

Appeal Decision

Site visit made on 13 September 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 21 September 2016

Appeal Ref: APP/E2734/W/16/3151226

Holme Farm Barn, Heyshaw to Hill Top, Heyshaw, North Yorkshire HG3 4HD

- 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 R T Hughes against the decision of Harrogate Borough Council.
 - The application Ref 15/03611/FUL, dated 12 August 2015, was refused by notice dated 30 March 2016.
 - The development proposed is installation of stock watering and wildlife pond.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the landscape character of the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

3. The site and its surroundings are identified within the Council's Landscape Character Assessment Supplementary Planning Guidance (SPG) as being at the boundary of Character Areas 12 and 13. Key features within these two character areas include upland farming landscapes, a gently undulating land form around the many small becks within the broad valley within which Heyshaw sits, improved and rough grassland, and deciduous and mixed woodland along the beck corridors and around built form but very few trees elsewhere. Heyshaw is one of only a few small farming hamlets in this part of the AONB with much of the area being characterised by scattered, individual farmsteads.
 4. The proposed pond would be a large feature that would be visually dominant in the north east corner of the pasture field. The main slope of the field is from north west to south east and, although there is evidence of some water logging of the ground along its eastern edge, the proposed location of the pond is not within any natural depression. This siting, together with the shape of the pond and the incorporation of a large island within it, would give it an artificial appearance which would serve to make it look more like an ornamental pond than one intended for livestock use. Although contributing to biodiversity the marginal planting would add to that ornamental character and the unnatural
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appearance of the pond. I consider also that the tree planting proposed to the north east of the pond would be out of keeping with the current character of this part of the area in which trees generally follow a linear pattern along drainage ditches and field boundaries or appear as isolated trees within the landscape.

5. Because of its location relative to the curtilage of the converted barn and the relatively low level at which the grass is kept, the field already has a more managed appearance than the adjacent areas of rough pasture which extend down from the upland landscape. The introduction of a pond of the size and form proposed would further add to that contrast, helping to give the field a more domesticated appearance and character which would be out of keeping with the way that the other buildings within the hamlet sit within the surrounding rural landscape. The SPG notes the increasing demand for residential properties in the countryside and that the landscape is sensitive to change; accordingly it seeks to restrict settlements to their existing development limits. The domestication of agricultural land beyond the settlement limits of the hamlet should, therefore, be avoided in order to preserve the special and valued landscape within these areas
6. Based on my observations on my site visit and my journey to and from the appeal site, I agree with the Council that ponds and other expanses of standing water are not common features within the landscape of the Nidderdale Valley AONB. The appellant has referred to some existing ponds within farmland off of Woodmanwray Lane. However, my observations are that the siting of these ponds is quite different from that proposed on the appeal site and that the artificial nature of the appeal proposal would stand out when seen against the uneven ground and uncultivated appearance of the rough pasture in the field to the north and the rising ground beyond.
7. The proposed pond would be visible from upper rear windows of the adjacent property (Holme Farm) and would cause some detriment to the view currently available from those windows. More significantly, users of the adjacent section of the Nidderdale Way would have elevated views of the proposed pond for some distance as they approach and walk past the field. When descending from the higher ground to the north, walkers would see that they are approaching the small group of buildings within the hamlet and many would probably have their eye drawn to the field by virtue of the novel, and possibly, unexpected sight of alpacas grazing in what is a traditional upland farming area. The proposed pond would be prominent in the views enjoyed by users of the footpath and would appear as an incongruous and unnatural feature in those views.
8. In light of these considerations I find that the proposal would cause significant harm to the landscape character of the site and the surrounding area. In reaching this judgement I have had regard to the statutory purpose of Areas of Outstanding Natural Beauty, which is to conserve and enhance the natural beauty of the area, and to paragraph 115 of the National Planning Policy Framework (Framework) which states that great weight should be attached to conserving the landscape and natural beauty of an AONB and that such areas have the highest status of protection in relation to landscape and scenic beauty. By introducing a feature of unnatural and discordant appearance the proposal would fail to conserve or enhance the natural beauty of the AONB.

9. I therefore find that the proposal would conflict with paragraph 115 of the Framework and with saved Policy C1 of the Harrogate District Local Plan (2001) (LP) which gives priority to the conservation of the natural beauty of the landscape within the AONB and states that development which would have a significant adverse effect on the landscape will not be permitted. It would also conflict with saved Local Plan Policy C2, which requires that development should protect existing landscape character, and with Policy EQ2 of the Harrogate District Core Strategy (2009), which states that the landscape character of the district will be protected.

Other Matters

10. Some of the third party representations raise concerns about an increased risk of flooding of lower lying land as a consequence of the proposal. However, having regard to the flood report submitted by the appellant and the comments of the Flood Risk and Management Team at North Yorkshire County Council, I have no evidence that there would be an increased risk of flooding to other properties or land.
11. There are conflicting views within the evidence submitted as to the requirement for alpacas to have a pond or similar feature for cooling down in warm weather and this raises some question as to the need for the proposed pond. I am also unclear as to how the same body of water could practically serve both as an area for the animals to cool down and as a source of clean drinking water. For these reasons, and in light of the fact that the alpacas have apparently been kept at the site for some time without access to a pond, I consider that the agricultural need for a pond of the size and form proposed has not clearly been made out. Notwithstanding the appellant's comments about the practicability of a shallow scrape as suggested by the AONB Joint Advisory Committee, I am not satisfied that the stated requirements could not be met in an alternative manner which would not cause such harm to the landscape character of the area.
12. I accept that the proposal would make it easier to provide drinking water for the animals and that it would bring some benefit in terms of adding to biodiversity. However, in the absence of a clearly demonstrated need for the proposal, these benefits would not outweigh the significant harm that would be caused to the landscape character of the AONB and the resultant policy conflict.

Conclusion

13. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR