie outside of the conservation area. The Ingleton Conservation Area Appraisal (2016) (CAA) identifies that, in this part of the conservation area, development is less densely built up and there are numerous views out across into the countryside in an easterly direction, where the site is located. This is identified as a strong contributor to the character of the conservation area. The views are also stated to retain the character of the village on this side.
 7. With the location of the site immediately adjacent to the existing residential properties along Back Gate and with its largely undeveloped form, it is an important part of the setting of the conservation area as part of the countryside just beyond the edge of the settlement. It is, therefore, a strong contributor to the character, in line with the CAA. The use of the land also displays historical significance in relation to the connection of farming to the settlement and the historic field patterns. Whilst this may not be ubiquitous to the site, when these factors are taken together, it clearly contributes favourably towards the significance of the setting of the conservation area.
 8. This role of the site would be markedly disrupted by the development of the proposed dwellings and the associated infrastructure. The proposal would appear as a moderately large scale urbanising development and project well beyond the existing properties on this part of Back Gate. Thus, it would also represent a significant projection and encroachment into the countryside setting. The properties alongside High Street, to the north and in parallel to the site, reflect a linear pattern of development along this road and so they do not share the same level of detrimental effects on the setting that would arise from the proposal with its location to the rear of the properties on Back Gate.
 9. The current pleasing juxtaposition of the properties on the eastern side of Back Gate to the countryside is also evident from a number of views from the public vantage points in between properties. These views include the fields and paddocks which largely make up the site and, as was apparent from my site visit, these would be unquestionably disrupted by the incursion of the proposal onto the site. Views would be of a more limited nature from the junction with High Street, although this would not address the detrimental effects on views nearer the site on Back Gate.
 10. The design, materials and form of the proposed dwellings, including the use of short terraces nearer the site entrance, would not appear out of keeping with the existing dwellings on Back Gate, and the proposal seeks to retain much of the dry stone walls and identifies the potential for planting. However, this would not overcome the harm that would arise by way of the loss of the countryside setting to the conservation area. The extent to which the access would open up further views into the countryside would, in my view, also be limited due to the alignment of the internal access road and the arrangement of the proposed dwellings.
 11. In relation to the small part of the proposal that would lie within the conservation area, the proposed access would preserve or enhance the character or appearance. This is due to its form and location where there is

already the existing access. In this regard, it would accord with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). However, this does not address the harm that would arise to the setting of the conservation area. In coming to these views, I have considered the totality of the heritage evidence before me, including the appellant's heritage statement.

12. I conclude that the proposal would have an unacceptable effect on the character or appearance of the area, including on the setting of the conservation area. It would not accord with paragraph 192 of the Framework, in particular, concerning the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of paragraphs 195 to 196 of the Framework, less than substantial harm would arise.

Listed Building

13. Panwell Cottage is a grade II listed building which is found on Back Gate and is separated from the site by a new dwelling. It dates from the 17th century and is constructed of rendered rubble with millstone grit dressings, and a stone slate roof. It has much of the appearance of a traditional rural cottage in this area, and this is also reflective of its location towards the edge of the settlement and close to expansive areas of countryside. The historical significance is derived from these aspects of its special interest.
14. As the site is found within the nearest part of the countryside to Panwell Cottage and in having regard to its historical significance, the site falls within its setting. Even though the new dwelling is now in between and this has somewhat disrupted the relationship between the cottage and the site, this is not to the extent that the site does not play an important role in its setting.
15. The proposal would extend into much of the countryside that lies closest to Panwell Cottage and separate it further from the remaining areas on this side of the settlement. As a consequence, it would not preserve its setting, even with the intervening new dwelling. Matters in relation to the design of the new dwellings, retaining parts of the dry stone walls and planting would not adequately resolve this concern.
16. I conclude that the proposal would have an unacceptable effect on the setting of a listed building, Panwell Cottage. I am bound to consider the proposal against Section 66 (1) of the Act which concerns the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, even though the Council has referred to Section 72 in its reason for refusal. The proposal would not accord with the statutory duty under Section 66 (1) of the Act. Nor would it comply with paragraph 192 of the Framework concerning heritage assets and significance, and for the purposes of paragraphs 195 to 196, less than substantial harm would result.

Drainage

17. The various flood risk and drainage documents that the appellant has submitted set out a number of surface water drainage options, including a connection to an existing mains drainage and the potential use of soakaways. With the information that has been submitted, and whilst I am aware that the Council has concerns over the distance from the site to a public sewer and that more percolation tests for soakaways may be required, there is sufficient

evidence before me that demonstrates that the site could be properly drained. If I was minded to allow the appeal, this is a matter which could be dealt with by way of a planning condition.

18. Matters have also been raised in relation to the function the site performs as regards water which runs off surrounding land and the nearby fell of Ingleborough. The drainage details submitted indicate that, with the measures that would be intended to be incorporated, these would improve drainage flow paths on the site. The use of permeable surfaces are also indicated. Such measures, along with introducing a formal drainage network to the site, would be likely to minimise the risk of flooding elsewhere.
19. Hence, I conclude that the proposal would not have an unacceptable effect on flood risk and drainage.

Planning Balance

20. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. The Council's Five Year Housing Land Supply Methodology and Report 1 April 2017 to 31 March 2022 sets out that the Council has a 5 year housing land supply in accordance with the Framework across the Council area as a whole. The appellant has disputed this and has raised specific housing land supply issues in Ingleton. Even if I was minded to conclude there is a shortfall in the 5 year housing land supply as has been suggested by the appellant, and whilst the proposal would accord with the Government's objective to significantly boost the supply of housing, it would make a modest contribution as a benefit. Matters in relation to the Housing Delivery Test results do not alter my views.
22. The proposal would also provide for a housing mix. Four affordable housing units are envisaged, although this benefit is lessened somewhat by that I have no effective mechanism before me that would deliver the affordable housing, if I was minded to allow the appeal. The proposal would also be accessible to local services.
23. In the balance, I am mindful that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Overall, I find that these public benefits would be on a limited scale and would not outweigh the less than substantial harm to the designated heritage assets, under the Framework.
24. The proposal would also not accord with the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, because the application of policies in the Framework that protect areas or assets of particular importance, related to designated heritage assets, namely the setting of the conservation area and the listed building, provides a clear reason for refusing the development proposed. The 'tilted balance' does not, therefore, apply.
25. The Council's reasons for refusal do not contain adopted development plan policies and, hence, there is not an apparent dispute between the parties on this matter. This is a case, though, where the material considerations that I have set out attract substantial weight and justify dismissing the appeal.

26. Both main parties have made reference to the Council's emerging Local Plan (LP), which has now been subject of examination and modifications, including the proposed policies and allocations. I have considered both parties views on the deliverability of sites under the LP and whether or not draft policies in any event would permit the site coming forward regardless of the housing land supply position. This does not, though, outweigh my concerns on the main issues with the strong protection which is afforded to the historic environment through the planning system.
27. Interested parties have raised a number of other issues. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision. Matters in relation to how the Council dealt with the planning application are not for my consideration and, whilst I note the appellant's views on the involvement of Historic England, I have dealt with the appeal on the basis of the merits of the proposal before me.

Conclusion

28. The proposal would have a detrimental and harmful effect on the setting of the conservation area and it would fail to preserve the setting of Panwell Cottage, a listed building. The proposal would not be unacceptable as regards drainage and flood risk, which attracts neutral weight. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR