



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/20/3251289

Land to South of Wetherby Road, Little Ribston, Harrogate, North Yorkshire (Easting: 438797, Northing: 453257)

- 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 Loxley Homes Ltd against the decision of Harrogate Borough Council.
 - The application Ref 19/04099/OUT, dated 25 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is outline application for 2 No. dwellings, including the creation of a new vehicular access from a public highway. Layout, scale and appearance to be 'reserved'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address given in the application form, decision notice and appeal form all differ slightly. I have used the address provided in the appeal form in the banner heading above which provides an accurate easting and northing.
3. The planning application was made in outline with layout, scale and appearance reserved. As such, I have regarded all elements of the drawings submitted as indicative apart from the access and landscaping details.
4. The Harrogate District Local Plan 2014-2035 (HDLP), 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. I have therefore determined the appeal having regard to the relevant policies within the HDLP.
5. Given that the HDLP was adopted prior to the submission of the appeal 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.

Main Issues

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

Reasons

Character and appearance

7. The appeal site forms part of an open field which benefits from outline planning permission for 2 houses. The built form on the south side of this part of the road in the village comprises of linear housing fronting onto the highway, before giving way to open agricultural land. To the north, the built form has a greater depth, extends further to the east and is more varied with gaps, some of which have permission for housing.
8. The combination of numerous trees, the roadside footpath, the spacing of built form to the village hall and footpaths leading to the grade II listed Historic Park and Garden (HPG) associated with Ribston Hall give the north side of this part of the road a transitional semi-rural character. This contrasts with the clearly defined settlement edge on the south side of the road which starkly severs the developed land from the undeveloped open countryside. In this respect, the appeal site, as part of an open field, makes a small but positive contribution to this character and approach into the settlement.
9. Adjacent to the appeal site, the 2 approved houses would extend the settlement edge into the countryside. The proposal would continue this pattern of built form with further encroachment. Additional planting as set down in the appellant's Landscape Strategy would soften views of the built form, strengthen the boundary features and be of some benefit in the long term.
10. Whilst the development could be delivered seeking to mitigate impacts as far as possible, and views of the development would have similarities with the views of the approved 2 houses, there would remain an erosion of the open countryside. This would be harmful to the character of the settlement edge. Moreover, although indicative, the alignment of the proposed houses pushing the built form incrementally to the south away from the road, as shown on the submitted plan, would exacerbate this harm.
11. Whilst the Council have referred to the location of the HPG, no harm to its significance as a designated asset has been specifically identified. The proposal would be visible from part of the public footpath leading from the HPG past the village hall. Although eroding the open countryside around the village, due to the positioning of the appeal site on the southern side of the road and physical separation to the HPG, the proposal would not harm the designated asset.
12. Concluding on the first main issue, the further urbanisation of the open field would be harmful to the character and appearance of the surrounding area. The effects would be very localised and the harm arising would be small. Nonetheless, this is a matter that weighs against the appeal proposal.
13. I therefore find that the proposal would conflict with the requirements of Policy NE4 of the HDLP and guidance within the Harrogate Landscape Character Assessment (HLCA) (2004). These stipulate, 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.
14. Policy NE4 accords with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which require, amongst other things, developments to be sympathetic to local character and the surrounding built

environment and landscape setting. In this respect, the proposal would be contrary to the requirements of the Framework.

Planning Policy

15. The appeal site is located outside of the development limit for Little Ribston and therefore in open countryside for planning policy purposes. Little Ribston is identified as a 'smaller village' within the settlement hierarchy in Policy GS2 of the HDLP, where small scale infill or rounding off development on non-allocated sites within development limits is supported. The HDLP has only recently been adopted, and so the appropriateness of the village's development limit boundaries has only recently been considered. As such, their location is not a matter before me in this appeal.
16. Policy GS3 of the HDLP stipulates that outside development limits proposals for new development will only be supported where expressly permitted by other policies of the HDLP, a neighbourhood plan or national planning policy. The main parties have not directed me to any other policies in the HDLP which would support residential development at the appeal site and there is no Neighbourhood Plan in place for this area.
17. There is no substantive evidence of a specific housing need in the village that would be served by the proposal. Nonetheless, there would be some broad support from paragraph 78 of the Framework and the Planning Practice Guidance (PPG) in terms of the benefits to the vitality of the community and from the delivery of a windfall site.
18. However, Policy GS2 and GS3 of the HDLP accord with the guidance in the Framework and identify opportunities for rural villages to grow and thrive. Moreover, the Framework also recognises the intrinsic character and beauty of the countryside and I have already found that the proposal would bring conflict in this regard.
19. Even if the Council's delivery of housing and its housing supply figure has fluctuated in the past, there is no dispute that it can now currently demonstrate a 5-year supply of housing. As such, the presumption in favour of sustainable development as set out in the Framework is not engaged.
20. Drawing all the above together, the proposal would not accord with the plan led strategy for housing and growth of the HDLP and there are no identified policies that would expressly permit housing in this location. The appeal site does not, therefore, represent an appropriate location for the proposed housing, having particular regard to national and local planning policies. The proposal would therefore conflict with the requirements of Policies GS2 and GS3 of the HDLP and the Framework in this regard.

Other Matters and Planning Balance

21. I note that there have been various approvals for housing outside of the defined development limits of Little Ribston including adjacent to the site. However, from the evidence provided these were approved either when the Council did not have a 5-year supply of housing and/or prior to the adoption of the HDLP. As such, the circumstances that applied in those cases are not comparable to those that apply to the appeal before me.

22. The Council did not make findings of harm with respect to biodiversity, living conditions, drainage, or highways matters and I have no reason to disagree with these findings. However, the absence of harm is a neutral matter which weighs neither for nor against the proposal.
23. There would be benefits from the delivery of housing. The proposal would generate local employment during construction and future occupiers would contribute to the vitality of the local rural community and economy. However, the social and economic benefits from 2 houses would be limited and as such, would attract limited weight in favour. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing including from windfall sites, building in sustainable locations and utilising sustainable construction techniques.
24. Against these limited benefits, the proposal would result in a small degree of harm to the character and appearance of the surrounding area and would conflict with the Council's strategy for housing, as set down in the HDLP. As such, it would be contrary to both the aims of the development plan and the Framework when read as a whole. Such conflict carries significant weight.
25. 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.

Conclusion

26. For the reasons set out, and having considered all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR