
Appeal Decision

Site visit made on 19 September 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/E2734/W/19/3232624

West House Farm, Birstwith, Harrogate HG3 3AW

- 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 David Holmes against the decision of Harrogate Borough Council.
 - The application Ref 18/04859/OUT, dated 20 November 2018, was refused by notice dated 2 April 2019.
 - The development proposed is described as "outline application for the erection of 5 dwellings with access considered".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline form with details of access to be considered at this stage. Other detailed matters are reserved for subsequent consideration. I have treated the submitted drawings showing the layout of the proposed houses as for illustrative purposes only.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Development plan policy

4. The appeal site comprises a 0.27 ha parcel of agricultural land located to the north of Nidd Lane a narrow no through road. The sloping site is in the open countryside immediately adjacent to the built-up area of Birstwith, the boundary of the Nidderdale Area of Outstanding Natural Beauty (AONB) is close to the site.
5. Of the policies cited on the decision notice, Policy SG4 and EQ2 of the Harrogate Borough Council Core Strategy (2009) (CS) are a useful starting point. These seek to ensure that new development is appropriate to the form and character of the settlement and/or the landscape character and seek to protect the District's exceptionally high-quality natural environment. Saved Policies C1, C2, and HD20 of the Harrogate District Local Plan (2001) and the Selective Alteration (2004) (LP) that seek to protect the Nidderdale AONB, the

landscape character and ensure the high-quality design of new development respectively.

Housing land supply position

6. At the point the planning application was determined the Council was unable to demonstrate a five-year supply of deliverable housing sites. However, it now calculates that the District has a 6.89 year supply. This figure is not being contested by the appellant.
7. Notwithstanding the housing land supply position, the parties agree that the policies relating to settlement boundaries and housing are out of date. Consequently, the tilted balance set out within paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Character and appearance

8. Nidd Lane forms a distinct boundary to the built development of Bristwith which is situated to the south, with the exception of some limited development to the east. To the north and west are open fields. The appeal site is therefore distinctly separate from the existing built form of the settlement and the proposed development would project built development into the countryside harming the character and appearance of the area.
9. Adjacent to the appeal site, Nidd Lane is a quiet single road with grass verges. The appeal scheme proposes the significant widening of the access on to the site and the creation of pavements on Nidd Lane. This would harm the existing quiet rural character and appearance of Nidd Lane.
10. Parts of the appeal site are bound by trees and established hedges, the screening effect would be seasonal, reduced by the topography of the area and largely only effective to the ground floor of the proposed dwellings. Furthermore, I note that the proposed access would also necessitate the removal of some of the hedge to the southern boundary of the appeal site to Nidd Lane, thereby further reducing the screening value of the boundary treatment.
11. I saw at my site visit that the proposed development would likely be visible from locations within the surrounding area, including from within the AONB. However, the site is situated out with the AONB and as a result of the distance separating the AONB from the appeal site and the scale of the proposed development, I do not find that the proposed development would harm the AONB.
12. On the basis of the evidence before me and my observations on site, I find that the proposed development would harm the character and appearance of the local area, contrary to Policies SG4 and EQ2 of the CS and saved Policies HD20 and C2 of the LP.

Other Matters

13. The appellant has referred to an appeal decision¹ relating to a nearby site, situated to the south of Nidd Lane, immediately adjacent to the western boundary of Birstwith that granted consent for 2no. detached dwellings.
14. In determining that appeal, the Inspector found that the localised adverse landscape impact resulting from that development, would not significantly and demonstrably outweigh the benefits, principally relating to housing supply.
15. I saw at my site visit that there are notable differences with regards the appeal site under consideration here and that referred to by the appellant, in particular with regards the relationship with the built form of Birstwith and I note that the housing land supply situation has changed since that appeal was determined. Therefore, while I give the earlier appeal decision some weight, I have determined this appeal on its own merits.
16. A number of local residents have raised concern with regards the suitability of Nidd Lane to accommodate the traffic generated by the proposed development. However, I note that the Highway Authority has raised no objection to the proposed development and in the absence of substantive evidence to the contrary I agree. Furthermore, I note that the provision of the road improvements, in particular with regards the creation of pavements, that would result from the proposed development is a benefit that weighs in favour of the appeal scheme.
17. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings. The appeal site is separated from West Farm, a grade II listed building, by intervening fields and trees. The Council considers that the proposed development would cause less than substantial harm to the setting of the listed building. I have been provided with very limited information regarding this building. However, I saw at the site visit that there is a clear separation between the appeal site and the listed building. Therefore, I find that the development would not impact on the setting of this building.
18. The appellant has suggested that the appeal scheme could provide a single affordable dwelling. The Council has suggested that a condition requiring the submission of a scheme for the provision of affordable housing could be attached to any permission resulting from this appeal. There is some dispute as to the percentage of homes on the site that should be delivered as affordable, nonetheless I give the provision of affordable housing some weight in the determination of this appeal.

Planning Balance

19. I have found that the proposed development would harm the character and appearance of the local area, contrary to Policies SG4 and EQ2 of the CS, saved Policies HD20 and C2 of the LP and the provisions of the Framework.
20. The delivery of 5 dwellings, including at least one affordable dwelling would make a modest contribution to the housing land supply in the area.
21. However, in the context of the current housing land supply, where the Council states that it can demonstrate a 6.89 year supply and where this figure is not

¹ APP/E2734/W19/3219604 – 26 June 2019

being contested by the appellant, I find that the adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR