
Appeal Decision

Site visit made on 2 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/E2734/W/19/3239239

Manor House, Littlethorpe Lane, Ripon HG4 1UB

- 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 Mrs Janet Pocklington against the decision of Harrogate Borough Council.
 - The application Ref: 19/00866/OUT, dated 26 February 2019, was refused by notice dated 7 October 2019.
 - The development proposed is a dormer bungalow with an attached double garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline form with access, layout and scale to be considered at this stage. I have dealt with the appeal on this basis and I have treated any details related to matters reserved for future consideration as being illustrative only.

Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to the effect on the character and appearance of the area; and (ii) land stability and public safety.

Reasons

Character and Appearance

4. The appeal site comprises an area of paddock land which is located adjacent to the access driveway serving Manor House and the associated outbuildings. It also forms a short frontage onto Littlethorpe Lane and is set at a lower land level. The adjoining land on this side of the road is primarily paddock or fields. Further away from the site, the A61 and an industrial estate are visible. There are a row of houses and bungalows on the opposite side of the road to the site.
5. Policy SG2 of the Harrogate Borough Council, Core Strategy (2009) (CS) sets out a settlement hierarchy approach to development. This is based on the development and infill limits of settlements listed in the policy. Both main parties agree that the site lies outside of the development limit of Ripon. Policy SG3 of the CS states that outside of development limits land will be classified as countryside. The proposal is not a form of development that is encouraged

- in the countryside under Policy SG3. Therefore, it would not accord with these policies.
6. The linear pattern of development opposite the site forms a distinct edge to this part of Ripon. The side of the road where the site is found is markedly more countryside in its appearance with the open paddocks and fields largely devoid of development, apart from Manor House. This largely reflects the description and key characteristics of the South Ripon Farmland Character Area, where the site is found under the Council's Landscape Character Assessment Supplementary Planning Guidance (2004) (LCA SPD).
 7. The proposal would result in the incursion of the proposed dwelling onto undeveloped land beyond the edge of the settlement, as it would be on the opposite side of the road from the majority of the existing residential development. Hence, it would not relate well to the built form of this part of the city. It would also detract from the open countryside qualities of the site and the adjoining fields and paddocks, and thus also from the character of the LCA.
 8. Manor House forms a distinct cluster of development. The proposed dwelling would be appreciably separated from these buildings by a paddock area. As a consequence, it would not 'round off' development but would appear more isolated, when the more open land to the sides and rear are also considered.
 9. With its location, the site also forms part of a buffer between this edge of Ripon, the industrial estate and the A61. With this function, it does not display the qualities of underused land but as part of the transition from the more urban parts of the city to its rural surroundings. As a consequence, the erosion of this attribute of the site caused by the proposed dwelling would detract from the setting of this part of the city.
 10. The proposed dwelling, even with its scale and land level, would still be apparent from Littlethorpe Lane as it would be set away from other development and with the open qualities of the land around it. This would further demonstrate that it would appear uncomfortable in these surroundings. This harm would not be adequately overcome by that visibility from the A61 itself would be limited to fleeting views from passing traffic.
 11. The appellant states that designated heritage assets would not be affected. However, character and appearance is a planning consideration beyond heritage, especially where it forms a matter of dispute. My views on this issue differ somewhat from the pre application advice that the appellant received, for the reasons that I have set out above. The likelihood or otherwise of further development along this side of Littlethorpe Lane is not for consideration under this appeal, which is to be determined on its own merits.
 12. I conclude that the proposal would not be in a suitable location for housing with regard to the effect on the character and appearance of the area. As such, it would not comply with Policies SG4 and EQ2 of the CS and with Saved Policies C2 and HD20 of the Harrogate District Local Plan (2001, as altered) (LP) which, collectively, seek for development proposals to protect the character and appearance of their surroundings, including the landscape character. This is in addition to the conflict that I have already identified with Policies SG2 and SG3 of the CS.

13. The proposal would also not accord with the National Planning Policy Framework (Framework) as regards achieving well designed places. In addition, it would not comply with the LCA SPD where it concerns development respecting the landscape and settlement pattern in this character area, and nor with the Council's Landscape Design Guide and Residential Design Guide Supplementary Planning Guidance documents where they involve landscape conservation and development, and good design in new residential development, amongst other considerations.

Land Stability

14. The appeal site lies in an area that is subject to subsidence due to gypsum dissolution. The planning application was accompanied by a Stage 1 Desk Study Report which indicates the presence of a known sinkhole in the vicinity of the site. The study sets out a number of exploratory works that would need to be carried out in order to establish whether or not there are any subsidence features on the site. These include the use of boreholes and topsoil removal for the identification of any infilled hollows.
15. As such exploratory works have not been carried out, there is an absence of sufficient evidence in order to establish what the effect of subsidence would be on the proposal as regards land stability and public safety. Even if I was minded to allow the appeal, this is not a matter which could be addressed through the imposition of a planning condition without having the potential to nullify a permission if subsidence features are found. The desk top study points out that if any such features are identified on the site by the investigations, development is unlikely to be feasible.
16. The appellant considers this is a matter which could be designed out in the construction method, although it is not clear how this can be said with any great degree of confidence until the exploratory works have taken place. Whilst I appreciate that there has already been expense in preparing reports, this does not address the need for the potential effects from subsidence to be properly established.
17. Therefore, I am unable to conclude that the proposal would be acceptable as regards land stability and public safety. Consequently, it would not comply with Saved Policy A7 of the LP which states that proposals for development on land suspected as being unstable will not be permitted unless it is demonstrated either that there is no foreseeable instability, or that the effects of such instability can be overcome. Nor would it accord with the approach that the policy sets out as regards subsidence due to gypsum dissolution in the Ripon area.

Other Matters

18. The appellant has referred to that limited weight should be attached to the conflict with the development plan policies and the development limit, pointing to the pre-application advice that was received from the Council. This seemed to have been predicated on the implications of the Council's housing land supply position at that time with regard to the Framework. A more up to date position is, though, set out in the Planning Officer Report. The housing land supply is stated to be 6.89 years.

19. The proposal would make a modest contribution to the Government's objective of significantly boosting the supply of homes. The Framework also supports the development of windfall sites, albeit on the basis of using suitable sites. This does not favour the proposal for the reasons that I have set out. It would be accessible as regards local services. Such benefits would be on a limited scale and would not outweigh the harm that would arise.
20. Based on the evidence before me, the proposal would not be unacceptable as regards flood risk, highways safety and access, protected trees, living conditions and amenity considerations, agricultural land and biodiversity. As these matters attract neutral weight, they do not further inform my conclusion.
21. The Council's reasons for refusal refer to policies contained within the emerging Harrogate District Local Plan. The draft policies do not substantially change the approach from the adopted development plan in relation to the issues before me, and so they do not have a significant bearing on my decision.
22. Under the Framework, even if I were to conclude there are no relevant development plan policies, or the policies which are most important for determining the application should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

23. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR