



Appeal Decision

Site visit made on 23 June 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/E2734/W/20/3245591

Land and building at White Oak Farm, Summerbridge, Harrogate HG3 4JS

- 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 Garnett against the decision of Harrogate Borough Council.
 - The application Ref 19/02479/FUL, dated 10 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is change of use of existing detached workshop to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In March 2020, after the appeal was made, the Council adopted the Harrogate District Local Plan 2014-2035 (the HDLP). Consequently, Policies SG3 and SG4 of the Harrogate District Local Development Framework Core Strategy Adopted February 2009 and Policies C2, R11, C16 and HD20 of the Harrogate District Local Plan Adopted February 2001 and the Selective Alteration Adopted May 2004, listed in the Council's reasons for refusal have been superseded.
3. The appeal must be determined in accordance with the current development plan. Accordingly, I have made my assessment against Policies GS2, GS3, HP2, HP3, NE4, GS6, HS6 and HP5 of the HDLP. The appellants were aware of the HDLP and they were provided with the opportunity to comment on its implications through the appeal process. Therefore, neither party has been prejudiced by my determination of the appeal on this basis.

Main Issues

4. The main issues are:
 - i) Whether the location is suitable for new residential development, having regard to national and local planning policy for the delivery of housing;
 - ii) The effect of the proposal on the character and appearance of the area, with particular regard to the Nidderdale Area of Outstanding Natural Beauty (the AONB); and
 - iii) The effect of the proposal on the setting of a Grade II listed building, White Oak Farm.

Reasons

The suitability of the location for new residential development

5. The appeal site is a former agricultural building and adjacent land. It is part of a cluster of rural built development which includes the neighbouring White Oak Farmhouse and converted barns. Access is from the B6165 via a long and narrow unmade track that serves a number of properties and Birchfield Farm. The appeal building is on a public right of way (the FP) which links to Darley via a footbridge over the River Nidd to the south.
6. Policy GS2 of the HDLP sets out the Council's locational development strategy. This focuses new housing in accessible locations where it will support services and facilities. In the countryside beyond settlement limits, development will be appropriate if it is supported by other neighbourhood, local or national policies. This is broadly consistent with the aims of the National Planning Policy Framework (the Framework) in relation to sustainable rural development that reflects local needs and contributes to the vitality of rural communities.
7. The appeal site is not in a settlement. However, the proposal would not result in the creation of isolated homes in the countryside, which the Framework seeks to avoid. Nevertheless, there are no services or facilities nearby such as would be necessary to meet the basic needs of future occupiers.
8. The service village of Summerbridge is over 3km away via the B6165, which is an unlit rural road with no footway and subject to the national speed limit. Therefore, the road is not conducive to travel on foot and the distance is greater than could be considered a short or convenient walk. Although Summerbridge is within cycling distance, the access track to the road is on an incline and it is rough and unlit. Therefore, it seems reasonably unlikely that future occupiers would meet their daily needs in Summerbridge by cycling.
9. By road, the village of Darley lies beyond Summerbridge. However, it is approximately 400m from the appeal site via the FP which appears to be well-used. While this would be a short walk, the FP is unsurfaced, muddy and narrow in places. Moreover, the section through the wooded river bank is bare earth with exposed tree roots and uneven ground levels. While future occupiers would be likely to use the FP, they would be unlikely to use it to meet their daily needs in Darley, particularly during inclement weather or after dark.
10. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the Framework is clear that sustainable locations are those that limit the need to travel and offer a genuine choice of transport modes. Walking, cycling and access to public transport should be promoted, with priority given to transport modes in that order. I am aware that new dwellings have been permitted in rural areas elsewhere, including on appeal, despite the likely increase in private car journeys. However, each case must be considered on its own merits and schemes elsewhere are not automatically directly comparable to the appeal scheme.
11. In this case, there would be no realistic opportunities for future occupiers to meet their daily needs by sustainable forms of transport. There would be an increase in car journeys from this location, both by future occupiers and by private and commercial visitors to the property. One new dwelling would make

a negligible contribution to the vitality of rural communities and there is little evidence that it would meet a local need.

12. Therefore, the appeal site is not in a suitable location for new residential development, having regard to local and national policies for the supply of housing. It would conflict with the housing aims of Policies GS2 and GS3 of the HDLP. These seek to focus residential development in accessible settlements, where it will contribute to social and economic objectives. It would conflict with the rural housing and sustainable transport aims of the Framework.

Character and appearance

13. The appeal building is a timber clad former agricultural building with a corrugated metal roof. It is near to a loose cluster of historic buildings, several of which are designated heritage assets including the immediately adjacent White Oak Farm.
14. The appeal site is in the Nidderdale AONB, in the Nidderdale Valley landscape character area which includes the gently sloping sides and wide floor of the River Nidd valley. The valley is predominantly in agricultural use, with frequent trees, the tree-lined river, and patches of woodland. Away from the villages, the scattered farmsteads and dwellings have a traditional rural character and appearance.
15. As a result of its low-lying position in the landscape, and the extent of tree cover in the valley, the appeal building is screened from distant views. However, it is visible from the surrounding area, including nearby properties and FPs. Notwithstanding that it is relatively modern, by virtue of its scale and modest agricultural appearance, the appeal building is relatively unobtrusive and it is not out of character with its rural surroundings.
16. In contrast, the proposal would be an overtly contemporary feature. It would not relate well to the nearby historic built environment or the surrounding countryside. It would be a discordant feature that would appear prominent and visually obtrusive. In combination with an increase in associated domestic paraphernalia, it would have an urbanising effect in this location. The adverse visual impact would be detrimental to users of the nearby FP. It would not make a positive contribution to local distinctiveness, and it would detract from the landscape and scenic beauty of the AONB.
17. Therefore, the proposal would harm the rural character and appearance of the area, including the AONB. It would conflict with Policies HP3, NE4, GS6, HS6 and HP5 of the HDLP. These require development, among other things, to contribute to local distinctiveness of the built environment and the landscape, to respect settlements and buildings in their landscape setting, to conserve and enhance the AONB, and to protect the amenity value of public rights of way. It would conflict with the policies in the Framework that attach great to the conservation and enhancement of landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

Setting of the listed building

18. White Oak Farm is a 2 storey dwelling constructed in gritstone with a blue slate roof. It is a Grade II listed building, possibly dating from the 19th century although incorporating 17th century masonry. Architectural features include

bays, recessed-chamfered mullioned windows and gable copings. It additionally includes decorative architectural details dating from the 20th century.

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
20. The Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of the asset can be harmed or lost as a result of the alteration or destruction of the asset or from development within its setting. The Framework defines the setting of a heritage asset as the surroundings in which that asset is experienced. Accordingly, elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral.
21. The appeal site is detached workshop, garden and parking area in close proximity to the listed building. It is visually, physically and functionally related to the listed building and its grounds. Consequently, the appeal building is significant in terms of the setting by virtue of its proximity and relationship with the listed building.
22. As an agricultural building, the appeal building is subservient to the historic farmhouse, and its relatively unassuming appearance does not detract from the ability to appreciate the listed building. In contrast, the proposal would be a contemporary domestic dwelling and an overtly modern form of development that would not relate to the farmhouse. By virtue of its proximity to the listed building, it would be visually obtrusive in the setting and it would detract from the views of and the ability to appreciate the listed building.
23. Therefore, the proposal would make a negative contribution to the setting of the listed building. It would fail to sustain or enhance the setting, and hence the significance, of the designated heritage asset. It would conflict with policies in the Framework that recognise heritage assets are an irreplaceable resource, and which seek to ensure that they are conserved and enhanced in a manner appropriate to their significance. Although the harm would be less than substantial, the proposal would conflict with Policies HS6 and HP2 of the HDLP.
24. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposals. In this case, one dwelling would make a minimal contribution to the supply of housing and there would be limited economic and social benefits. Therefore, taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm to the significance of the listed building would outweigh the benefits of the scheme.

Other Considerations

25. At the time the application was determined, the relevant development plan policies for the supply of housing were out of date and carried only limited weight. Nevertheless, the Council was able to demonstrate in excess of a 5 year housing supply. Following the adoption of the HDLP, the Council's housing policies are up to date and they can be given full weight. In any case,

Paragraph 11d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The policies referred to include those relating to AONBs and designated heritage assets.

26. The proposed dwelling would make a minimal contribution to the supply of housing. There would be minimal economic benefits during the construction phase. Future occupiers would make a limited contribution to supporting local services and facilities. There would be no guarantee that the dwelling would be occupied by a family or that any children would attend local schools. There is little to indicate a local need for a dwelling in this location or that it would be occupied by persons with local connections. The provision of an electric vehicle charging point would not be a significant benefit of the scheme and it therefore carries little weight in favour.
27. The appeal building is constructed on the definitive FP route. The FP has been diverted through the adjacent field. The proposal seeks to further divert it to avoid the garden. Irrespective that its retention is safeguarded under the provisions of 'other legislation', concerns have been raised in relation to the FP. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider the impact of the proposal on the FP.
28. Landscape planting schemes can provide habitats for biodiversity. In this case, the native hedgerow proposed along part of the garden boundary would be a resource for wildlife. However, the Framework requires development to contribute to and enhance the natural environment, including by providing net gains for biodiversity. In this respect, I am not persuaded that the hedge would result in significant biodiversity enhancement. This is not therefore a matter that weighs any more than minimal weight in favour of the scheme.
29. Policies in the Framework encourage the effective use of land that safeguards and improves the environment. In this case, the appeal site is not brownfield land within a settlement. There is little before me to suggest that the proposal would develop under-utilised land and buildings to help meet identified needs for housing. Moreover, the proposal would not safeguard the built or natural environment. Therefore, the brownfield status of part of the appeal site carries limited weight in favour of the scheme.

Conclusion

30. The site is not in an accessible location with regard to services and facilities. The proposal would result in moderate harm to the rural character and appearance of the area, including the AONB. It would harm the setting of the adjacent listed building.
31. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR