



Appeal Decision

Site visit made on 25 July 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/E2734/D/17/3175592

Wind Mill House, Felliscliffe, Harrogate, North Yorkshire

- 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 Mark Harper against the decision of Harrogate Borough Council.
 - The application Ref 6.99.170.A.FUL / 16/03386/FUL, dated 8 August 2016, was refused by notice dated 9 March 2017.
 - The development proposed is the erection of a single storey extension and detached garage (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - i. the effect on the character and appearance of the area; and
 - ii. whether the proposal would result in a dwelling of a size commensurate with the essential requirement of the associated agricultural enterprise.

Reasons

Character and appearance

3. The appeal property is a modern detached two storey residential property which was approved in 2007 subject to an agricultural occupancy condition. It is situated in open countryside which is part of the Nidderdale Area of Outstanding Natural Beauty (AONB). The site is partly screened from the surrounding area by an existing large agricultural building, trees and hedgerows. Nonetheless it is visible from the wider landscape.
4. In accordance with the National Planning Policy Framework (the Framework) I attach great weight to conserving the landscape and scenic beauty of the AONB which has the highest status of protection in relation to these matters. Policy C1 of the Harrogate District Local Plan (the LP) states that the AONB will be protected from development which would have a significant adverse impact on the landscape. Furthermore, wherever possible development should be located in or adjacent to existing settlements and should be of the highest standards of design.

5. The Council's Landscape Character Assessment (2004) identifies that the site lies between two character areas; Menwith and Penny Pot Grassland and Lower Nidd Valley. The Council's overall aims for these areas includes mitigating the impact of new and existing development on the open landscape and one of the identified pressures is that the landscape contains many scattered buildings and has limited capacity to accept additional built development without causing harm to the character of the landscape.
6. The proposed garage would be a large building with a large footprint which would be prominent in the immediate vicinity and would constitute a dominant built feature in relation to the existing residential property. Furthermore, it would add to the built form within this sensitive landscape which has limited capacity to accept new development without causing unacceptable harm.
7. The garden room would relate poorly to the host property by virtue of having extensive glazing in an arrangement which is not sympathetic to the original property. Furthermore, its height would encroach on first floor windows and result in an awkward, obtrusive and incongruous addition to the property. Although it would be situated to the rear the proposal does not represent the high standards of design required for such a sensitive landscape setting.
8. The proposal would significantly add to the built form on the site and would constitute unacceptable urbanisation within the landscape which should be protected for its special landscape and scenic character and beauty. I recognise that the site hosts a two storey residential property and is adjacent to a large modern agricultural building; however, further development would unacceptably compromise the locality which has been specifically designated for the highest level of protection. I am aware that the proposal has been amended in an attempt to reduce its effect on the surroundings, but as now proposed I consider it to be harmful as expressed above. I have also taken account of the appellant's comments regarding the location of the proposed garage in relation to vehicle movements; however, this does not overcome my concerns in relation to the character and appearance of the area.
9. The appellant has also expressed a willingness to discuss further changes to the scheme. The appeal process should not be used to evolve a scheme and it is therefore important that I consider essentially what was considered by the local planning authority.
10. Therefore, on this issue I conclude that the proposal would have a harmful effect on the character and appearance of the area and would conflict with Policies C1, C2, H15 and HD20 of the LP, Policies SG4 and EQ2 of the Core Strategy February 2009 (the CS), the House Extensions and Garages Design Guide (the HEGDG) and the Framework. Among other objectives these seek to protect the AONB and existing landscape character, enhance the District's high quality built and natural environment, ensure that new development is of the highest design standards and is sensitive to its surroundings including the space about dwellings.

Essential requirement of the associated agricultural enterprise

11. Policy H15 of the LP relates to extensions to dwellings and states that in the countryside extensions should not undermine the retention of any occupancy condition. Permission for extensions to dwellings the subject of occupancy conditions (as is the case with the appeal property) will only be granted where

the resultant dwelling would be of a size which would not exceed that which could be justified by the essential requirements of the agricultural enterprise to which it relates.

12. Although the appellant has presented some evidence of the need for the proposal this relates to changes to the way in which the business operates and personal family circumstances rather than why the additional space is required in relation to the essential operation of the enterprise. Therefore, in this particular case insufficient evidence has been given to justify the need for the proposal. Furthermore, in such circumstances the proposal would undermine the reasons for approving the host dwelling and its intended purpose to serve the essential requirements of a rural enterprise. As such it may lead to pressure to remove the current restrictions on the property in the future.
13. Therefore, on this issue I conclude that there is insufficient evidence to demonstrate that the proposal would result in a dwelling of a size commensurate with the essential requirement of the associated agricultural enterprise. As such it would conflict with Policy H15 of the LP and guidance in the HEGDG.

Conclusion

14. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed. Wind Mill House, Harrogate

Alastair Phillips

INSPECTOR