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## Appeal Decision

Site visit made on 9 January 2018

**by Andrew McCormack BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 February 2018**

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**Appeal Ref: APP/E2001/W/17/3185361**

**Former Military Camp, Kirklands Lane, Gowthorpe YO41 5QL**

- 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 John Jones against the decision of East Riding of Yorkshire Council.
  - The application Ref DC/01752/PLF, dated 21 May 2017, was refused by notice dated 6 September 2017.
  - The development proposed is changes to the building envelopes of 5 number B8 storage buildings including addition of a new render skin, roof membrane, insertion of windows and doors, changes to surrounding landscape and drainage.
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### Decision

1. The appeal is allowed and planning permission is granted for installation of a new render skin, roof membrane, windows and doors and associated landscaping and drainage to 5 B8 storage buildings following planning permission 16/01545/SRNOT – Change of use of 5 storage/distribution buildings (Class B8) to 5 dwellings (Class C3) (Resubmission of planning reference 17/00775/PLF) at Former Military Camp, Kirklands Lane, Gowthorpe YO41 5QL in accordance with the terms of application Ref: DC/01752/PLF and subject to the conditions set out in the schedule attached to this decision letter.

### Application for costs

2. An application for costs was made by Mr John Jones against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The original description of development on the application form submitted by the appellant is set out in the banner at the top of this decision letter. Notwithstanding this, the Council changed the description to that which is set out in Paragraph 1 of this decision letter. Having considered the appeal proposal and the evidence before me, I find that the Council's amended description most accurately describes the proposal. Furthermore, I note that prior approval for Class C3 use at the appeal site was granted under the approval ref: 16/01545/SRNOT. As a result, I have referred to the Council's description of development in my decision.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Background*

5. The appeal site is consists of six single storey buildings which have previously been in military use to provide accommodation for the Women's Royal Air Force in connection with a nearby airfield. More recently, the site has been used as a builder's yard and has been in B8 use since 2005. Five of the six buildings on site are of a precast concrete construction and are set back from the access lane and entrance to the site. The sixth building, which is not proposed for conversion, is proposed to remain in B8 use. To the south of the site is Elmwood House, a residential property positioned adjacent to Kirklands Lane. There is also a kennels and cattery complex and some small scale commercial development nearby.
6. The appellant argues that the granting of prior approval for residential use at the site is a material consideration which should be afforded significant weight in this appeal. Furthermore, it is argued that the proposed development relating to alterations to the existing buildings and the surrounding character and appearance is an inevitable consequence of the permitted change of use. Therefore, the subject buildings would inevitably take on a more domestic appearance. In addition, the appellant states that the proposal follows the Government's policy of using underutilised brownfield employment sites for housing where appropriate in order to boost housing delivery and supply.
7. Whilst the Council acknowledges that prior approval has been granted for residential use of the buildings at the appeal site, it argues that the provisions of the Town and Country Planning (General Permitted Development) Order 2015 are such that any external alterations to the buildings being converted to residential use are not permitted development under Class P of the GPDO and therefore require planning permission. The Council argues that the appeal proposal would have a significant detrimental impact on the character and appearance of the surrounding area. The external alterations would be incongruous with its context and would not respect or protect the intrinsic character of the countryside.
8. Notwithstanding the above, whilst having due regard to these matters, I must assess the proposal in accordance with relevant development plan policies and determine the appeal having due regard to all other material considerations. As such, I confirm that I have determined this appeal on that basis.

### *Character and appearance*

9. The area is characterised as open countryside with rolling hills and a landscape which allows for some longer range views of the appeal site from various points in the surrounding area. Nearby properties adjacent to Kirklands Lane are predominantly detached dwellings which front onto the public highway. In some cases, as with the appeal site, there are buildings of a utilitarian character and appearance which are positioned on land to the rear of properties fronting onto the highway. In the wider area, there are buildings of an agricultural and commercial character in similar arrangements in the landscape. As a result, the appeal site and its associated buildings form an intrinsic feature which is in keeping with the surrounding landscape.
10. Policy S4 of the East Riding Local Plan (LP) states that development in the open countryside will be supported where it is appropriate in its scale and location. Furthermore, Policy ENV1 of the LP requires that all development protects and respects the character and appearance of the area through the use of high quality design and having due regard to its context, including scale, height and materials.

11. The proposed development would alter the external appearance of the existing utilitarian buildings on the site and facilitate the implementation of the change of use from storage/distribution use to residential use granted under prior approval. Although the scale, massing and position of the buildings would be maintained, the external appearance of the buildings would become more domestic in nature as a result of the insertion of windows and doors which would provide a more residential character to the site and buildings. Furthermore, I note that the proposed landscaping scheme would introduce a greater domestic appearance to the site.
12. Whilst I acknowledge that this would not be fully in keeping with the surrounding open countryside context, I note that the appeal proposal has been pared back from previous schemes for the appeal site. Furthermore, I note the appellant's point that the proposed landscaping scheme could be implemented irrespective of whether the appeal was allowed or the buildings were in residential or non-residential use. Notwithstanding this, I find that the overall appearance of the site resulting from the appeal proposal would not significantly alter in terms of being more residential in character.
13. I note that the prior approval for residential use on the appeal site was granted in 2016 and this is a material consideration to which I give significant weight. Furthermore, I note that the proposal would not result in an increase in the number of dwellings on the site which has been established by the prior approval. From what I have seen and read, including the standard of repair of the buildings on the site, I am satisfied that the change to residential use of the buildings is a realistic proposition. Therefore, there is also a reasonable prospect of the prior approval change of use being implemented. In light of the above, I find that not only has the principle of residential development at the site been established, the visual impact of the proposal would not be substantively any more harmful than the development which would result were the appellant to implement their fallback option relating to the prior approval.
14. The proposed alterations to the buildings would have little impact on their overall appearance. The roofs would remain shallow pitched and the walls would be finished in grey render. Furthermore, the windows and doors to the sides of the buildings would mostly be reinstating previous openings and would be evenly spaced out, reflecting the uniform and utilitarian character of the buildings. Moreover, I find that the materials and the majority of the features proposed, such as the doors and windows, would be in keeping with the original form and scale of the buildings on the site.
15. I acknowledge that the proposed bi-folding doors would not be in keeping with the appearance of the existing buildings. However, I find that their visual impact would be limited in the wider area and as such their inclusion would not result in any material harm to the character and appearance of the site and its surroundings.
16. I appreciate that the existing storage buildings are unattractive and have a utilitarian and functional appearance. However, I note that such utilitarian buildings are a common form of development in the area. Therefore, they are an intrinsic element of the character and appearance of the area. As such, I find that the modest visual enhancements to the buildings proposed would be a benefit of the scheme, albeit a limited one. Moreover, from my observations, I note that the buildings on the appeal site are not overly prominent in the countryside when viewed from various points in the surrounding area. As a result, the proposed alterations to the buildings would have a limited impact on the character and appearance of the surrounding area.

17. Having carefully considered all relevant matters, I find that the limited harm to the character and appearance of the surrounding area resulting from the cumulative impact of the proposed alterations to the buildings and the appeal site would not outweigh the benefits in enhancing their appearance and providing dwellings on a brownfield site where the principle of residential development has been established through prior approval.
18. Consequently, I conclude that the proposal would have no significant adverse impact on the rural character and appearance of the surrounding open countryside. Therefore, it would comply with Policies ENV1, ENV2 and S4 of the East Riding Local Plan and the relevant sections of the National Planning Policy Framework. Amongst other matters, these policies and guidance seek to ensure that development has no significant harmful impact on its surroundings and protects the intrinsic character of the countryside.

### **Other Matters**

19. Both parties have referred to previous applications and appeals in support of their respective cases. Accordingly, I have had due regard to these in determining this appeal. I note that my colleague Inspector dismissed appeals regarding similar proposals on the appeal site. Notwithstanding this, I note that the circumstances and details in those cases were different to those which are before me. As a result, I have given only limited weight to the other cases identified and have determined the appeal proposal on its own merits and circumstances, whilst taking into account the material considerations before me.

### **Conditions**

20. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
21. Standard implementation conditions relating to time (1) and approved plans (2) are imposed and provide clarity and certainty. Condition 3 is necessary and reasonable in order for the local planning authority to monitor the progress of the works hereby permitted on site. In addition, conditions relating to foul and surface water drainage and the submission of specific details of joinery work to be undertaken to the local planning authority for approval are required in the interests of ensuring a satisfactory means of drainage on the site and for character and appearance respectively. I have not imposed the Council's suggested condition relating to materials for external surfaces as I find that condition to be unnecessary as it duplicates Condition 2 attached to this decision.
22. It is necessary that the requirements of Conditions 4 and 5 are agreed prior to development commencing to ensure an acceptable development in planning terms with regard to the provision of satisfactory drainage and for reasons of character and appearance.

### **Conclusion**

23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted.

*Andrew McCormack*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, all received by the Council on 22 May 2017:
  - Dwg No: HJAS/GOW/EX/001 Rev A – 'Location Plan'
  - Dwg No: HJAS/GOW/GA/002 Rev C – 'Proposed Site Plan'
  - Dwg No: HJAS/GOW/GA/200-2 Rev A – 'Buildings 2 and 6 Proposed Plans'
  - Dwg No: HJAS/GOW/GA/200-3 Rev A – 'Buildings 3, 4 and 5 Proposed Plans'
- 3) The applicant shall notify the local planning authority in writing of the commencement of works hereby permitted on the site within 14 days of those works starting.
- 4) No development shall take place on site until details of the works for the disposal of foul and surface water have been submitted to, and approved in writing by, the local planning authority, together with a programme of implementation. The drainage works shall then be implemented in accordance with the approved details.
- 5) No development shall take place above damp proof course level until large scale drawings of all external joinery works which shall include full plans and elevations together with vertical and horizontal sections to a scale of at least 1:10 and a typical section of each joinery detail and moulding proposed to actual scale has been submitted to, and approved in writing by, the local planning authority. The details shall include the depth of recess of the window and door frames when measured against the front face of surrounding brickwork/external render/stonework and details of heads, sills and lintels. The development shall then be carried out in accordance with the approved details.

### **END OF SCHEDULE**