The Planning Inspectorate

Appeal Decision

Site visit made on 28 May 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/E2734/W/20/3244892
Oak Tree House, Oak Road, Cowthorpe LS22 5EY

- 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 Mr Steve Watson against the decision of Harrogate Borough Council.
- The application Ref 19/04063/OUT, dated 19 September 2019, was refused by notice dated 8 January 2020.
- The development proposed is an outline application for the erection of one dwelling, with all matters reserved save for access.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Harrogate District Local Plan 2014-2035 (HDLP), which was in draft at the time the Council refused outline planning permission, was formally adopted on 4 March 2020. This replaces both the Harrogate District Local Plan (2001, as altered 2004) and the Harrogate District Core Strategy (2009), such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the Harrogate District Local Plan 2014-2035.

3. The application has been made in outline with all matters reserved except access. A plan has been submitted as part of the appeal which indicates how a dwelling could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issue

4. The main issue is whether the appeal site is a suitable location for residential development having regard to development plan policy and the effect of the proposed development on the character and appearance of the area.

Reasons

5. Policy GS2 of the HDLP sets out the housing growth strategy to 2035 for the Harrogate Borough Council area. The policy details a settlement hierarchy wherein sites are allocated in main settlements, local service centres and service villages with small scale infill development supported on non-allocated

sites in smaller villages. Development limits for places in the settlement hierarchy are identified under Policy GS3.

6. Cowthorpe is identified as a 'smaller village'. The appeal site is located outside the Development Limit for the village. Therefore, the appeal site is part of the countryside where residential development is not supported by the locational principles of the HDLP.

7. Policy GS3 of the HDLP outlines that outside development limits, proposals for new development will only be supported where expressly permitted by other policies in the plan, or a neighbourhood plan or national planning policy. I have not been directed to any other policies in the HDLP which would support residential development at the appeal site. As the appeal site lies outside the settlement boundary, the proposed development would result in encroachment into the open countryside.

8. The appeal site, which is currently grassland, is located outside the village of Cowthorpe which is a small, predominantly linear, settlement with a rural character. The site is adjacent to Tockwith Lane that has a dense tree-lined boundary with the appeal site. The remainder of the appeal site is relatively open. It contains a substantial oak tree, similar in stature to another oak tree that sits just outside the appeal site on land to the east.

9. The land to the west is open grassland and unlike the appeal site, this site bounds part of the developed area of the village. It has outline planning permission for the erection of two dwellings, however at present construction of these dwellings has not commenced.

10. The proposal would result in the development of an open area, which due to its openness and verdant characteristics, positively contributes to its character and appearance. The proposal would create an entirely new boundary to this part of the village and harm its open character, contributing to the urbanisation of the countryside. It would result in a harmful encroachment of built development into the open countryside that would detract from the traditional rural character and appearance of the area.

11. Although the appeal proposal is in outline form with all matters reserved save for access, the proposal would harmfully erode the open countryside nature of the site which positively contributes to the character and appearance of the area. The development would inevitably alter the undulating, undeveloped, open grassland nature of the site that is a pleasant feature of the area that clearly distinguishes between the developed and undeveloped part of the area.

12. The use of the land for residential purposes would result in a clear change in the nature, use and character of the site. Although specific details are not before me, the proposal would inevitably involve comings and goings of residents and their vehicles, use of outdoor spaces for relaxing, playing, and socialising. Such an incursion of residential use into the open countryside would harmfully erode the rural character of the site and the clear severance between the developed and undeveloped parts of the area.

13. Therefore, the proposed dwelling would not be in a suitable location for residential development due to the significant harm it would cause to the character and appearance of the area. It would be contrary to the aims of Policies GS2, GS3 and HP3 of the Harrogate District Local Plan (2020) These

policies seek, amongst other things, to ensure that development reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the rural environment. In particular, respecting the spatial qualities of the local area, including appearance, visual relationships, views and vistas and take account of the contribution of the natural environment and landscape.

14. The proposal would also be contrary to guidance contained in the National Planning Policy Framework (2019) (the Framework) which requires, amongst other things, that decisions should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside.

Other Matters

15. The appellants case focuses on the proposal benefitting from a presumption in favour of sustainable development as put forward in paragraph 11 of the Framework. Paragraph 11(d)(ii) is applicable to decision taking when there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Since the submission of the appeal however, the Council's Local Plan has been formally adopted and now carries full weight in decision-taking. As a result, the proposal would not fall under paragraph 11(d)(ii) of the Framework, instead paragraph 11(c) is applicable, which for decision-taking means approving proposals that accord with an up-to-date development plan. For the reasons I have identified, the proposal does not accord with the up-to-date development plan.

16. I have been referred to an appeal decision[1] that granted outline planning permission for the development of two dwellings on land adjacent to the appeal site. This decision pre-dates the adoption of the Local Plan. In that appeal, the Inspector considered that the adverse impacts of granting permission would not significantly outweigh the benefits. That is, that the proposal constituted the type of development for which paragraph 11(d)(ii) of the Framework was applicable. As I have identified above, paragraph 11(d)(ii) of the Framework does not apply to the current proposal. As such, the appeal decision on the adjacent site has limited weight. In any event, I have determined the current appeal on its individual merits.

17. I have also been referred to two other appeal decisions[2]. I do not have full details of either case and they appear to be some distance from this appeal site. Both appeals pre-date the adoption of the Local Plan and therefore similarly, the findings in relation to the application of paragraph 11(d) of the Framework have little weight in the current appeal.

Conclusion

18. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

[1] APP/E2734/W/19/3224226
[2] APP/E2734/W/19/3228519 and APP/E2734/W/19/3232624