
Appeal Decision

Site visit made on 21 May 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2020

Appeal Ref: APP/E2734/W/19/3242720

Land west of Baldersby Garth, Baldersby YO7 4PD

- 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 the Executor of Malcolm Cuthbert deceased against the decision of Harrogate Borough Council.
 - The application Ref 19/02895/OUT, dated 6 July 2019, was refused by notice dated 23 August 2019.
 - The development proposed is Outline application for four bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note from the evidence before me that the Council adopted a new local plan in March 2020 (Harrogate District Council Local Plan 2014-2035) (HDLP) and that as a result Policies SG3, SG4 and EQ2 of the Harrogate District Local Development Framework Core Strategy (adopted February 2009) (HDCL) and 'Saved' Policies C2, HD13 and HD20 of the Harrogate District Local Plan (adopted February 2001) referred to in the decision notice have been superseded. However, as HDLP Policies GS2, GS3, HP3, NE4 and NE7 are also referred to in the decision notice, I have determined the appeal against these newly adopted policies to which I have attributed full weight.
3. The application has been submitted in outline with all matters, except for access and layout, reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan as being illustrative only.
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistent advice received from Officers and also perceived inconsistency in their overall decision-making and the application of policies. I note that these matters have already been taken up with the Council and therefore in determining this appeal I have only had regard to the planning merits of the case.

Main Issue

5. The main issue is the effect of the proposed residential development on the rural character of Baldersby.

Reasons

6. The appeal site is a slightly overgrown agricultural field situated to the rear of several detached bungalows on Baldersby Garth. It is bounded by a row of mature trees adjacent to the A61 with these trees making a positive contribution to the visual amenity of the area. These trees are subject to a tree preservation order. The appeal site is bounded on its other sides by a campsite and quite a large area of open agricultural land. It is located within Baldersby a predominately residential village set within a wider rural landscape. The existing development pattern for the housing within the village largely consists of buildings being clustered around the road network with agricultural fields surrounding them. Whilst the village is predominately residential, I consider its character to be intrinsically rural.
7. Policy GS2 of the HDLP sets out the future growth strategy for the district with settlements within it being placed in a hierarchy ranging from main settlements where major site allocations could be located to smaller villages where development is limited to small-scale proposals. Baldersby is identified as a smaller village. Policy GS3 of the HDLP expands on this by defining a boundary around such settlements with development proposals outside these limits only being supported where it would meet specific criteria including not having a significant adverse impact on the core shape and form of the settlement; and not significantly harming its character. The policy also states that new proposals should not have a significant adverse impact on the character and appearance of the countryside surrounding these identified settlements.
8. The appeal site is located outside the settlement boundary of Baldersby, on a greenfield site within the countryside and an area of rural character. As the proposal is outside the visibly clear settlement boundary in this area, I consider it to be out of character with the existing built-form of the village and its established pattern of development. As a result, given the fact that the proposal would create up-to four detached dwellings, I consider that it would not meet the criteria set by Policy GS3 for it to be acceptable in principle. Moreover, given that the appeal site is largely surrounded by open agricultural land and that the proposal would introduce new housing with an associated access road to a greenfield site, I consider that it would have an adverse visual impact thereby significantly harming the area's intrinsic rural character.
9. I acknowledge the Appellant's point that their previous scheme was for approximately 10 dwellings and that the current appeal scheme has reduced this number and also revised the design, height and scale of the proposed dwellings so that they would better compliment those of the existing dwellings nearby. However, this is not of sufficient weight to outweigh the policy conflict I have identified above.
10. Consequently, taking into account all of the factors discussed above, I conclude that the proposed residential development would by virtue of its scale and location materially harm the intrinsic rural character of the village. It would therefore conflict with the requirements of Policies GS2, GS3, HP3 and NE4 of the HDLP which collectively seek to ensure that new development is of a scale appropriate to its location and that it also does not harm the character of the landscape or the setting of a settlement. It would also conflict with paragraph 170 of the National Planning Policy Framework which recognises the intrinsic character and beauty of the countryside.

11. As the proposal does not indicate that any of the mature protected trees on the site boundary would be removed to accommodate the new vehicular access, I do not consider Policy NE7 to be entirely relevant to this main issue.

Other Matter

12. In support of the appeal scheme the appellant has argued that as a dwelling was previously built on a portion of the original piece of land in their ownership before the submission of the original application, as shown on a map dated 2017¹, the principle of housing on this land has already been accepted and that as a result the appeal site is not within the countryside meaning that consequently Policy GS3 is also irrelevant. However, the map clearly shows that the appeal site is located outside of the development limit boundary identified by Policy GS3 and accordingly I consider this policy to be of relevance to the determination of this appeal.

Conclusion

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

C Coyne

INSPECTOR

¹ See attachment 3 and 7 to appellant's appeal statement.