



Appeal Decision

Site visit made on 16 December 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/E2734/W/19/3238378

Hillfoot Manor, Hill Foot Lane, Pannal HG3 1NX

- 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 Michael Myerscough against the decision of Harrogate Borough Council.
 - The application Ref 19/02030/FUL, dated 9 May 2019, was refused by notice dated 16 August 2019.
 - The development proposed is replacement of existing outbuildings by single dwelling and garage to south of Hill Foot Manor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue in this appeal is whether the proposal would represent a suitable site for residential development with regards to local and national planning policy.

Reasons

4. The development plan currently consists of the Harrogate District Core Strategy 2009 (CS) and the saved policies of the Harrogate District Local Plan 2001 (DLP). The proposal is outside of the settlement limits as defined in the CS and conflicts with the settlement growth policy SG3 regarding development in the countryside. However, the Council accepts that its housing policies are out of date and I therefore give the conflict with the CS limited weight.
5. The emerging Harrogate District Local Plan (EDLP) is at an advanced stage in its preparation with the consultation on the Main Modifications following the examination having concluded in September 2019. The proposal is outside of the development limits drawn around settlements listed in Policy GS2 of the

- EDLP. The Council has stated that it has a housing land supply of 6.89 years and the proposal would therefore not be supported by the provisions of emerging policy GS3 in respect of development outside settlement limits in the absence of a 5 year housing land supply.
6. The appellant emphasises that the Council's housing land supply position has not been independently tested or adopted through the Local Plan. Reference is also made to some minor variation in the housing land supply position as quoted in another appeal. However, there is no substantive evidence before me that the Council is unable to demonstrate a 5 year housing land supply.
 7. The appellant considers that the emerging plan should be given little to less than moderate weight due to matters including the stage of the plan and outstanding unresolved objections. However, I have had regard to the Inspector's interim findings and the nature of the Council's proposed Main Modifications as set out in the evidence before me. There is nothing in this evidence that persuades me that the relevant policies of the emerging plan as they apply to the appeal proposal are likely to be subject to significant change. On that basis, and mindful of the advanced stage of preparation of the emerging plan and paragraph 48 of the National Planning Policy Framework (the Framework), I give the policies of the EDLP significant weight in my consideration of this appeal.
 8. The appellant refers to other appeal decisions where policies of emerging plans at a similarly advanced stage of preparation were given lesser weight. However, I have not been given full details of those appeals and so cannot be certain that the considerations in respect of emerging policies were a direct parallel to the appeal before me. The appeals referred to do not therefore alter my findings in respect of the weight I have given to the policies of the EDLP.
 9. The proposal would be built on the site of existing outbuildings and would represent the redevelopment of previously developed 'brownfield' land. Whilst paragraph 118 of the Framework gives great weight to using suitable brownfield land for housing, this is only where it is within a settlement. Although the site is not isolated due to its proximity to other dwellings, I saw that it is within an area of sporadic development in the countryside and is not within a defined settlement.
 10. The appellant states that the proposal is within walking distance of Burn Bridge and Pannal. However, I saw that this was via a narrow unlit road with no separate footway, which would be a deterrent to pedestrians and cyclists. This would leave residents of the proposal reliant on the private car to access services and in that respect the proposal would not be in a sustainable location. Therefore, whilst the proposal may be on brownfield land, it is not supported by the Framework due to its location outside of a settlement and in an unsuitable location. I note that pre-application comments from Council Officers stated that in principle a new dwelling would be acceptable in this location. However, such advice is not binding on the Council, and whilst I have had regard to this as a material consideration it does not lead me to a different conclusion on the suitability of the site based on what I have seen and read.
 11. I conclude that the proposal would conflict with Policy SG3 of the CS due to its location within the countryside and on the basis that it would not represent a form of development encouraged by that policy. However, this policy is out of date and I give this conflict no more than limited weight against the proposal.

The proposal would also conflict with Policies GS2 and GS3 of the EDLP in respect of the Council's growth strategy and the consideration of proposals beyond development limits. Due to the advanced stage of the preparation of the emerging plan and based on the circumstances of this proposal, I give this conflict significant weight. The proposal would also conflict with the Framework with regards to its unsustainable location and the weight given to relevant policies in emerging plans.

12. The Council's Decision also refers to policies SG4 of the CS, HD20 of the DLP and NE4 of the EDLP. However, these policies relate to principles of design and landscape character which are not issues of concern identified by the Council. Within the context of the Council's decision, these policies do not weigh against the proposal. However, a lack of conflict with adopted and emerging planning policy in these respects does not outweigh the conflict with planning policy and harm that I have identified previously.

Planning Balance and Conclusion

13. I have had regard to the benefits of the development. The proposal would provide an extra dwelling but given the limited contribution to housing supply and the Council's housing land supply position I give this no more than limited weight. Whilst the proposal may be designed to a high environmental standard and provide 'age-proof' accommodation, this could be provided in a dwelling in a more suitable location and I give this no more than limited weight in favour of the proposal.
14. Whilst the proposal would represent the redevelopment of brownfield land, this is not in a location which is supported by the Framework and I give this limited weight in favour of the proposal. The appellant refers to the existing outbuildings being unsightly. However, whilst they may be underused I saw that they included buildings of traditional construction and do not detract unduly from the appearance of the site.
15. The proposal would be in an unsustainable location with regards to access to services and would conflict with emerging planning policies, and in accordance with the policies of the Framework I give these matters significant weight against the proposal. The adverse impacts arising from the development would therefore significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
16. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR