
Appeal Decision

Site visit made on 15 November 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 16 December 2016

Appeal Ref: APP/E2734/W/16/3157795

Land at Low Wath Road, Pateley Bridge, Harrogate

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Newby Management UK Ltd. against the decision of Harrogate Borough Council.
 - The application Ref 16/00031/OUTMAJ, dated 15 January 2016, was refused by notice dated 3 August 2016.
 - The proposed development is described as an outline planning application for residential development.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application subject of this appeal is in outline, with all detailed matters, except access, reserved for future consideration. Details shown on the application plans with respect to layout, scale, appearance and landscaping are for illustrative purposes only.
3. The Council has confirmed that Pateley Bridge, which is located on the north eastern side of the River Nidd, and Bridgehouse Gate, which is situated directly opposite on the southwestern side of the river, are commonly referred to together as Pateley Bridge. I have taken the same approach below.

Main Issue

4. I consider that the main issue in this case is whether the proposal would amount to sustainable development, with particular reference to its effect on: the character and appearance of the *Nidderdale Area of Outstanding Natural Beauty* (AONB); the settings of Grassfield House Hotel, which is a Grade II Listed Building, and Pateley Bridge Conservation Area; and, housing supply.

Reasons

5. The appeal site comprises parts of 2 irregularly shaped fields, which, in common with the surrounding area, are located within the AONB and the proposal involves the erection of 20 dwellings, accessed off Low Wath Road.
 6. Policy SG2 of the *Harrogate District Core Strategy 2009* (CS) confirms that development limits will be drawn around a number of identified settlements, including Pateley Bridge, to allow sustainable growth and development of such
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settlements. The appeal site lies outside the development limit for Pateley Bridge, in the countryside. CS Policy SG3 seeks to limit development in the countryside to certain types, with which the proposal does not fit. It follows that the proposal would conflict with CS Policies SG2 and SG3.

7. However, the Council has indicated that those settlement growth policies were based on a target housing requirement of 390 dwellings per annum, rather than the 557 dwellings per annum that are required according to the results of the Council's *Harrogate Borough Council Strategic Housing Market Assessment, Update Report, 2016* (SHMA). Under these circumstances, the Council has indicated that these Policies can be regarded as being out-of-date. I agree and I consider that little weight should be given to the identified conflicts with CS Policies SG2 and SG3.
8. Furthermore, the *National Planning Policy Framework* (the Framework) confirms that, in circumstances where relevant policies of the Development Plan are out-of-date, for decision taking the presumption in favour of sustainable development means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or, specific policies in the Framework indicate that development should be restricted. These include policies relating to an AONB.
9. The Council takes the view that the proposal would amount to major development in the AONB, in relation to which the Framework confirms that planning permission should be refused except in exceptional circumstances and where it can be demonstrated to be in the public interest. The appellant has drawn my attention to a previous appeal decision¹, which involved an outline planning application for residential development within the Dorset Area of Outstanding Natural Beauty. In that case, which the appellant has indicated involved 20 dwellings, the Council accepted that the scheme would not amount to major development and this was not disputed by the Inspector.
10. However, the national *Planning Practice Guidance* (PPG) indicates that whether a proposed development should be treated as a major development will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. Based on the evidence before me, it appears that the 2 schemes include the same number of dwellings. However, unlike that other case in which the site adjoined existing residential development, the appeal site does not. It fronts onto the northeastern side of Low Wath Road and its other boundaries adjoin agricultural land. Under these circumstances, I agree with the Council that the scheme would amount to major development in the AONB.

Character and appearance

11. Policy C1 of the *Harrogate District Local Plan* (LP), adopted in 2001, seeks to conserve the natural beauty of the AONB and LP Policy C2's aims include protecting existing landscape character. The site lies within Area 11 'Nidderdale Valley' in the *Harrogate District Landscape Character Assessment* (HDLCA). The sensitivity and pressures identified by the associated character assessment include that: the capacity of this Character Area to accept new built form is limited as the rural pastoral landscape is at saturation point; and,

¹ Appeal Ref. APP/F1230/W/14/3002790.

retaining significant and vital tourist income which the area generates depends partly on preserving the area's natural beauty. Its guidelines include that new buildings should only be permitted where they are not highly visible and respect landscape pattern. This approach is reinforced by CS Policy SG4, which requires, amongst other things, that development is well integrated with neighbouring buildings and complementary to the spatial qualities of the local area and it is appropriate to the form and character of the settlement and landscape. Similarly LP Policy HD20 requires development to respect the local distinctiveness of settlements and their landscape setting, and make a positive contribution to the spatial quality of the area. CS Policy EQ2 seeks to protect the District's high quality natural and built environment.

12. In the respects identified, these Development Plan Policies are consistent with the aims of the Framework, which indicates that whilst decisions should not attempt to impose architectural styles or particular tastes, it is, however, proper to seek to promote or reinforce local distinctiveness. It indicates that decisions should address the integration of new development into the natural and built environment, and should recognise the intrinsic character and beauty of the countryside. The Framework makes clear that great weight should be given to conserving landscape and scenic beauty in the AONB. These provisions are consistent with the requirement of section 85 of the *Countryside and Rights of Way Act 2000* that decisions on development proposals have regard to the purpose of conserving and enhancing the natural beauty of AONBs.
13. The appeal site forms part of a relatively broad section of rural pastoral landscape of the valley floor, between Low Wath Road to the west and the River Nidd to the east, which is situated to the northwest of the main built-up area of Pateley Bridge. To the southeast of the site, beyond an area of grassland, the section of the valley floor leading to the main built-up area of Pateley Bridge is occupied by a caravan site and further to the southeast an area of green space. The ground level within the caravan site is relatively low compared to that of both the appeal site and the neighbouring section of Low Wath Road, as a consequence of this as well as the caravan site's boundary embankments/planting and the low profile of the caravan units, that site is generally an unobtrusive feature of the landscape when it is viewed from the valley floor.
14. The main built up area of Pateley Bridge, in the vicinity of the road river crossing, spreads across the valley floor to the east of the river and part way up the valley side. To the west of the river crossing, the pattern of development to the west of Low Wath Road is predominantly characterised by a ribbon of development along the lower section of the western valley side. Opposite the caravan site on the western side of Low Wath Road, the Ashfield Court Road housing development occupies the lower section of the western valley side. To the northwest of that estate, development tapers down to a relatively low density ribbon of development, which continues to the west of the appeal site. At its southern end, that ribbon includes the former Grassfield Country House Hotel. At its northern end, opposite the appeal site, the ribbon of development includes the Nidderdale High School site, which also contains a recreation centre and a day nursery.
15. The rural pastoral landscape of which the appeal site forms part is a key characteristic of the landscape hereabouts, which the HDLCA indicates should

be preserved. The appellant's *Landscape and Visual Impact Assessment, Jul 2014 Rev H (LVIA)* acknowledges that the landscape character hereabouts is highly sensitive to change.

16. The scheme would introduce development in the open pastoral landscape of the valley floor, to the significant detriment of this valuable landscape feature. The proposed development would be some distance to the northwest of the built-up area of Pateley Bridge, in a location where the settlement pattern is characterised by a ribbon of development along the lower section of the western valley slope. The proposal would not be in keeping with the settlement pattern. In my judgement, it would have a moderate/major adverse impact on the character of the landscape.
17. Turning to visual impact; as the planning application subject of this appeal is in outline with all detailed matters, except access, reserved for future consideration, an assessment of the full visual impact of the scheme cannot be undertaken at this stage. Nonetheless, I have had regard to the details submitted in support of the scheme for illustrative purposes and I share the Council's concern that the adverse visual impact of the proposal would be likely to be greater than is suggested by the LVIA, for example, with reference to vantage points in the vicinity of viewpoint locations (VP) 8, 10, 6 and 7.
18. There is no dispute that users of the footpaths which run along either side of the section of the River Nidd to the east of the site are likely to be highly sensitive to change. Views towards and beyond the site, from vantage points such as VP8 and 10, are predominantly of open countryside and the visual impact of existing development is limited: as visible development to the west of Low Wath Road, such as the school, is set back from the highway; and, views of the low profile caravan site to the south are limited by topography. By comparison, the proposed buildings, which the appellant has indicated would be up to 2-storeys high, would be likely to be a prominent feature of landscape, interrupting the views across the valley floor, which create a sense of being in the open countryside. Whilst the details of landscaping are a matter reserved for future consideration, I consider it likely that planting necessary to soften the visual impact of the proposed built development, would be likely to curtail the attractive views from the footpaths to an even greater extent. The effect significance of the scheme in relation to these vantage points would be likely to be major adverse, rather than moderate or less as suggested by the LVIA.
19. The view of the site from VP7, on the unnamed lane leading down to Wath Road is limited. However, it is a far more prominent feature of the landscape from vantage points along the section of Wath Road that leads from the unnamed lane into Pateley Bridge. I saw that this route is used not only by people travelling by motor vehicle, but also pedestrians and part way along its length there is a public bench facing across the valley. Overall, I consider that it would be reasonable to regard users of that route and in the vicinity of VP6 as being of medium sensitivity. Due to their elevated position, in views from those vantage points the caravan site is a more prominent feature of the landscape than is the case at lower levels. However, the area immediately to the north of it is dominated by open pastoral landscape and the ribbon of development to the west of the site has a scattered appearance, distinctly different from the built-up area of Pateley Bridge. Given the elevated nature of the vantage points, the proposed built development would be likely to remain

visible even after the establishment of planting around the site. It would greatly consolidate development thereabouts to the extent that development would then visually dominate the area to the north of the caravan site, the remaining pastoral area between Low Wath Road and the River Nidd becoming a subservient feature of the landscape. The effect significance would be moderate adverse, rather than minor to moderate or less as suggested by the LVIA.

20. Due to the open nature of the site, motorists approaching from the north along Low Wath Road have views across the pastoral landscape, down the valley to the built-up area of Pateley Bridge, which is in the distance; the low lying caravan site being hardly visible. It makes a significant positive contribution to the ability of passers-by to appreciate the setting of Pateley Bridge within the rural pastoral landscape. Notwithstanding that motorists may be considered to be of medium sensitivity to change, the magnitude of impact of the proposed development would be likely to be high, as it would be likely to interrupt those views. I consider that the significance of effect would be moderate/major adverse.
21. In my judgement, the scheme would not respect the distinctiveness of Pateley Bridge in its landscape setting, being poorly integrated with the settlement pattern and making a detrimental contribution to the spatial qualities of the local area. It would not be possible to reduce this impact to any significant extent through the imposition of reasonable conditions. I conclude that the proposal would be likely to have a substantial adverse impact on the character and appearance of the Nidderdale Area of Outstanding Natural Beauty, which weighs very heavily against the scheme. In this respect it would conflict with the aims of CS Policies SG4 and EQ2, LP Policies C1, C2 and HD20, and the Framework.

The setting of the former Grassfield House Hotel

22. The former Grassfield House Hotel (GHH), which is situated to the south of the site on the opposite side of Low Wath Road, is a Grade II Listed Building. GHH was built in 1810 for a leading figure in the lead mining industry in the area. The Council has referred to a *First County Series survey* (published dates 1843 to 1893) which shows a wooded area between the house and its boundary with Low Wath Road, which appears to be punctuated only by a relatively narrow driveway to the property. Notwithstanding that there may have been footpaths through the woods from which the site could be seen, I consider it unlikely that the pastoral appeal site had significant aesthetic or other associations with the GHH.
23. The clearest current views of the appeal site from the main GHH building are likely to be of its southern section, other views being restricted by an ancillary building with the curtilage of GHH and a number of trees alongside its front boundary. Based on the indicative layout plans submitted in support of the appeal scheme, it appears likely that the proposed built development could be positioned in a manner which would ensure that the proposed buildings would not dominate views from GHH. In my judgement, the effect of the proposal on the setting of GHH would be minor and it would not have a material effect on the significance of that heritage asset.

24. I conclude that the effect of the proposal on the setting of GHH would be acceptable and in this respect it would not conflict with aim of CS Policy EQ2 to protect the quality of the built environment.

The setting of the Pateley Bridge Conservation Area

25. The appeal site is situated some distance from the Pateley Bridge Conservation Area, which comprises, almost entirely, a section of the built-up area of Pateley Bridge on the eastern side of the river. Intervening development, between the Conservation Area and the appeal site, includes other buildings within the built-up area and the caravan site. The *Pateley Bridge Conservation Area Character Appraisal* cites one of the important views into the Town as that from the Nidderdale High School site, from where 2 landmark buildings within the Conservation Area, St Cuthbert's Church and the former Workhouse, are seen to be prominent features of the townscape. However, in my judgement, the elevated position of the school site, part way up the western valley side, would limit the likelihood of the proposal interrupting views of the Conservation Area from there. Under these circumstances, the scheme would be unlikely to harm the significance of this heritage asset.
26. I conclude that the effect of the proposal on the setting of the Pateley Bridge Conservation Area would be acceptable and in this respect it would not conflict with aim of CS Policy EQ2 to protect the quality of the built environment.

