
Appeal Decision

Site visit made on 01 July 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2020

Appeal Ref: APP/E2734/W/20/3244362

Holly Garth Barn, Swalewood Lane, High Birstwith, Harrogate HG3 2JN

- 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 John Ellis and Ms Tammy Broughton against the decision of Harrogate Borough Council.
 - The application Ref 19/04652/FUL, dated 5 November 2019, was refused by notice dated 30 December 2019.
 - The development proposed is erection of replacement building for use as 3 no. stables, domestic store, garaging and home office.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the planning application by the Council the Harrogate District Local Plan has progressed through examination and was adopted on the 4 March 2020. This has superseded the Core Strategy and former Local Plan; I have therefore determined the appeal on the basis of the current policies. Prior to my final consideration of the appeal, both main parties' views were sought on this change in circumstances.

Main Issue

3. The effect of the proposed building on the character and appearance of the current property, with particular regard to the effect on the Nidderdale AONB.

Reasons

4. The appeal site consists of a converted and extended building with surrounding garden and paddocks. Located on rising ground within the Nidderdale Area of Outstanding Natural Beauty (AONB). This is a rural setting of recognised national importance and the duty to conserve and enhance the landscape must be given great weight in considering this appeal.
5. Being set back from the road which serves the area, accessed via a single-track road the host property is only partially viewable through the gap in the roadside hedgerows and trees. The site for the proposed building is set further into the site and consequently from this aspect any impact of the proposal is further reduced as it is partially behind the host dwelling. The existing planting on this boundary, however, appears to be beyond the application site on

- neighbouring land and consequently could not be relied on to be retained in perpetuity.
6. Nevertheless, as the land rises to the north and west, , I do not consider there would be any clear line of site to the new building from this direction. By proposing to set the building into the ground and reduce the height by around 1.2m the design takes advantage of the sloping ground to good effect.
 7. The appellant suggests the building would not be visible beyond the curtilage of the property and consequently not have a material impact upon the landscape or subsequently the AONB. I do not however, agree with this proposition. In undertaking my site visit I was able to see the current building from the public footpath that runs roughly east to west in the fields to the south of the application site and, all be it at a distance from the junction of Back lane and Swalewood Lane.
 8. The host property is an attractive stone-built dwelling which has been added to with a single storey extension on its northern end. This single storey structure compliments the building, and while it does break up what was once a simple linear form, it is not of such a size that it takes away from the quality of the original.
 9. The building proposed for the appeal is a large 'L' shaped structure with an 8m span for the principle element, which is broadened further by the roof overhang. This is markedly deeper than the host building and while it is set away from it they will be read together in the landscape.
 10. With the increase in scale and height of the new building, despite the intervening hedgerows and rising ground the new building would be a visible addition to the landscape. I recognise that in proposing to use of dark brown timber cladding and slate roof the design has taken on some of the guidance set out in the 'Council Guidelines on Equestrian Development in the AONB', nevertheless I agree with the Council that the scale of the building competes with, rather than being subordinate to the host property.
 11. As such I consider the proposed building due to its scale and design would have an adverse effect on the character and appearance of the AONB contrary to policies HP3 and GS6 of the Harrogate District Local Plan (2020) which amongst other things seeks to protect local distinctiveness and the natural beauty and special qualities of the Nidderdale AONB.

Other Matters

12. The appellant has presented evidence that the building proposed would tidy the site and make for improvements to the area by removing the current structures, which could benefit the current property and local area. I agree the current structures lack architectural merit, but the benefits will be largely private to the appellant, and their removal would not justify the harm I have identified under the main issue.
13. Reference is also made to the fallback position that would be available under permitted development rights. Certainly, Part E of the General Permitted Development Order provides a quite large allowance for ancillary free-standing buildings within a residential curtilage, but none of these would be to the height of the current structure proposed and are not as a consequence directly comparable with the scheme before me.

14. The Council in the initial reason for refusal sought to rely on policies HS6 and HS8. I have discounted these as I do not consider either is directly relevant to the appeal for a free-standing building as proposed here.

Conclusions

15. The appeal is dismissed.

Edwin Maund

INSPECTOR