



Appeal Decision

Site visit made on 18 June 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/E2734/W/19/3225567

Land south of Main Street, Darley

- 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 & Mrs E. Stoney against the decision of Harrogate Borough Council.
 - The application Ref 18/02248/OUT, dated 1 May 2018, was refused by notice dated 27 September 2018.
 - The development proposed is for the erection of 2 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have changed the description of the proposed development from the application form to more closely reflect that contained on the Local Planning Authority's (the LPA) decision notice. However, I have omitted the words "Outline application for" and "with all matters reserved" as they are not a description of development. This accurately describes the extent of the proposals following amendments to the planning application. I have been provided with an agreement between the main parties to the amended description.
3. Outline planning permission is sought but with all matters reserved. I have had regard to the site location plan but I have regarded the indicative site layouts and street scene images as being illustrative of potential development within the site.
4. The main parties have referred to the emerging Harrogate District Local Plan. In correspondence to the LPA dated 11 March 2019, the Inspector appointed to examine the emerging Plan indicated that the Examination is not yet complete. I have not received any compelling evidence to suggest that there has been any further progress. Emerging policies and site allocations are not therefore matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, in accordance with the requirements of Paragraph 48 of the Framework, the Plan attracts only limited weight in my consideration of the merits of the appeal.

5. Similarly, the Darley Village Statement (2002) and the Landscape Character Assessment – Nidderdale Valley (Area 13) (2004) both predate the LPA's Core Strategy and the Framework. This does not necessarily mean that they are not consistent with the aims of those policies. However, given that the documents have not been updated to reflect more recent policies they are out-of-date and attract only limited weight in my consideration of the merits of the appeal.

Main Issues

6. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Nidderdale Area of Outstanding Natural Beauty

Reasons

Character and appearance

7. The appeal site is situated to the west of Darley. The predominantly linear arrangement of built development along Main Street gives rise to a series of glimpse views of the undulating landscape beyond within the Nidderdale Area of Outstanding Natural Beauty (AONB). Whilst the quality of the views available varies, they make a significantly positive contribution to the character and appearance of the street scene within Darley and the juxtaposition between built form and the natural landscape of the AONB.
8. The width of the frontage of the appeal site provides a pleasant pause within the otherwise built frontage of Main Street and a significant vista of the landscape and skyline to the south. From the west, views open out immediately after Oak House, and from the east, views emerge gradually beyond the trees along the boundary with Darley House. The extent of the openness of the site and the views that are experienced within Main Street therefore make a significant contribution to the character and appearance of the area.
9. There is no policy presumption within either the Development Plan or the Framework against any development within the AONB. I also note that the appellant has drawn attention to the fact that the site was initially recommended by the Council's local plan team for allocation but that it was not subsequently brought forward. Be that as it may, I have had regard to the illustrative scheme before me and I do not consider that the appellant has demonstrated that the site could be developed for two dwellings without harm being caused to the openness of the site and the wider AONB. Even if a scheme were to be designed to reflect the linear grain of development alluded to in the appellant's Landscape Visual Impact Assessment it would reduce the openness of the site to an unacceptable degree. More of the gap might be retained by offsetting the dwellings to one side of the site, one behind the other but it would still be substantially reduced. Moreover, arranging the dwellings in such a way would run contrary to the grain of development within the village.
10. Whilst the effect of the development would primarily be experienced from within close proximity of the site, this would not be a compelling reason to allow the development, as I have adjudged it to be harmful. Furthermore, since the appellant has not demonstrated that a satisfactory scheme could be achieved, I am not persuaded that my concerns could be addressed with planning conditions.

11. I have been referred to several approved developments locally. The circumstances behind most of the decisions are not before me so I am not able to give these much weight, but the officer report has been made available for the application at Main Street (Ref 16/05561/OUT). This is comparable with the appeal scheme before me in respect of the relevant main issues and the site circumstances. Moreover, the site also opens out between other built development providing a degree of openness and views out to the AONB. Be that as it may, I consider the two sites to be different in terms of their scale and the importance of the vista from the street. Accordingly, irrespective of whether the Council has been inconsistent in its approach, the loss of openness and views from development associated with the aforementioned site would not be a compelling reason to allow development that I have adjudged to be harmful. Whilst I have arrived at the same conclusion as the LPA in respect of the effects associated with development of the site, I have determined the appeal on its own individual merits.
12. For the reasons outlined above, I conclude that the development would have a significantly detrimental effect on the quality and established character and appearance of Darley and the valued landscape of the AONB. It would not therefore accord with Policy C1 of the Harrogate District Local Plan 2001, as altered 2004 (the LP); Policies EQ2 and SG4 of the Harrogate District Local Development Framework Core Strategy 2009 (CS); and Paragraphs 127, 170 and 172 of the Framework. Together these seek to ensure that new development complements and respects the spatial and visual qualities that inform character and appearance. Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB, which have the highest status of protection in relation to these issues.
13. I have not found against Policy HD20 of the LP as this relates to the design requirements for development and the application is with all relevant matters reserved.

Other matters

14. The LPA advises that the position in relation to the supply of deliverable housing land available in the Borough has changed since the application was determined from 4.5 years to 6.89 years. Notwithstanding this, the main parties agree that the policies relevant to the supply of housing in the Borough are out-of-date. The parties therefore suggest that the presumption in favour of sustainable development required by paragraph 11(d) of the Framework applies. However, I have found harm in the context of the effect of the proposed development on the AONB. This means that specific policies in the Framework which protect areas or assets of particular importance provide a clear reason for refusing the development (Paragraph 172). In light of this, in accordance with paragraph 11(d)i, the so called 'tilted balance' is not engaged and the normal planning balance applies.
15. I recognise that the two proposed dwellings would contribute to the overall housing mix in the Borough. However, this would not have a significant effect on the supply of housing. This would not therefore outweigh the harm that I have identified that would result from allowing this development.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR