
Appeal Decision

Site visit made on 11 November 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/E2734/W/19/3234460

Land adjacent to Pannal Methodist Church, Spring Lane, Pannal, North Yorkshire HG3 1NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a permission in principle.
 - The appeal is made by Mr James Holmes (DH Land Ltd) against the decision of Harrogate Borough Council.
 - The application Ref 19/01889/PIP, dated 2 May 2019, was refused by notice dated 6 June 2019.
 - The development proposed is the erection for up to 5 no. dwellings and formation of parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the detailed description of the development on the application form. The more succinct version used in the banner heading above is taken from the decision notice.

Background and Main Issue

3. The appeal proposal is for a Permission in Principle. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme.
4. Given this, the main issue in the appeal is whether or not the principle of the proposed development is acceptable with specific regard to the effect of its location on the landscape character of the Crimple Valley Special Landscape Area (SLA) and on nearby heritage assets.

Reasons

Planning Policy Context

5. The development plan currently consists of the *Harrogate District Core Strategy (adopted February 2009)* (CS) and the saved policies of the *Harrogate District Local Plan (adopted February 2001)* (HDLP). The emerging *Harrogate District Local Plan* (ELP) is now at an advanced stage in its preparation with the consultation on the Main Modifications following the examination having concluded in September 2019. In accordance with paragraph 48 of the

National Planning Policy Framework (the Framework), although at an advanced stage of preparation, the weight that can be given to policies depends on the extent of unresolved objections to them.

6. It is common ground that the site lies outside, albeit adjacent to, the development limits for Pannal as defined in the HDLP. Policy SG2 of the CS identifies Pannal as a Group B settlement. It states that such settlements will provide the focus for new housing in the rural areas of the district. However, in order to promote a sustainable pattern of rural development, outside the development boundaries, Policy SG3 of the CS limits the types of development that will be encouraged. The CS did not set new development boundaries but indicated that the development limits for the settlements would be defined in a future Development Control Policies plan. I understand that although work commenced on this plan, it was withdrawn and has been replaced by the ELP.
7. Within the ELP the site formed part of housing allocation PN17 for 72 dwellings. However, following the examination the Inspector advised that the allocation, together with some others, should be removed from the plan. This was because, due to errors in calculating housing need, there was a considerable oversupply of housing land. In the light of this, and as he considered that the development of the site would be likely to cause significant landscape harm and harm to heritage assets, it was proposed that it should be removed. As a result, in the Main Modifications this allocation has been removed and the allocation including the appeal site have been excluded from the development limits of Pannal.
8. Whilst I am not aware what level of objection there has been to this proposed modification, as it results from clear advice from the Inspector, I consider that significant weight can be given to the fact that in the ELP the site will be outside the development limits for Pannal and in the open countryside.

Landscape Character

9. The appeal site is a field, adjacent to Spring Lane Farm, that wraps around Pannal Methodist Church and the adjacent Wesley Cottage. It has road frontages to both Yew Tree Lane and Spring Lane and the proposed access to the site is from Yew Tree Lane between the farm and the church. The site is located within the Crimple Valley SLA as designated in the HDLP. Policy C9 of the HDLP indicates that within SLAs new development that would have an adverse impact on the character of the landscape will not be permitted. The supporting text to this policy states that the Crimple Valley is an attractive rural landscape around the southern fringes of Harrogate and that it is particularly important in that it serves to separate Harrogate from Pannal and Spacey Houses.
10. The Council have indicated that Policy NE4 of the ELP similarly seeks to protect these areas from development that would adversely impact on the landscape character.
11. The land to the north of Spring Lane, and the west of Yew Tree Lane, of which the site forms a part, is an area of open rolling countryside, interspersed with small areas of woodland. It has a tranquil pastoral character. Development within this area is limited, generally taking the form of isolated farmsteads that relate to the agricultural character of the landscape. In particular, apart from Pannal Methodist Church and the adjacent cottage, the northern side of Spring

- Lane, is devoid of development. Similarly, apart from the church and Spring Lane Farm, there is no development to the west of Yew Tree Lane for some distance.
12. Therefore, in this vicinity, the roads provide very distinct boundaries between the built form of the village and the countryside that surrounds it. Consequently, even if, as suggested by the appellant, the proposed development had a farmstead arrangement, its location would mean it would represent a clear incursion of the built form into the countryside.
 13. Moreover, although limited in scale, bearing in mind the clear boundary the settlement currently has, the location of the development would negatively impact on the role this area has in separating Harrogate and Pannal. Given the limited distance between these two settlements, I consider that this landscape is particularly sensitive to changes, such as this, that would extend the urban edge into what is open countryside.
 14. The topography and the buildings associated with Spring Lane Farm would limit views of the development from Yew Tree Lane. However, when approaching along Spring Lane, notwithstanding the additional planting proposed including along the Spring Lane frontage, the topography would make the development very prominent.
 15. I note the conclusion of the appellant's Landscape and Visual Impact Assessment. Nevertheless, in my opinion, the location of the site means that the proposed houses and their associated gardens, together with the creation of the access road and a car park would result in a high magnitude of change to this agricultural land and would have a significant adverse visual impact on the landscape character.
 16. I observed that the development would be visible in a number of places from footpaths that cross the area. Although these views would be at some distance, given the distinct boundary to the village formed by the roads at present, the incursion into the countryside the development would cause would be apparent. It has been suggested in the appellants evidence that in some of these views the development would help to block views of the black and white half-timbered houses along Spring Lane, which would improve the current situation. Be that as it may, this row of semi-detached houses is a distinctive feature of Spring Lane, and I do not consider that blocking views of them would be beneficial.
 17. I note the proposed additional planting along existing field boundaries and the re-introduction of a hedge along the line of an historic hedgerow. Hedges and boundary trees are a feature of this countryside area and so the additional planting would respect the character of the landscape. Whilst the planting would help to provide some screening of the proposal, I am not satisfied that it would provide sufficient mitigation for the adverse visual impact the proposal would have or the harm it would cause to the character of the landscape.
 18. All in all, I consider that the proposed permission in principle would result in a form of development whose location would have an unacceptable impact on the landscape character of the Crimple Valley SLA. Accordingly, it would conflict with Policy C9 of the HDLP outlined above. It would also be contrary to Policies C2 and HD20 of the HDLP, and EQ2 and SG4 of the CS which seek to ensure that development protects the existing landscape character and respects the

form, character and local distinctiveness of settlements and their landscape setting.

Heritage Assets

19. The site lies within the setting of Pannal Conservation Area but it is common ground that the overall impact on the significance of the conservation area would be negligible. It is also agreed that although within the wider setting of the farmstead of Woodcock Farm, it would only have a minor impact on the setting of this non-designated heritage asset. Nothing I have seen or read leads me to conclude differently in either of these regards.
20. It is agreed that both Pannal Methodist Church and Spring Lane Farm are also non-designated heritage assets and the site lies in the immediate setting of both of these. The development will clearly be seen in both short and some longer range views of these buildings. At present the site contributes to the pastoral setting of these buildings, which in my opinion contributes significantly to their setting, particularly of the farm. In views from Spring Lane, the loss of part of the immediate agricultural setting of the farm would have an adverse impact on the significance of this heritage asset.
21. Furthermore, the creation of a car park, close to the access with Yew Tree Lane, would be an incongruous urban feature in this rural landscape which would have a detrimental visual impact on the setting of both buildings.
22. Consequently, I consider that the location of the proposed permission in principle would result in a form of development that would have an adverse impact on nearby heritage assets. Therefore, it would be contrary to Policy EQ2 of the CS which seeks to protect the natural and built environment.

Other Matters

23. In support of the appeal my attention was drawn to another recent appeal¹ in the same SLA for 14 houses. The appellant has indicated that this shows that the impact on landscape character can be mitigated by retaining existing landscape and vegetation features as well as other key features that help protect key views across the site. Be that as it may, that site does not share the same locational characteristics as this site. Whilst I accept that it is proposed to retain and augment existing landscape features as part of this proposal, in this case I have concluded that this would not sufficiently mitigate the harm the scheme would cause to the character of the landscape.

Planning Balance and Conclusion

24. The Council have indicated that they currently have a 6.89 year housing land supply and this has not been disputed by the appellant. Nevertheless, the Council accept that the development limits and the policies for the supply of housing within the current development plan are out of date and can only be given limited weight. As such, they acknowledge that paragraph 11 d ii of the Framework is engaged. This indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

¹ Appeal Reference APP/E2734/W/17/3177793

25. The scheme would result in the creation of up to 5 houses and so would make a small contribution to housing supply in the area. I note that the appellant has stated that the ELP makes an allowance for windfall sites within the housing figures and also acknowledge that the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement. Notwithstanding this, given the current housing land supply position, the weight I give to the scheme's contribution to the housing supply is limited.
26. The houses would be located in close proximity to a village that has a good range of services and facilities including a train station. As such, future occupiers would not be entirely dependent on private transport. The occupiers of the dwellings would strengthen and sustain the local community by using these facilities and so the scheme would help to enhance the vitality of the village. The construction of the houses would also provide some work for local contractors and spending by residents would also be beneficial to the local economy. However, given the scale of the scheme these benefits would be limited.
27. The proposed car park would be available to users of Pannal Methodist Church, which is used not only by the church but by a nursery during the week as well as other community groups. As the church building only has a limited amount of off-road parking at present, the provision of a car park available for all users would be a benefit. However, there is no evidence to suggest that parking associated with the use of this building currently causes any issues for highway safety or the free flow of traffic. As a result, I only give limited weight to this benefit too.
28. The additional planting proposed would reinstate a historic hedgerow and, dependent on the nature of the planting, could have benefits for biodiversity. I note the lack of objection from the Environment Agency and the Lead Local Flood Authority and to the proposed access, but an absence of harm in these matters is a neutral factor.
29. However, the location of the site is such that its development for housing would have an adverse impact on the landscape character of the Crimple Valley Special Landscape Area, would result in harmful encroachment of the built form into the countryside and would have a detrimental impact on the setting of heritage assets.
30. Whilst I have given weight to the benefits of the scheme in my decision, I conclude that in this instance they would be significantly and demonstrably outweighed by the adverse impacts.
31. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR