



Appeal Decision

Site visit made on 17 July 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/E2734/W/20/3249633

Land Adjacent Hambleton View, Bedale Lane, Wath, Ripon HG4 5ER

- 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 Mark Ranson against the decision of Harrogate Borough Council.
 - The application Ref 19/03344/OUT, dated 5 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is outline application for erection of 1no dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.
3. The Harrogate District Local Plan 2014-2035 (HDLP) was formally adopted on 4 March 2020 replacing both the Harrogate District Local Plan (LP) (2001, as altered 2004) and the Harrogate District Core Strategy (CS) (2009). As such, the policies of the LP and CS 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 HDLP only.
4. Given that the HDLP was adopted prior to the submission of the appeal, the main parties have had the opportunity to comment on any implications. As such, no party has been prejudiced in the appeal process by its adoption.

Main Issues

5. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to national and local planning policies, the effect of the proposal on the character and appearance of the surrounding area and on biodiversity.

Reasons

Planning policy

6. Wath is not identified as part of the settlement hierarchy in Policies GS2 and GS3 of the HDLP. As such, although part of the garden of the host property, the appeal site is part of the countryside for planning purposes where residential development is not supported by the locational principles of the HDLP.

7. I have not been provided with any policies that would expressly support the proposal in this location. Although reference is given to broad support for self-build housing within the HDLP, I have not been provided with any substantive evidence that the proposal has been registered with the Council as a self-build project or includes a legal mechanism to secure it as such. Therefore, this is not a matter given express support as required by Policy GS3 of the HDLP.
8. I therefore find that the site does not represent an appropriate location for the proposed dwelling, having particular regard to national and local planning policies. As such, the proposal would be contrary to the requirements of Policies GS2 and GS3 of the HDLP. These policies are consistent with the National Planning Policy Framework (the Framework), to the extent that they seek to promote sustainable rural development and recognise the intrinsic character and beauty of the countryside.

Character and appearance

9. Although the appeal site falls within the countryside for the purposes of the HDLP, in my view, the appearance of the appeal site is clearly that of a domestic garden associated with the host property. Nonetheless, Hambleton View is set within large spacious grounds and with open fields to the north and opposite, it forms part of a transitional landscape into the open countryside. This spacious character contrasts with the character and appearance of the more built up area of housing, driveways and the footpath to the south along Bedale Lane (the lane).
10. Although submitted for indicative purposes, the proposed site plan and artists impression show how a dwelling could be accommodated on site. The proposal would extend the built form of the village along the lane. Moreover, the removal of some hedgerow, combined with the formal access, would accentuate this encroachment.
11. I recognise that when approaching the village along the lane, the stone village sign would still be encountered first. Moreover, the appeal site has a strong planted boundary treatment to the fields and is reasonably well contained as a result. Nevertheless, the combination of the built form and access would incrementally erode, and be harmful to, this transitional landscape. Although small, such harm weighs against the proposal.
12. In arriving at this conclusion, I have had regard to the Brettaines Farm built form. Although I have not been provided with the full details of these buildings and how they came to be, as a farm steading they are of a form and nature which would be compatible with a countryside or edge of village location. Overall, it is a markedly different form of development and is not comparable to the proposal before me.
13. I therefore find that the proposal would harm the character and appearance of the surrounding area. As such, the proposal would be contrary to the requirements of Policy NE4 of the HDLP, which stipulates, amongst other things that the Council will resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. The proposal would also conflict with the requirements of the Framework which seeks, amongst other things, that decisions contribute to, and enhance, the natural and local environment.

14. The proposal would also conflict with the guidance within the Harrogate Landscape Character Assessment (HLCA) (2004) and Residential Design Guide (RDG) which seek, amongst other things, that development respects the valued spatial qualities of villages.

Biodiversity

15. The appellant estimates that approximately 3.5m of hedgerow along the lane would need to be removed to facilitate an access. Although all matters are indicative including access, the appellant indicates that a new length of hedgerow could be planted between the appeal site and the existing dwelling amounting to approximately 90m of replacement planting.
16. I recognise that limited information was provided during the application regarding this issue. However, given that all matters are reserved and having regard to the small amount of hedgerow likely to be removed, along with the potential scope for additional planting, I am satisfied that the proposal would have an acceptable effect on the biodiversity values of the site.
17. On this matter, the proposal would therefore comply with the requirements of Policies NE3 and NE4 of the HDLP, along with the guidance within the Council's HLCA and Habitat Action Plan. These stipulate, amongst other things, that proposals that protect and enhance features of ecological interest and provide net gains in biodiversity will be supported.
18. It would also accord with the Framework, in this respect, where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Planning Balance and Conclusion

19. Although the Council can demonstrate a 5-year supply of housing, the proposal would deliver an additional dwelling, have economic and social benefits and an acceptable effect on the biodiversity values of the site. However, a single dwelling would only have limited benefits, and I attach limited weight to the benefits in that regard.
20. Against these limited benefits the proposal would be harmful to the character and appearance of the surrounding area, resulting in conflict with Policy NE4 of the HDLP in this respect. The proposal would also be contrary to Policies GS2 and GS3 of the Council's recently adopted HDLP. These are fundamental policies of the development plan which provide for the spatial strategy and the distribution of housing across the District. The proposal is, therefore, in conflict with the development plan taken as a whole and this conflict carries significant weight.
21. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan. As such, and having considered all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR