

Appeal Decision

Site visit made on 3 August 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/E2734/W/20/3252320

Land Comprising Field At 436796 450553, Park Road, Spofforth, North Yorkshire

- 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 Wetherby Homes Limited against the decision of Harrogate Borough Council.
 - The application Ref 20/00767/OUT, dated 24 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is outline planning application for two dwellings and associated works (all matters reserved except for access to, but not within, the site).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the application form and appeal form differ slightly. I have used the one provided in the appeal form which accurately describes the site address and was used by the Council on its decision notice.
3. The planning application was in outline, with all matters reserved except for access. I have had regard to all the submitted plans but have treated all detailed elements of these drawings as indicative apart from the access.

Main Issues

4. The main issues are whether the site represents an appropriate location for the proposed dwellings, 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

5. The appeal site forms part of a field located along the A661 (the road) which, on the opposite side to the appeal site, has a footpath and houses aligned in a linear form fronting the road. This contrasts with the pattern of built form near the appeal site, where housing is of a lower density, set back from the road behind trees and hedgerows.
 6. The combination of the spatial distribution of the built form, planting and field contributes to a transitional landscape along this part of the road. As such, as a spacious, green and undeveloped gap the appeal site contributes to the
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- distinctly semi-rural character to this part of the road. I cannot therefore accept that the proposal would be read as part of the settlement or as a genuine infill development.
7. Although indicative, the layout shows 2 properties which would be clearly viewed together over the planting along the road. The formal layout, spacing of built form and location of the housing would depart unacceptably from the otherwise more sporadic form of development surrounding the field on that side of the road.
 8. It would result in a pair of houses that would cause significant harm to the semi-rural character of this part of the road, jarring incongruously with its immediate setting. In arriving at this conclusion, I note the suggestion that additional planting could be incorporated. However, this would take a long time to establish and would not overcome my concerns regarding the loss of this part of the field and the, albeit indicative, formal layout, spacing of built form and location of the housing.
 9. I therefore conclude that the proposal would significantly harm the character and appearance of the surrounding area. It would therefore conflict with the requirements of Policies NE4 and HP3 of the Harrogate District Local Plan 2014-2035 (HDLP) (adopted March 2020) and guidance within the Harrogate Landscape Character Assessment (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.
 10. Policies NE4 and HP3 of the HDLP accord with paragraphs 127 and 170 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.

Planning Policy

11. Spofforth is identified as a Service Village in Policy GS2 of the HDLP where growth is expected of a scale which, amongst other things, reflects its role. Development limits have been defined around the village and the appeal site is located close to, but outside, of these limits. In such a location, Policy GS3 stipulates, amongst other things, 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.
12. There is broad support for windfall housing and growth at Spofforth and the scale of development would be commensurate with the settlement's role and function. However, even having regard to the existing housing opposite, the appeal site is still within open countryside for planning policy purposes and I have not been directed to any other policies in the HDLP that expressly support residential development in this location.
13. There is no adopted Neighbourhood Plan in place for this area and whilst there is broad support for housing in the Framework, it also recognises the intrinsic character and beauty of the countryside. As outlined in the character and appearance section above, the proposal would result in harm and bring conflict in this respect.

14. I therefore find that the proposal would conflict 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.
15. The Council have also referred to Policy GS1 of the HDLP in its first reason for refusal. This stipulates, amongst other things, that provision will be made in the district over the period 2014 - 2035 for a minimum of 13,377 new homes. Given that the proposal would contribute to this target I consider that there would be no conflict with this policy in this regard.

Other Matters

16. The appellant has referred me to an appeal decision at Cowthorpe. However, this appeal was determined prior to the adoption of the HDLP when the so called 'tilted balance' applied because the most important policies for determining the appeal were out-of-date at that time. This is no longer the case following the adoption of the HDLP. Moreover, that site is located on the edge of a different settlement where the characteristics and relationship to the built form differ from the appeal site. In these respects, the circumstances that applied are not directly comparable to the proposal before me.
17. There is no dispute that the Council can demonstrate a 5-year supply of housing. Nonetheless, this is not a maximum target and the proposal would contribute to maintaining the Council's housing supply. Moreover, there would be social and economic benefits from the proposal, and I note that there are no technical constraints to the delivery of the housing. However, with 2 dwellings proposed, the associated benefits would be limited and would attract limited weight in favour of the development. I have arrived at this conclusion having regard to the importance that the government places on boosting the supply of housing, including through windfall sites, locating sustainably and making effective use of under used land.

Conclusion

18. The proposal would result in significant 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 the aims of the development plan and the Framework when read as a whole.
19. I have taken account of the Framework and all the above considerations, including the benefits of the proposal. However, I find there to be no material considerations in this case that would indicate that the appeal decision should be taken other than in accordance with the development plan.
20. For the reasons outlined above, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR