
Appeal Decision

Site visit made on 9 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/E2734/W/17/3168703

Rose Farm, Bland Hill to Norwood House, Norwood LS21 2QU

- 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 Mr Jeffrey Hollings against the decision of Harrogate Borough Council.
 - The application Ref 6.107.30.C.OUT, dated 6 September 2016, was refused by notice dated 6 January 2017.
 - The development proposed is removal of a large barn and other redundant farm buildings and the construction of 2 new farm house properties.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application to which this appeal relates was submitted in outline with all matters reserved for future consideration. Proposed site plans, elevations sections and visual renders have been provided for indicative purposes. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposal would provide a suitable site for housing, having regard to the principles of sustainable development; and,
 - the effect of the proposal on the landscape and scenic beauty of the Nidderdale Area of Outstanding Natural Beauty.

Reasons

Suitable Location

4. The appeal site lies outside of any defined settlement boundaries listed in Policy SG2 of the Harrogate District Local Development Framework Core Strategy 2009 (CS). It is therefore classified as countryside under CS Policy SG3 where there will be strict control over new development in accordance with national policy protecting the countryside. Nevertheless, it states that, in order to promote a sustainable pattern of rural development, development relating to affordable housing, rural building conversions, small scale community facilities and small scale employment uses will be encouraged in the countryside.
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5. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include where there is an essential need for a rural worker, the optimal viable use of a heritage asset, the re-use of redundant buildings and development of exceptional quality or innovative design.
6. The appeal site would be outside the established development limits and therefore in the countryside in policy terms. The appellant contends that the appeal site is not isolated but part of land which is already developed. The Framework contains no definition of the term 'isolated'. However, the appeal site would be some distance from the closest surrounding properties and would form part of a farmstead which is considerably detached from the nearest settlements.
7. Furthermore, the appeal site does not form part of any definable settlement nor any particular group of dwellings. There are no services or facilities within easy walking distance of the site given the nature of the roads and the distances involved, nor is there any evidence of regular, accessible bus services within easy reach. Future occupiers of the appeal site would therefore likely be reliant on private car travel to access essential everyday employment opportunities, services and facilities.
8. As a result, the appeal site would be within the countryside and the proposal would constitute isolated new homes in the countryside. Thus, it would be contrary to CS Policy SG3 and paragraph 55 of the Framework and special circumstances to justify a new dwelling in this location would need to be demonstrated.
9. Whilst the appellant indicates the proposal is intended to provide for family members to live locally, there is no substantive evidence before me that the proposal would provide housing which would satisfy an essential need for a rural worker to live at or near their place of work. In addition, there is no evidence the proposal would provide the optimal viable use of a heritage asset, nor would it result in a development of exceptional quality or innovative design.
10. The appellant suggests that the proposal would comprise the re-use or re-development of redundant buildings. The proposal would, however, involve the demolition of the buildings and the development of two new homes, albeit in a similar location. Moreover, there is no compelling evidence before me that the barns are no longer needed. Whilst they are not currently in use for agricultural practices, they appear in relatively good condition and, irrespective of the current circumstances of the appellant, on the evidence before me I see no reason why the buildings could not reasonably continue to function in agricultural use.
11. Thus, the proposal would not meet any of the special circumstances to justify the provision of isolated new homes in the countryside as set out in paragraph 55 of the Framework. Furthermore, given the lack of services and facilities within the vicinity, the need for future residents to rely on private car for travel and the relatively modest scale of the development proposed, I find no compelling evidence before me to suggest that the proposal would help enhance or maintain the vitality of any rural communities.

12. The appellant indicates that the proposed development will provide homes for local people and satisfy a family need. However, there is no evidence before me that the proposal would constitute a rural exceptions sites for 100% affordable housing for local people. Moreover, the proposal would not involve the conversion of a rural building nor would it provide a small scale community facility. The appellant indicates that the proposal is part of the general diversification of farms borne out of the need to provide family housing on the site. However, that would not constitute a small scale employment use as set out under CS Policy SG3. Consequently, the proposal would not accord with any of the exceptions for new development in the countryside as set out under CS Policy SG3.
13. The aim of the Council's settlement growth policies is to both protect the intrinsic value of the countryside and to focus development into existing settlements where development would generally meet local needs and support local services whilst minimising travel to work by car. Both of these factors align with the core planning principles of the Framework to recognise the intrinsic character and beauty of the countryside and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
14. The development of new housing outside the adopted settlement limits, such as the appeal site, would undermine the Council's adopted locational strategy and the overall aim of promoting development within existing settlements. As a result, I find that the proposal would fail to achieve sustainable patterns of development.
15. I conclude, therefore, that the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development, in conflict with CS Policy SG3 and paragraph 55 of the Framework.

AONB

16. The appeal site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the Framework states that great weight should be given to conserving the landscape and scenic beauty of AONBs which have the highest status of protection.
17. The appeal relates to a traditional farmstead comprising a farm house with associated agricultural buildings, set a short distance along a track from the B6451 road and in a prominent position high on the undulating hillsides of Nidderdale. This part of the AONB is characterised by agricultural fields enclosed by dry stone walls rising up from the narrow dale bottom, interspersed with occasional wooded areas and a scattering of rural buildings. In particular traditional farmsteads characterised by a farm house with accompanying barns and other rural buildings are prevalent.
18. The proposal would remove two buildings which are contemporary in appearance, constructed largely of block work and corrugated sheeting. Two dwellings would be constructed in their place. I recognise that the overall footprint of built form would be reduced, as would the overall massing. I also note that the dwellings would be constructed in a vernacular design, utilising traditional materials.

19. However, whilst many agricultural buildings in the area have been converted to residential use, most have retained the agricultural character and form of the traditional farmstead. In contrast, the removal of the existing buildings and their replacement with two detached dwellings would be in stark contrast to that character, introducing elements of urban form into an agricultural setting. The replacement of the existing buildings with properties of such form, and which would be permanent in appearance, would have a greater and longer lasting impact upon the landscape.
20. Moreover, given the location of the appeal site high on the sloping valley sides, the proposed dwellings would be greatly visible within the wider landscape. Increased landscaping around the buildings in order to screen them would only serve to augment the presence of built form. As a result, the proposal would appear as prominent and obtrusive presence within the landscape.
21. The appellant argues that the proposal would make use of previously developed land. However, Annex 2 of the Framework explicitly excludes land that is or has been occupied by agricultural or forestry buildings.
22. I conclude, therefore, that the proposal would have a harmful effect on the landscape and scenic beauty of the Nidderdale Area of Outstanding Natural Beauty. The proposal would conflict with CS Policies SG4 and EQ2 which state that development should be appropriate to the form and character of the landscape and that the District's exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance. It would also conflict with saved Policies C1 and HD20 of the Harrogate District Local Plan 2001 (LP) which state that within the AONB, priority will be given to the conservation of the natural beauty of the landscape and that proposals for new development should make a positive contribution to the area's character. Finally, it would conflict with paragraph 115 of the Framework.

Other Matters

23. The appellant has made reference to some 19 properties which have received planning permission for similar proposals within the area. However, I have not been provided with any detail of those cases and cannot be sure the circumstances are comparable to those before me here. In any case, I have dealt with this appeal on its own merits.
24. The appellant has drawn my attention to several passages from PPG1, PPG2, PPG3, PPG7 and PPS7, as well as Circular 5/94. However, those documents were superseded by the Framework and no longer form Government policy. As such I attach them very little weight.
25. The appellant has also made several references to Green Belt policy, however, the site is not located within the Green Belt and such local and national policies are not relevant in this case.
26. The appellant indicates that the Council is unable to demonstrate a 5 year supply of housing land and therefore the presumption in favour of sustainable development, as set out in paragraph 14 of the Framework is engaged. Whilst I have only limited details of the Council's housing supply position, even if the Council were unable to demonstrate a 5 year supply, I find that the adverse impacts arising from the failure of the proposal to provide a suitable site for

housing, having regard to the principles of sustainable development and from the harm that would arise to the landscape and scenic beauty of the Nidderdale AONB would significantly and demonstrably outweigh the benefits. The proposal would not therefore constitute sustainable development.

27. Whilst the proposal would not likely have significant environmental impacts for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, this is a much higher threshold relating to large scale effects for the purposes of Environmental Assessment and does not mean that the proposal would not have adverse impacts which are significant and demonstrable for the purposes of the Framework.
28. I note that the proposal would not give rise to any particular harm in respect of the living conditions of neighbouring residents, highway safety, ecology or contamination. However, the lack of harm in such respects would not outweigh the harm I have identified in respect of the main issues above.

Conclusion

29. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR