The Planning Inspectorate

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: 18 August 2017

Appeal Ref: APP/E2734/W/17/3175163
New Lair Barn, Thruscross, Thornthwaite HG3 2QS

- 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 Mrs Susan Brown against the decision of Harrogate Borough Council.
- The application Ref 6.73.68.D.FUL / 16/03704/FUL, dated 30 August 2016, was refused by notice dated 1 February 2017.
- The development proposed is the conversion of a traditional stone barn at Thornthwaite Brow to use as a single dwelling together with the installation of a package treatment plant.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   i. whether or not the proposal would be in an appropriate location for development having particular regard to the principles of sustainable development; and

   ii. the effect on the character and appearance of the area.

Reasons

Location for development and the principles of sustainable development

3. It has been confirmed that the Council does not have an up to date five year supply of housing land. As such, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) the Council's policies for the supply of housing cannot be up-to-date. Consequently, in accordance with paragraph 14 of the Framework I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies indicate that development should be restricted.

4. Nonetheless, although out-of-date I am required to give due weight to relevant local policies as they remain part of the development plan, which in this particular case is the Harrogate District Local Plan (2001, as altered 2004) (the LP) and the Core Strategy February 2009 (the CS).

5. The appeal site comprises a traditional stone field barn situated in open countryside which is within the Nidderdale Area of Outstanding Natural Beauty (AONB). It is in an isolated position surrounded by open fields which are enclosed by traditional dry stone walls. There are scattered woodland areas in the vicinity of the site. Access to the site is gained via a track.

6. Policy EQ1 of the CS relates to reducing risks to the environment and, among other objectives, seeks to minimise the need to travel by car. Policy SC3 of the CS states that there will be strict controls over new development in the countryside. Rural building conversions will be encouraged where the building makes a positive contribution to the landscape character of the countryside preferably for specific uses, which do not include market housing. Paragraph 55 of the Framework indicates that housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless there are special circumstances, including where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

7. The appellant contends that the appeal site is not isolated in that it is within approximately 350 metres from the nearest dwelling which forms part of the scattered settlement of Thornthwaite. Furthermore, it is situated approximately two miles from Darley which, according to Policy SG2 is a Group B Settlement as a rural centre providing a focus for new housing. However, in terms of access to services and facilities the site is isolated in a relatively remote rural location where all trips for purposes relating to work, leisure, education and shopping would inevitably require the use of the private car. I understand from the evidence before me that there is a school bus which passes along Thornthwaite Brow and I appreciate that people may be able to work from home and make use of internet shopping. It is also argued that the proposal would benefit from leisure in the form of walking and cycling from the barn. However, given the poor access to services and facilities locally I consider that the proposal would be unlikely to generate trips by walking and cycling. Furthermore, given the relative lack of services and facilities I consider it highly likely that longer trips to larger settlements would likely to be necessary on a regular basis.

8. I have taken account of the argument that the barn is of a traditional design and may comprise a non-designated heritage asset which has no use and that re-using it would secure its future and prevent it from falling into decay. However, this does not persuade me that a conversion in this unsustainable isolated location is suitable in this particular case on the evidence presented to me.

9. With reference to this issue my attention has been drawn to an appeal for a site at Bowes, Barnard Castle[1]. However, the appeal pre-dates the Framework and in that particular case the arguments regarding sustainable patterns of development were finely balanced. Therefore, I consider that although there may be some parallels with the current appeal it has limited relevance in determining the current case which I have assessed on its own merits having regard to the specific evidence before me.

10. Therefore on this issue I conclude that the proposal would not be in an appropriate location for development having particular regard to the principles

[1] APP/X1355/A/09/2113842

of sustainable development. As such it would be contrary to Policies EQ1, SG2 and SG3 of the CS and the Framework.

Character and appearance

11. The site is situated in open countryside which is part of the Nidderdale AONB. The site is prominent in its immediate open rural surroundings and is an attractive traditional isolated field barn with dry stone walls forming nearby boundaries and scattered woodland areas locally providing an attractive visual context to the upland countryside area. The appellant contends that the property is only visible from the east; however, whilst I agree that the site is particularly visible to the east it is also part of the distinctive upland agricultural character of the area which is more widely visible from further afield.

12. In accordance with 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.

13. The design of the conversion would be sensitive to the existing building making optimum use of the existing openings and therefore largely conserving the character of the building itself. No extensions or significant alterations are proposed. However, the surrounding landscape is particularly sensitive to change and is highly valued. The character of the site would significantly change if a residential use was to be introduced. The creation of an outdoor terrace and the presence of vehicles and associated domestic paraphernalia would materially change the character. I have noted that the domestic curtilage is very tight and impractical. Consequently, it is highly likely that domestic activity would encroach outside this confined area and into the wider countryside. Given the setting of the site the overall effect would be significant resulting in a harmful visual intrusion in the AONB. I therefore dispute the findings of the Landscape and Visual Impact (Effects) Assessment which concludes that the impact of the development on the landscape would be slightly beneficial.

14. Proposed tree planting would make a positive contribution to mitigating some of the visual harm and the use of native woodland and hedge planting would improve the biodiversity of the site and its surroundings. However, given the distinctive character and appearance of the existing isolated field barn and its associated upland setting I consider that planting may also disrupt the established relationship between the barn and its open field surroundings to the detriment of its setting. The relationship between the characteristic dry stone walls which define the nearby field boundaries and lead to the existing barn and the barn itself would be prejudiced should a new hedgerow be introduced. This would not be characteristic of the immediate surroundings.

15. 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, C16 and C18 of the LP, Policies SG4 and EQ2 of the CS 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.

Conclusion

16. Having regard to Paragraph 47 of the Framework the Council accepts that it does not have a five year housing land supply and therefore the principle of the residential development proposal must be assessed against Paragraph 49 of the Framework in the context of the presumption in favour of sustainable development.

17. Paragraph 7 of the Framework identifies that there are three key dimensions to sustainable development – economic, social and environmental. The construction phase would generate some limited economic activity and there may be some additional spending on building materials, goods and services locally.

18. The provision of one additional dwelling would make a very limited contribution to boosting local housing supply should planning permission be granted. The appellant argues that the proposal would result in social benefits, allowing a family member to return to live in the area to support an elderly family member. I also understand that the potential occupant intends to restore boundaries and dry stone walls in the area, improve land drainage, restore nearby woodland and pasture and enable the farm to be brought back into beneficial use which, in turn, would generate some ecological and economic benefits. I also understand that the tree planting would generate economic activity. I do not have details of the extent of such potential benefits.

19. I have found that the proposal would result in harm to the character and appearance of the area and would result in encroachment into the countryside which is a designated AONB.

20. Although the appellant has provided some evidence of limited local benefits from the development I do not consider that adequate justification has been satisfactorily demonstrated in this particular case. The development would not provide significant economic, social or environmental benefits, would be heavily reliant on private vehicles and would provide limited benefits to support a vibrant and healthy community with good access to services and facilities. Consequently, the proposal would not be in an appropriate location for development having particular regard to the principles of sustainable development.

21. Therefore, given the conflict with the objectives of local and national planning policies, the development would not be compatible with the key principles of sustainability. The harm caused would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole.

22. In coming to this decision I have taken account of the evidence submitted by all parties, including other appeal decisions. However, I have determined the appeal on its own merits.

23. 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.

Alastair Phillips

INSPECTOR