
Appeal Decision

Site visit made on 9 June 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/E2734/W/20/3245934

Spofforth House, Ribston Road, Spofforth, Harrogate HG3 1AB

- 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 Peter Rogerson against the decision of Harrogate Borough Council.
 - The application Ref 19/03220/FUL, dated 1 August 2019, was refused by notice dated 25 September 2019.
 - The development proposed is erection of 1 detached dwelling adjacent to Spofforth House replacing storage barn and stables.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Harrogate District Local Plan 2014-2035 (HDLP), which was in draft at the time the Council refused 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Harrogate District Core Strategy (2009), such that the policies of those plans cited on the decision notice have been superseded. The appellant has had the opportunity to comment on these policies as set out in the Council's statement of case and is not therefore prejudiced by my consideration of the case against these, the most up to date policies.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises part of the garden area of Spofforth House and includes an outbuilding which is proposed to be removed. There are several other buildings on site, including the main house, paddock, outbuildings and stables. The land beyond is more open and comprises predominantly large agricultural fields which appreciably inform the rural landscape character of the surrounding countryside. They also separate the site from the built form

comprising the village of Spofforth. The A661 and Ribston Road run past the site on two sides.

6. The proposal involves the erection of a one-and-a-half-storey dwelling, with six dormer windows spread over the front and rear of the pitched, gable roof. The plans also indicate additional planting and an area for parking.
7. The dwelling would be of substantial footprint and height. Despite reductions of both from a previous application, this would add significant built form to what is primarily an open landscape. I note the contention the site is completely screened on all sides; however, I observed the development location would be visible through gaps in the trees from both the A661 approach from Harrogate and when travelling from Spofforth. The dwelling would be apparent from here particularly as a result of the prominence of the gable end which would appear overly large and dominant in views from the A661 approach from Harrogate. While hedging is proposed along this boundary, it would take a significant amount of time to properly establish itself. Moreover, screening in itself cannot be used as a reason to justify inappropriate development. I note the suggestion from the appellant that the house could be rotated 90° in order to hide the gable from this view. However, I am unconvinced that such a change would make the development acceptable and in any event I can only assess the proposal on merit, and this design is not before me.
8. The proposal would also be prominent when approaching from Spofforth and would expand the cluster of built form when viewed against the recently approved dwelling and existing buildings on site. Consequently, the proposed development would have an urbanising influence that would further erode openness of the site and would not be reflective of the wider rural area and its prevailing character.
9. My attention has been drawn to a new dwelling that has been constructed near the site. I do not have the details of this case or the circumstances that led to its approval. However, from what the appellant advises, this was a replacement rather than an additional dwelling. Accordingly, it is not directly comparable with the proposal before me. Moreover, it would appear to predate the adoption of the HDLP.
10. To conclude on the main issue, as set out above, the proposal would result in significant harm to the character and appearance of the area. Consequently, it fails to comply with the requirements of Policies NE4 and HP3 of the HDLP, which seek to ensure that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape.

Other Matters

11. I acknowledge the reason for the dwelling is to provide housing for family members, close to the onsite riding facilities. However, these are personal circumstances which can change over time. As such, this private benefit carries limited weight.
12. Although there is limited detail before me, I understand that the dwellings would be constructed as a self-build project. However, I note the Council argues they have approved a sufficient number of self-build developments to meet their requirements under the Housing and Planning Act 2016. This is not challenged by the appellant and I have no reason to disagree with this finding.

Planning Balance

13. Policy GS2 of the HDLP sets out the housing growth strategy to 2035 for the Harrogate area. Development limits for places in the settlement hierarchy are identified under Policy GS3. Places not identified in the settlement hierarchy are considered to be part of the wider countryside where development will only be appropriate if permitted by other policies of the plan. The appeal site is located outside the settlement boundary of Spofforth. Therefore, while previous applications for housing at Spofforth House and the neighbouring property have been granted planning permission, within the current policy position residential development in this location is not supported by the settlement hierarchy of the HDLP, despite being within walking distance to services in the village. Moreover, I have not been directed to any other policies in the HDLP which would support residential development at the appeal site.
14. I acknowledge the proposal would provide an additional unit of residential accommodation which would increase housing supply and choice. This would also benefit the local economy through increased use of services and amenities in Spofforth, although given the scale of the development such benefits are limited.
15. There is no dispute between the parties that the Council can demonstrate a 5-year supply of housing land, although I note the appellant's contention that this has not always been the case. I have been referred to an appeal decision¹ in which the Inspector, in assessing a proposal for the development of 16 dwellings, noted that this is not a ceiling to development. However, because the policies most important for determining the application are not out of date, paragraph 11 (d) of the National Planning Policy Framework (the Framework), the tilted balance, is not engaged. Moreover, for the reasons set out above, the proposal does not accord with the up to date development plan and would cause significant harm to the character and appearance of the area. As such the proposal does not represent the sustainable development the Framework seeks to encourage. Consequently, the limited benefits of the proposal would not outweigh the harm identified.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR

¹ APP/E2734/W/18/3201820