



Appeal Decision

Site visit made on 20 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2019

Appeal Ref: APP/E2734/W/19/3230679

Land at Stud Farm End, Oak Lane, Dacre Banks, Harrogate HG3 4EN

- 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 A Procter against the decision of Harrogate Borough Council.
 - The application Ref 18/05020/FUL, dated 27 Nov 2018, was refused by notice dated 2 April 2019.
 - The development proposed is a new detached dwelling with access, parking provision and associated garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Nidderdale Area of Outstanding Natural Beauty (AONB) and the Nidderdale Way footpath.

Reasons

3. The site is an area of land located off Hartwith View in Dacre Banks. This triangular plot of grassland is situated on the edge of the village, with open fields and a watercourse to one side and residential dwellings on the other sides. The land slopes away from the village towards grazing fields and across to the River Nidd. The land levels accord it a lower elevation than the existing properties. A public right of way runs between the site and the existing neighbouring property of Bond End. This footpath then proceeds across the fields to connect with the Nidderdale Way. The Nidderdale Way and the woodland surrounding the River Nidd are visible in the distance from the site.
4. The proposal is to construct a detached, two-storey, two-bedroom dwelling house with a single-storey lean to. This is proposed to be constructed of natural stone and a pantile roof. Parking will be provided on site with the creation of a gravel parking and manoeuvring area. This will access through the existing field gate onto Hartwith View, which then enters onto Oak Lane.
5. This new residential dwelling would be within the AONB and outside the defined Local Planning Authority (LPA) settlement boundary for Dacre Banks. The village footprint for this area presently tapers down and ends at Lacon Cottages. There is a clear building line formed by the neighbouring properties

- of Lacon Cottages, Bond End, No 2 Stud Farm End and Field View. This new property would be plainly outside of this building line and would undoubtedly represent a departure from the present settlement boundary at this end of the village. This boundary is clearly defined in the Harrogate District Local Plan (HDLP) Proposals Map (2001) and the HDLP Publication Draft Policies Map (2018). Although, this plot is adjacent to the village boundary, it could not be considered as 'rounding off' the settlement. Development on this site would move the village line out into the open countryside.
6. The proposed dwellings forward position, outside of the settlement boundary, would fail to allow it to merge fully into the existing village backdrop. The new property would stand prominent of the existing properties despite its slightly lower level and marginally lower ridgeline. This would be exacerbated by its forward position within the plot, which would locate the new house on the edge of the watercourse and the threshold of the grazing fields.
 7. The proposed house would also reduce the open aspect from Hartwith View and the public footpath, which at present forms an important part of the character of the village and the AONB.
 8. It should be noted that the Nidderdale Way does not run adjacent and through the site as stated in the LPA's Officer Report. The proposed dwelling house would be visible across the fields from the Nidderdale Way. However, there is a substantial distance between this notable footpath and the proposed dwelling. Therefore, it would have limited impact on the character of the Nidderdale Way itself.
 9. Policy SG3 of the Harrogate District Local Development Framework (HDLDF) Core Strategy (2009), clearly classifies land outside the settlement as countryside, with strict controls over new development in accordance with policy. It is quite clear that this encroachment into the countryside would be a degree of urbanisation and therefore would negatively affect the character and appearance of the AONB.
 10. The Council have stated that their policies for the supply of housing in the adopted plan are out of date. The consequence of this is that paragraph 11 of the National Planning Policy Framework (the Framework) is invoked and the tilted balance included in section d) ii could be relevant to this decision. However, section d) i of paragraph 11 indicates, by reference to footnote 6, that certain specific areas or assets of particular importance can provide a clear reason for refusing development. AONBs are specifically included in the list given in section d) i, and it therefore follows that the tilted balance is not invoked in this particular case.
 11. I have taken into consideration that the construction of one dwelling would bring some economic and social benefits. These include construction jobs, increased local spend and a new home boosting the supply of housing. However, these are extremely modest due to the small scale of the development and do not outweigh the harm to the AONB that I've identified.
 12. The Landscape Character Assessment, Area 13 – Nidderdale Valley (2004) states that "the landscape may have a greater capacity to absorb change along the valley floor due to tree cover, existing development pattern and landform". I agree that the existing residential dwellings would screen the new house from being visible from Oak Lane. However, it was evident from my site visit that

the proposed development is located in a low area, with an open aspect towards the River Nidd and other parts of the village. Therefore, this development would not be screened by any manmade or landscape features from this aspect, or from the surrounding properties.

13. It should also be noted that this same document states that "New built development should relate to the existing settlement pattern of its location in the character area". This development fails to comply with this guidance, as it is outside the settlement boundary.
14. I conclude that development would be contrary to policies SG3 and SG4 of the HDLDF Core Strategy (2009), which relate to character and growth of the settlement and conservation of the countryside. It also fails to meet saved policies C1, C2 and HD20 of the HDLP (adopted 2001 and policies saved 2007) and the Framework. These policies are concerned with development and protection of the landscape and countryside.
15. However, I do find that it complies with saved policy R11 of the HDLP, as it does not harm the character of the Nidderdale Way. This does not however outweigh the conflict with development plan policies that I have identified previously.

Other Matters

16. I have taken into account representations concerning, biodiversity, flood risk, trees, affordable housing, tandem development, living conditions, privacy, light, noise, design and scale, but these are matters which do not affect my findings on the main issues.

Conclusion

17. For the reasons detailed above I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR