
Appeal Decision

Site visit made on 26 November 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2020

Appeal Ref: APP/E2734/W/19/3236117

Fiddlers Green Farm, Brimham Rocks Road, Hartwith HG3 3HB

- 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 and Mrs Burniston against the decision of Harrogate Borough Council.
 - The application Ref 19/01242/FUL, dated 19 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is described as 'isolation livestock building'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located to the north of Brimham Rocks Road just east of the main vehicular access to Fiddlers Green Farm, a relatively isolated hill farm within the AONB. The appeal site currently comprises an open area of grass/grazing land which contributes to the relatively open character of the part of the farm which fronts Brimham Rocks Road and the area approaching the main group of farm buildings. It is also within Character Area 26: Hartwith Moor Grassland Plateau, as defined by the Harrogate District Landscape Character Assessment 2004 (LCA) which it also identifies as being an area that is sensitive to change due to its simplicity. The site is also located approximately 500 metres from the Brimham Rocks Site of Special Scientific Interest (SSSI).
4. The fact that the appeal site is located within an AONB means that the landscape in this area is afforded the highest level of protection due to its nationally significant status and high vulnerability to change. Consequently, being mindful of paragraph 172 of the National Planning Policy Framework (the Framework) I have attached great weight to the conservation and enhancement of the AONB.
5. The proposed development relates to the construction of a building in a location separate from the main grouping of existing farm buildings in order to effectively quarantine sick livestock by keeping them isolated from healthy

livestock. This livestock isolation building would be located to the south of the main grouping of buildings on the farm and adjacent to a vacant gravel-surfaced area that appears to be used as a car park, meaning that it is much closer to the road than any of the other buildings on the farmstead and therefore in a more visually prominent location. The proposed building would also appear visually isolated from and not subservient to the existing group of farm buildings. This is further compounded by the dimensions of the proposed building shown on drawing P110 Rev A, where the building would have a footprint of around 27 metres by 9 metres and a total height of roughly 7 metres.

6. Whilst the materials to be used would be similar to those of the existing farm buildings, given its size, height, scale, massing and location the proposal would have an adverse visual impact particularly when viewed from Brimham Rocks Road. The appellants have asserted that the proposal would not appear visually isolated when viewed from Brimham Rocks Road to the south as it 'will appear against the backdrop of the existing farm development'.
7. However, while on site I observed that there were clear views of the more open landscape beyond the farmstead from Brimham Rocks Road whilst travelling north and south with the line of sight being through the more open area to the front approaches of the farm where the proposal would be located thereby obstructing these views.
8. I note the appellants' point that the visual impact of the proposal would be limited. However, no substantive evidence has been submitted to support this other than to state that the proposal is 'modest' in scale with several farm buildings 'within close proximity'. In any event the appellants' stated need for a building for the isolation of livestock to be located 'away from' existing livestock buildings would appear to be at odds with this point.
9. I also note the appellants' points in relation to the location of the proposal being dictated by a number of factors such as; the land to the north of the farm not being in the appellants' ownership; the land to the east being within an area of flood risk; the need for the building to be separate from existing livestock buildings; the need for separate access arrangements; the need for the proposal to be read as part of the main farm complex; the need to avoid more sensitive locations to the west that would be closer to Brimham Rocks SSSI; and the fact that the proposed location is supported by a local veterinary group. However, I do not consider these considerations to be of sufficient weight to outweigh the harm to the landscape and scenic beauty of the AONB I have found to which I must attach great weight.
10. I therefore conclude that the proposed development would be unduly prominent within the landscape failing to conserve and enhance the landscape and scenic beauty of the Nidderdale AONB thereby harming the character and appearance of the area. As such, it would conflict with saved Policies C1, C2 and HD20 of the Harrogate District Local Plan (adopted May 2004) and Policies SG3, SG4 and EQ2 of the Harrogate District Local Development Framework Core Strategy (adopted February 2009) which seek to conserve the natural beauty of the landscape, protect the countryside and nationally important landscapes, and ensure that new development respects local character and is appropriate in relation to local landscape character, amongst other considerations. It would also conflict with paragraph 172 of the Framework

which aims to conserve and enhance landscape and scenic beauty within AONBs.

Other Matters

11. The appeal site is located close to Brimham Rocks SSSI, which has been primarily designated due to its geological characteristics. The Council have not raised any concerns in relation to any potential impact on the SSSI arising from the proposal and based on the evidence before me¹ and my observations while on site, I have no reason to disagree.
12. In support of the proposal the appellants have also stated that without the proposal the 'whole viability of the holding is at threat' and that it is essential for improving biosecurity on the farm particularly in relation to valuable and highly sensitive animals such as reindeer. However, other than the letters of support from the Bishopton Veterinary Group, no substantive evidence has been provided by the appellants to adequately demonstrate that the proposed livestock isolation building would be fundamental to the future viability of the farm business.
13. The appellants have also cited compliance with Nidderdale AONB Management Plan 2019-2024 (AONBMP) aim LW1 (which is not a Policy as the appellants have asserted) that intends to increase the resilience, profitability and environmental sustainability of Nidderdale's farming industry. However, the AONBMP contains a number of aims and objectives in relation to the management of the AONB (including the protection of its nationally important landscape) none of which would be achieved in isolation. In any event, as considered above, no substantive evidence has been provided by the appellants to demonstrate that the proposed livestock isolation building would be fundamental to the future viability of the farm business.
14. In addition, the appellant has cited compliance with emerging Policy GS3 of the Publication draft Harrogate Local Plan 2019 in that it would allow proposals outside of development limits that meet certain criteria including those that would not have a significant adverse impact on the appearance of the surrounding landscape. However, as set out above, the proposal would nonetheless have an adverse impact on the surrounding landscape, so would not comply with this emerging policy in any event.
15. I also note that the appellants have also cited a functional agricultural need as a factor in support of the proposal. However, this is not a matter that is in dispute in this case and I have therefore not pursued it further.

Conclusion

16. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ SoS EIA screening opinion dated 19 December 2019