



Appeal Decision

Site visit made on 13 January 2020

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

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/E2734/W/19/3239796

Juleroyd House, Skipton Road, Kettlesing HG3 2LT

- 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 Mark Trickett against the decision of Harrogate Borough Council.
 - The application Ref 19/01625/COU, dated 8 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is retention of change of use from agricultural (Sui Generis) to mobile home storage and hire (B8).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development provided on the planning application form has been replaced by amended versions on the Council's decision notice and in subsequent appeal documents. I consider the description as given on the decision notice to be a more accurate description of the development which forms the basis of this appeal and I have therefore used it within this decision. Despite reference to 'mobile homes' it is clear from the evidence before me that the proposal includes the storage and hire of motorhomes.
3. I saw that the development had commenced and that a vehicle was located on the motorhome park as depicted on the submitted plans. I have proceeded to consider this appeal on that basis.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - Highway safety; and
 - The character and appearance of the area, with due regard to the setting of the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

Highway Safety

5. Vehicular access to the appeal site is from the A59 Skipton Road. Due to a curve in the highway and the topography of the area, I saw that visibility to the

east for drivers when emerging from the site onto the A59 is limited. Similarly, vehicles approaching from the east would also have limited visibility of traffic emerging from the appeal site. Even allowing for the curve in the road and the proximity to a nearby junction, I saw that traffic speeds along the highway to the front of the site were relatively high.

6. The Council requires a visibility splay extending 215 metres from the junction between the appeal site and the highway. Due to the arrangement of the highway in the vicinity of the site this cannot be achieved in views to the east. Due to the nature of the A59 and the high traffic speeds I observed, I consider that the Council's requirements in respect of the visibility splay are well founded and based on established criteria¹.
7. The appellant refers to the potential for other road safety measures, but there is no evidence in respect of the likelihood of implementation or whether they would be effective and appropriate on a road such as the A59. I must therefore consider this proposal on the basis of the existing highway.
8. The appellant also refers to the safe stopping distances used by the DVLA and the RAC. However, these distances apply to braking in an emergency and do not form a suitable basis for the design of junctions. Stopping distances can also be affected by weather and road conditions as well as driver awareness, and in respect of the latter I am mindful that drivers of rented motorhomes may be unfamiliar with the vehicle and the area. I therefore consider that the visibility splays referred to by the Highway Authority are appropriate.
9. With regards to the potential intensification of the use of the access, the appellant has undertaken a traffic movement analysis which compares the appeal proposal to traffic movements from a holiday let and typical family dwelling. Whilst this is based upon recorded traffic movements associated with the business in operation, I am mindful that traffic movements could increase should the business develop and intensify - even allowing for the limited parking space on the site and the potential to control the nature of the use through condition. The analysis is also based on the principle that only two adults would live and work on the site, and there is no certainty that this would remain the case.
10. My attention has been drawn to correspondence with the Highways and Transportation team of North Yorkshire County Council, which indicated that one static caravan on the site for tourist accommodation may be acceptable. However, such pre-application advice is not binding on the Planning Authority, and whilst I have had regard to this advice it does not lead me to a different conclusion in respect of the harm that would arise to highway safety from the appeal proposal.
11. I note that the business may have been in operation for some time without incident, but this also does not outweigh my conclusions in respect of highway safety based upon what I have seen and read. The appellant refers to other accesses on the A59 which may also have substandard visibility. However, I have not been provided with full details of the circumstances that led to the creation of those accesses and so cannot be certain that the circumstances are the same as the appeal before me. In any event, the existence of substandard

¹ Manual for Streets and the Design Manual for Roads and Bridges

accesses elsewhere on the highway do not justify the intensification of use of a substandard access at the appeal site.

12. Due to inadequate visibility at the site entrance I conclude that the proposal would give rise to significant harm to highway safety, contrary to Policy SG4 of the Core Strategy 2009 (the Core Strategy). The proposal would also be contrary to Policy EC3 of the emerging Harrogate District Local Plan 2018 (the emerging Local Plan) with regards to the effect of traffic movements on the local road network. Due to the advanced stage of preparation of the emerging Local Plan I give this conflict significant weight against the proposal.

Character and Appearance

13. The motorhome storage area is set to the rear of the main building and associated outbuildings. There was a motorhome on the site at the time of my visit and this was visible from the A59. Whilst a degree of screening was provided by the buildings on the site and boundary planting, I saw that the motorhome storage area was apparent as an obtrusive feature extending into the countryside to the rear of the property.
14. The landscape in this area has a relatively flat and open character, as is reflected in the Character Assessment provided by the Council. Although the appeal site is outside of the AONB, it is close to the AONB boundary and would be visible from within it. Within this context, the proposed storage of motorhomes would introduce clutter projecting to the rear of the site, to the detriment of the landscape and the setting of the AONB. With regard to the latter, the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty, and that the AONB has the highest status of protection in relation to these issues
15. Whilst it may be possible to increase planting around the site through a landscaping condition, I am not persuaded that this would be entirely successful in screening views of the motorhomes, particularly when the trees are not in leaf. The use of dense planting may also appear as an incongruous feature within this landscape.
16. The appellant refers to other developments which he considers establish a precedent for the appeal proposal. However, I consider the benefits arising from the nearby windfarm and radar facilities would be of a substantially greater degree than the appeal proposal. I have not been provided with full details of the circumstances that led to the motor salvage/storage yard and caravan site being approved, and therefore cannot be certain that they represent a direct parallel to the appeal proposal which I have in any event considered on its own merits. Moreover, these developments are distinctly separate from the appeal site and they do not affect the landscape to a degree where further visually intrusive development such as the appeal proposal would be acceptable.
17. I conclude that due to its nature and siting, the proposal would harm the character and appearance of the area and the setting of the AONB. The proposal is therefore contrary to Policies EQ2, SG3 and SG4 of the Core Strategy and Policies C1, C2 and HD20 of the Local Plan 2004 which together seek to protect the landscape character of the countryside, amongst other things. The proposal would also conflict with Policies GS8, NE3, NE4, EC3 and

HP3 of the emerging Local Plan in respect of the harm to landscape character and the AONB, and to which I give significant weight. The proposal would also be contrary to the Framework with regards to conserving and enhancing the natural environment.

Other Matters

18. I am mindful of the benefits that would arise from the proposal, particularly in respect of the establishment and development of a business in a rural area as encouraged by the Government. I also note the effect that this would have on the appellant's family as well as other businesses. However, the benefits that would arise from the proposal would not outweigh the substantial harm that I have identified.

Conclusion

19. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR