
Appeal Decision

Site visit made on 26 May 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/E2734/W/20/3244604

Land at Hill Top Lane, Harrogate, North Yorkshire HG3 1QE

- 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 Matthew Welsh against the decision of Harrogate Borough Council.
 - The application Ref 19/01799/FUL, dated 26 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is a single storey dwelling with garage and independent summer house and ancillary features.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Harrogate District Local Plan 2014 – 2035 (HDLP) was adopted by the Council on 4 March 2020. Therefore, as I am required to make my decision based on the policy in place at this time, my determination on this appeal has been made in accordance with this plan. Both parties were aware that this was likely to be the case and have provided comment on the HDLP.

Main Issues

3. The main issues are:
 - i. whether the proposal should be considered under paragraph 79e of the National Planning Policy Framework (the Framework);
 - ii. whether the proposal would meet the requirements of paragraph 79e of the Framework;
 - iii. any effect on the Upper Crimple Valley special landscape area; and
 - iv. whether the proposal represents appropriate development in terms of the accessibility of its location.

Reasons

4. The development is a 'paragraph 79' country house, which would be single storey, slung across a large proportion of the site and which would comprise of four agricultural barn like bays incorporating pitched roofs which would run in an east/west direction.

5. The site is set within a countryside location to the east of Hill Top Lane. There would be some views towards the site from surrounding viewpoints, particularly distance viewpoints to the west due to the falling land levels on this side of the site. However, despite the elevated position of the site, it benefits from a good degree of screening from many parts of the surrounding landscape. In particular, views from the north west towards the site are screened through existing substantial planting surrounding Leckhampton House.
6. While agricultural fields of varying shapes and sizes bounded by hedgerows form the broader pastoral character of the surrounding countryside, the character of the site is very different. It is not in agricultural use and comprises an underused paddock which makes a neutral contribution to the character and appearance of the area.

Whether the proposal should be considered under paragraph 79

7. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004).
8. Policy GS3 of the HDLP generally seeks to direct development to sites within development limits. It does however allow for development outside of settlement boundaries where permitted by other policies of the plan or national planning policy. The Framework therefore forms a material consideration to be taken into account.
9. Paragraph 79 of the Framework guards against the development of isolated homes in the countryside unless certain circumstances apply, such as where the design is amongst other things of exceptional quality (Paragraph 79e).
10. As to whether this site can be considered isolated, the relevant case law is that isolated simply connotes a dwelling that is physically separate or remote from a settlement¹. The appeal site is physically separate from Harrogate to the north east. Although its outskirts are visible from the top part of the site, they are set at a distance away across the intervening countryside. The site is also physically separate from Pannal and Burn Bridge to the south east, being situated to the north of the clusters of dwellings and their gardens associated with both places.
11. Although there are occasional dwellings on this section of Hill Top Lane, these are well spaced and could not, when considered together, be construed as forming a settlement. I therefore consider the site can be considered isolated in the context of paragraph 79 of the Framework and that the proposal can therefore be considered against its requirements.

Whether the proposal meets the requirements of paragraph 79

12. To meet the requirements of Paragraph 79e the design must be of exceptional quality. The Framework expands on this requirement further. The proposal is required to be truly outstanding or innovative, reflecting the highest standards in architecture, helping to raise standards of design more generally in rural areas. It is also required to significantly enhance its immediate setting and be

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

- sensitive to the defining characteristics of the local area. There are no further specific tests or criteria by which to judge the acceptability of a proposal.
13. When describing the initial concept and setting, the integrated planning report presented by the appellant describes how the positioning of the building on the site attempts to reflect the traditional relationship between farmhouse and ancillary buildings. The proposed dwelling is intended to be reflective of ancillary buildings to Leckhampton House.
 14. However, the development site is completely separate from Leckhampton House in visual terms due to the presence of substantial planting on the boundaries of its garden. The distance between the proposed dwelling and Leckhampton House would also be significant. This further undermines the concept that the proposal could be read as a series of outbuildings ancillary to Leckhampton House given that traditionally, a farmhouse and its ancillary outbuildings would generally have a much closer relationship through proximity and association. The basis for the design is therefore rather contrived and this undermines the conceptual basis of the scheme.
 15. The dwelling would employ the 'Tufeco' building system which turns recycled glass bottle waste into construction kits for foundations, walls, roofs and flooring incorporating 3D printing technology into the construction process. The evidence indicates that this enables the use of a produce derived from potentially lower grade recycled glass within the housebuilding process which may otherwise not be able to be put to another use. The scheme therefore incorporates a commendable degree of innovation which is worthy of merit.
 16. The appeal site is not consistent with the broad character of the surrounding landscape and consists of predominantly poor semi-improved grassland and scrub habitats with low levels of plant diversity. The proposal would introduce landscape improvements to the site including the enhancement of the punctuated boundary hedgerows and other features such as wild areas, a reed bed, wildflower areas and a pond regeneration area which would enhance the setting of the site. Again, these factors are worthy of merit.
 17. The dwelling is proposed on a zero-carbon basis partly as it would not result in a net loss of energy through its occupation. However, this cannot be regarded as especially innovative as this is becoming more common in housing design.
 18. To conclude on this matter, I acknowledge the innovative approach, the enhancement to the setting of the site and the sensitive use of form and materials within the proposal. However, Paragraph 79 sets a very high bar. I conclude that the flaws I have identified in relation to the concept of the proposal results in the scheme falling short of the exceptionally high design standards required by paragraph 79 of the Framework such that it fails to meet its very stringent requirements.

Special landscape area

19. In considering whether the design is sensitive to the defining characteristics of the local area, the site falls within the Upper Crimple Valley character area as identified by the Landscape Character Assessment². It advises that in relation to the built environment, key characteristics of the area include scattered individual farmsteads and houses.

² Harrogate District Landscape Character Assessment 2004

20. Given my concerns as to whether the proposals would be truly reflective of a traditional farmstead, I am not persuaded that the proposal would be sensitive to the defining characteristics of the local area. This being the case, there is some conflict with Policies NE4 and HP3 of the HDLP which require that amongst other things that development should be sympathetic to its landscape character area and respect and respond positively to the distribution and form of buildings in their landscape setting.

Accessibility

21. There is no indication that the site is served by any bus services and there are no footways along the section of Hill Top Lane adjacent to the site. Given the detachment of the site from the nearest settlements, it is likely that those occupying the dwelling would rely heavily on a private car to access everyday services, community facilities and employment and this is accepted by the appellant.
22. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making. As the Framework makes some provision for isolated rural housing, some instances where there would be a reliance on the car could inevitably be expected.
23. Therefore, such reliance would not automatically equate in itself to the proposal forming an unsustainable development and it does not in this respect contravene Paragraph 8 of the Framework in terms of its desire to achieve sustainable development.

Other Matters

24. Policy HP7 of the HDLP states that new housing developments will be required to provide new sports, open space and recreational facilities to cater for the needs arising from the development. However, the SPD³ indicates that the site is within a non-designated rural area. In relation to such areas, it states that new housing development of 10 units or less or which has a maximum combined gross floorspace of no more than 1000sqm will not be subject to the policy. The proposal does not therefore contravene Policy HP7. I have not identified Policies HP6 or HP9 of the HDLP as being relevant to the proposal, as they respectively relate to the protection of existing sport, open space and recreation facilities of which I cannot identify any loss of, and the provision of new community facilities which is not proposed.

Conclusion

25. For the reasons above, having considered all relevant matters, I conclude that the appeal should be dismissed.

T J Burnham
INSPECTOR

³ Harrogate District Local Plan Provision for open space in connection with new housing development Supplementary Planning Document (2016)