

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/D/20/3250508

Vintage Croft, Moor Lane, Ferrensby HG5 0QA

- 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 David Ratcliffe against the decision of Harrogate Borough Council.
 - The application Ref 19/04955/FUL, dated 26 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is new design for the garage approved under application 17/02061/FUL and new stone walls to link gate to hedge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.
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 are no longer part of the development plan and have no weight.
4. Given the date of adoption the main parties have had the opportunity to comment on the implications of this during the appeal. As such, no interested party has been prejudiced in the appeal process by the adoption and I have therefore determined the appeal having regard to the relevant policies within the HDLP.
5. It is clear from the Council's Decision and Officer Report that the Council's concerns relate solely to the garage. From the evidence I have before me I see no reason to disagree. I have therefore confined my considerations to the proposed garage only.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area; and
- Whether the size of the proposal would be commensurate with the established functional need of the holding.

Reasons

Character and appearance

7. The host property is a reasonably large modern detached dwelling positioned near to, and prominently on, a bend along the road. Although relatively close to Ferrensby, its location, adjacent farm buildings and fields gives the site and surroundings a rural character.
8. I understand that the positioning of the approved single garage near the overhead power line has restricted its development in the approved location. However, the proposal would introduce a much larger building which would be positioned forward of the front building line of the host dwelling. There are a range of buildings at the appeal site including several much larger agricultural buildings. However, due to the proposed garage's positioning and size, it would be prominent on the bend in the road, particularly when approaching Ferrensby from the east.
9. Even with the front boundary hedgerow and matching materials, due to the positioning near the front boundary and with a blank gable elevation presenting to the road, it would appear as an overly dominant feature above the hedgerow and intrude into, and be harmful to, existing views of the main dwelling.
10. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policies GS3, NE4, HP3 and HS8 of the HDLP which stipulate, amongst other things, that development should respect the spatial qualities of the local area, including the scale, appearance and use of spaces about and between buildings or structures, visual relationships, views and vistas.
11. The proposal would also conflict with the guidance within the Harrogate Landscape Character Assessment (HLCA) (2004) and the Council's House Extensions & Garages Design Guide Supplementary Planning Document (SPD). These advise, amongst other things, that outbuildings, including garages, should normally not be in the front of domestic properties unless within developments where there is an irregular arrangement of buildings.
12. The development would also be contrary to paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which broadly seeks to secure high quality design.

Commensurate

13. As the appeal site relates to an agricultural workers dwelling, the size of the garage should also be assessed against Policy HS8 of the HDLP and the guidance within the SPD. These stipulate, amongst other things, that in the

- countryside an extension should not undermine the retention of any occupancy condition. The supporting text states that permission for extensions to dwellings subject to such conditions will be granted only where the size of the new dwelling would not exceed that which could be justified by the functional requirement for the related enterprise.
14. The appellant has provided a detailed explanation for the need for the proposed double garage. This partly relates to the need for an additional vehicle to be stored, but also for a utility and drying area associated with the holiday accommodation which the appellant operates at the farm.
 15. I recognise that the holiday accommodation will result in a large volume of washing and drying, and the proposal would enable this to be undertaken on the farm. However, it is not clear from the evidence before me whether there are other options within the farm holding, including at or near the holiday accommodation.
 16. The washing and drying are associated with the holiday accommodation, which I'm told forms part of the farm's diversification. However, I have no substantive evidence as to how the holiday accommodation relates to the farm enterprise or the viability of the farm business. From the evidence before me, the proposal is not necessary for, and cannot be justified by, any agricultural requirements associated with the farm.
 17. The existing house is reasonably large, and the double garage proposed would further increase the size of the floorspace. There is an occupancy condition associated with the existing dwelling. I am mindful that an increase in floorspace could result in the dwelling becoming unaffordable for another rural worker should the property need to be sold on in the future. Moreover, there is no evidence before me that the holiday accommodation is tied to the residential property by any mechanism. This could mean a potential severance of the 2 entities could occur which would further undermine the retention of the occupancy condition at the host property.
 18. Drawing all the above together, I am not persuaded by the evidence submitted that the proposal would be commensurate with the established functional need of the holding. As such, I cannot be satisfied that it would not undermine the retention of the occupancy condition. The proposal would therefore conflict with the requirements of Policy HS8 of the HDLP and the guidance within the SPD on this matter.

Other Matters

19. I understand that the appellant was open to amend the location of the garage during the planning application process. However, I am only able to make my decision taking into account the plans that were before the Council when they made their decision.
20. I understand that the double garage might meet the appellant's need for increased parking. However, there is a large area of external parking already and the additional garage parking would bring largely personal benefits and therefore I afford them limited weight.
21. The proposal would be of benefit to the holiday accommodation business reducing laundry costs and vehicle trips. However, the extent of these economic and environmental benefits would be modest and outweighed by the

harm, given the nature and extent of harm that would be caused by the development as outlined in the main issues section above.

Conclusion

22. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified.
23. For the above reasons the appeal is dismissed.

Robert Walker

INSPECTOR