



Appeal Decision

Site visit made on 8 October 2024

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/E2001/W/24/3342920

Land and buildings east south and south east of Bubwith Garden

Machinery, 18 Highfield Road, Bubwith, East Riding Of Yorkshire YO8 6LY

- 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 the Peach Family against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/01636/STOUT.
 - The development proposed is a "proposed residential development of up to 33 dwellings with access from Highfield Road (Outline, approval for access)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access. Layout, appearance, landscaping and scale would be the subject of future applications for approval of reserved matters. Plans were submitted showing the access and an indicative layout of the site. Indicative plans have been treated as such.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. Having regard to the decision of the Council and the cases of the parties, the main issues are whether or not the appeal site is a suitable location for the development proposed, and the effect of the proposal on existing trees.

Reasons

Location

5. The appeal site is roughly L-shaped, comprising an existing haulage yard, with open-air storage, associated buildings, and parts of the large fields to the south and east. The part of the site comprising the existing haulage yard is allocated for residential development in the East Riding Local Plan 2012-2029 Strategy Document, adopted April 2016 (the Local Plan) for residential development, with an indicative capacity of 22 units.

6. The same site has been proposed as an allocation in the Local Plan Update – Proposed Submission October 2022 (the emerging Local Plan) with an indicative capacity of 29 units, and that plan has been submitted for examination. The rest of the site, beyond the allocation is outside the development limits of Bubwith and therefore within countryside.
7. Development in the countryside is tightly controlled by the Local Plan, and the appeal proposal does not fall within one of the exceptions listed.
8. But for a few notable exceptions, including the leisure centre and the appeal site, Highfield Road has a linear character, with groups of dwellings featuring a consistent and regular plot depth. This linear form is well established as the dominant character of this part of Highfield Road and Bubwith. Notably it persists in terms of the projection of development into the open countryside to the south at the new housing along Highfield Road and at the housing on Highfield Grove, despite the different orientation and smaller plot sizes.
9. I accept that the allocated site would project somewhat beyond the established line of development. However, the size, form and relationship of the allocation to the existing settlement is a function of an existing land-use and form of development, which already has that relationship to the settlement. In addition, that change, that projection into the countryside has been subject to at least two rounds of development plan preparation, with its associated consideration of effects and public consultation, and one process of examination and adoption.
10. The proposal would extend built form into the open countryside. It would extend the built form of the village into what are at present large, open fields, with no boundaries on the ground relating to the proposed southern boundary. The resulting 'second-layer' of housing, behind that fronting Highfield Road would also be atypical of this part of the settlement. Whilst I do not seek to suggest that such change could not be acceptable in Bubwith, it clearly does not form a part of the development strategy at this time, and to my mind, there is little justification for such a radical departure from the established character of the area at this time.
11. The proposal would therefore disrupt the well-established pattern of the settlement here and result in a clearly uncharacteristic and atypical form of development, inconsistent with the established settlement pattern, form and character.
12. Whilst I acknowledge the potential minor shortfall between the allocations, consents and need for Bubwith in both the Local Plan and the emerging Local Plan, given the overall level of supply in the area, which exceeds by some margin the requirement, I do not consider that such a minor shortfall warrants departing from the well-established approach to this site and this settlement. Nor, in my opinion, does such a minor shortfall warrant a departure from the development plan approach in terms of protecting the countryside from encroachment or controlling the pattern and distribution of development. In any event, the evidence before me does not make it wholly clear that despite the reservations of the appellant, such a shortfall could not or would not be made up on existing sites.

13. As I have noted, the proposal would introduce an element of built-form the layout of which would be atypical of both this part of Highfield Road and this part of Bubwith.
14. The appeal proposal would represent a significant departure from the approach in the local plan to residential development, development in and of Rural Service Centres and development in the countryside outside of development limits. To my mind, such a departure from the Local Plan approach requires far greater justification than the relatively minor potential shortfall identified in one settlement, particularly when that is set against the significant oversupply in the district as a whole.
15. Taking all of the above together, I find that the part-countryside location of the site, the unacceptable encroachment into the countryside, and the development of land in a way at odds with the established character of the immediate surroundings all lead me to find that the appeal site is not a suitable location for the development proposed. The proposal would therefore significantly conflict with Policies S3, S4 and ENV1 of the Local Plan. These seek, amongst other things, to ensure that development is commensurate with the character of settlements, that the countryside is protected, and that development is of high-quality, contributes to the sense of place and respects the characteristics of its context.
16. For the same reasons, the proposal would also conflict with policies on context, character and identity in the National Design Guide (NDG), and national policy in the National Planning Policy Framework (the Framework) on achieving well-designed places within the context of a plan-led system.

Trees

17. Following the Council's decision on the appeal application, the appellants have carried out a Tree Constraints Assessment, and confirmed that up to 33 dwellings could be accommodated on the appeal site whilst respecting the constraints posed by trees on the site.
18. The Council has confirmed that although their Trees Team maintains a holding objection to the proposal, the relationship of trees on the site to any future dwellings could be adequately controlled through the imposition of a condition and the exercise of control at reserved matters stage.
19. As such, I find that the proposal would not have an unacceptable effect on existing trees. In that respect, it would not therefore conflict with policy ENV1 of the Local Plan, national policy in the Framework or the NDG.

Other Matters

20. I note that the appellant has referred to the potential to consider the site as a windfall opportunity. I do not necessarily dispute this. However, given the effect of the proposal on its surroundings set out above in considering the suitability of the location, namely the extension of built-form into the countryside in a form at odds with the established character, I do not find that it would be an appropriate windfall site.

Conclusion

21. I accept the site may be a deliverable one, and I accept that its development would deliver both market and affordable housing to meet a need set out in the Local Plan. I also acknowledge the proposed parking for the doctors' surgery. Whilst this would likely be of benefit, I have no clear evidence of the need for it, and even if I could be certain of the security of this offer, it is not one which outweighs the fundamental development plan conflict I have found.
22. Whilst broadly supportive of the delivery of housing, national policy in the Framework reiterates that the planning system should be genuinely plan-led, and although the appellant has identified a potential minor shortfall of housing in this settlement, at this time, I am not persuaded that such a shortfall is definitive (some of the sites are yet to be developed) or that even if it were, when seen in the context of the plan-level housing-supply, it is evidence of the plan failing, such that interventions which are contrary to it, are warranted.
23. Taking all of the above together, I find that the proposal significantly conflicts with the development plan. Whilst there are material considerations which weigh in its favour, I do not find that these are of such weight to indicate that a decision be taken other than in accordance with the development plan.
24. The appeal should therefore be dismissed.

S Dean

INSPECTOR