Housing supply

27. I deal first with housing mix, which was the subject of the Council's third reason for refusal. The Framework indicates that in order to create sustainable, inclusive and mixed communities, local planning authorities should, amongst other things, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Consistent with that requirement, CS Policy C1 seeks to ensure that development meets community needs.
28. The proposal would comprise 40% Affordable Housing, in keeping with the requirements of LP Policy H5; 8 Affordable Housing units and 12 open market units. There is no dispute that the proposed mix of house sizes referred to in the appellant's *Schedule of Accommodation* would not be in strict accordance with the recommendations of the Council's *Harrogate Borough Council Strategic Housing Market Assessment, 2015* (SHMA) or, in relation to Affordable Housing, the Council's more recent *Planning Guidance: Negotiating Affordable Housing Contributions* (NAHC). The difference in relation to Affordable Housing equates to one less 1-bed dwelling and one more 2-bed dwelling than required by the NAHC. As regards open market housing, the difference would be more significant. Whilst broadly the SHMA mix would result in six 1 or 2 bed dwellings and the same number of 3 or 4+bed dwellings, the proposed mix does not include any 1 or 2-bed dwellings.
29. However, whilst it will no doubt inform the preparation of emerging Development Plan Documents, it appears that it has yet to be established whether the open market housing mix recommended by the SHMA will be translated into Policy, which might otherwise indicate how it would be applied to individual development sites. Under these circumstances, I consider that its recommendation should be applied in a flexible manner. Furthermore, the appellant has confirmed that the appeal scheme proposed housing mix is

intended to be only indicative at this stage. In my judgement therefore, it would be possible to secure an appropriate mix of housing, in keeping with the aims of CS Policy C1 and the Framework, through the imposition of a suitable condition.

30. I turn to housing needs. The proposal would provide 8 Affordable Housing units, the need for which is not disputed by the Council and I give this significant weight. Although the Council has indicated, that in relation to the District as a whole, it is able to demonstrate a 5 year supply of deliverable housing sites, as required by the Framework, this is disputed by the appellant. Based on the evidence before me, I give greater weight to the Council's position, which is supported by its *Housing Land Supply Update July 2016* document, whereas the appellant's position is unsupported by any substantial evidence. Under these circumstances, I give little weight to the contribution made by the scheme to housing land supply.
31. There is no dispute that there is a need for some new housing in Pateley Bridge. However, based on the evidence before me, the precise figure is uncertain. The *Harrogate District Sites & Policies DPD Strategic Housing Land Availability Assessment: Update Report, May 2013* (SHLAA13) identified a 5 year housing supply requirement for Pateley Bridge of 58 dwellings. Although the *Addressing Housing Need in Pateley Bridge: Appraisal of Alternative Options report* (AAO), produced for the appellant's by Carter Jonas in 2014, estimated a slightly higher figure, little evidence was provided to support the derivation of it. I have not been provided with any more up-to-date information.
32. In its appeal statement the Council has indicated, that the draft housing allocation sites shown on the *Harrogate District Local Plan Draft Proposals Map-Local Service Centre Pateley Bridge* would meet the required housing need for this part of the District. They are sites P1, P5, P10, P7 and do not include the appeal site, notwithstanding its inclusion in the Council's *Strategic Housing Land Availability Assessment*. In my judgement, residential development of these draft allocation sites, which are situated directly alongside existing development, would be unlikely to have as significant a detrimental effect on the character and appearance of the AONB as the appeal scheme.
33. Whilst the AAO provides a view on the merits of P1 and P7 as alternatives to the appeal site, it is silent on the other 2. Although I understand that parts of P7 lie within flood zones 2 and 3a, the extract from the Environment Agency Flood Mapping provided in the AAO indicates that the majority of the site lies outside those zones. Under these circumstances, it is not self-evident that this factor would reduce the potential yield of that site to a significant extent. The SHLAA13 identifies a potential yield for P7 of 28 dwellings. The SHLAA13 does not identify specific yield figures for P1, which it only considers as part of a larger area with a yield of 15 dwellings in years 0-5 and 158 dwellings in years 6-10. The AAO appears to suggest a far higher yield for P1² in years 0-5 of 50 dwellings and although some constraints are identified, I have not been provided with any compelling evidence to show that they are likely to be insurmountable. Together P5 and P10 appear to be broadly comparable in size to P7. Therefore, although the yield of P7 may be lower than identified by the

² Site 2.

SHLAA13, it appears likely that these 4 sites would provide sufficient capacity to meet the estimates of local housing need put to me.

34. In my judgement, there is likely to be scope for meeting the housing requirements of Pateley Bridge other than through the development of the appeal site as proposed. Furthermore, this offers the potential to cause less harm to the character and appearance of the AONB. In addition, I have not been provided with any compelling evidence to show that the cost of developing those other sites would be prohibitive.
35. I conclude that, subject to condition, the mix of housing provided by the scheme would be likely to be acceptable and in this respect the proposal would not conflict with the aims of LP Policy H5, CS Policy C1 or the Framework. Whilst the contribution of the appeal scheme to Affordable Housing supply attracts significant weight, the overall contribution to housing land supply attracts little. Furthermore, it appears likely that there would be scope for meeting the housing requirements of Pateley Bridge other than through the development of the appeal site as proposed, which would cause less harm to the character and appearance of the AONB.

Other matters

36. Whilst future residents of the appeal site would be likely to use services and facilities in the local area to some extent, I have not been provided with any evidence to show that that support is necessary to maintain the viability of any local services or facilities, or to show that the contribution made by those residents to maintaining or enhancing the vitality of the rural community would be likely to be significant. The proposal would be likely to provide some benefit to the local economy, for example related to: construction expenditure and employment; and, residents' spending. However, the impact of construction activity would be relatively short lived. I consider that the limited economic benefits of the scheme in these respects, in relation to which it gains support from CS Policy JB1, the Framework and the PPG, attract moderate weight.
37. Whilst the consultation responses of the Council's Conservation and Design Officer gave some encouragement to residential development of the appeal site, I note that she objected to the appeal proposal itself. In any event, this does not alter the planning merits of the scheme upon which my decision is based.
38. Although the appellant's *Bat Activity Survey, December 2015* indicates that the scheme may 'provide potential enhancements' to the ecological value of the site, there is no evidence before me to show that they would be significant. I give that matter little weight.

Planning balance

39. In my judgement, the economic benefits of the scheme weigh moderately in its favour. As regards the social benefits of the scheme; subject to condition, the housing mix provided by the proposal would be acceptable and the valuable contribution towards the supply of Affordable Housing would attract significant weight. However, little weight is attributed to its contribution to the housing land supply position in the District. In terms of the environmental impacts of the scheme, its effects on the setting of GHH and the Pateley Bridge Conservation Area would be acceptable. Nevertheless, the harm it would cause

to the character and appearance of the AONB weighs very heavily against it. I consider on balance, having regard to the economic, social and environmental impacts of the scheme, that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

40. For the avoidance of doubt, had it been shown that the Council was unable to demonstrate a 5 year supply of deliverable housing sites, the weight attributed to the proposal's contribution in that regard would have been significant. Furthermore, the weight attributed to Policies relevant to the supply of housing, for example CS Policy SG4, would be reduced, as they would be considered out-of-date under the terms of the Framework. Nonetheless, in my judgement, it would remain the case, due to the great weight afforded to conserving landscape beauty and scenic beauty in the AONB, that the likely adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
41. Furthermore, it appears to me that there is likely to be scope for meeting the housing requirements of Pateley Bridge other than through the development of the appeal site as proposed and in a manner that would be likely to be less harmful to the character and appearance of the AONB. Whether or not the Council is able to demonstrate a 5 year supply of deliverable housing sites, I consider overall that the scheme would not amount to the exceptional circumstances necessary to justify major development in the AONB and it would not be in the public interest.

Conclusion

42. I conclude on balance, having regard to the economic, social and environmental impacts of the scheme, that the proposal would not amount to sustainable development under the terms of the Framework and it would conflict with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR