



Appeal Decision

Site visit made on 21 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/E2734/W/20/3250998

Silverdale Farm, Silverdale Close, Darley HG3 2PZ

- 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 Darley Properties Ltd against the decision of Harrogate Borough Council.
 - The application Ref 18/04992/FUL, dated 29 November 2018, was refused by notice dated 22 October 2019.
 - The development proposed is described as Erection of an environmentally sensitive dwelling of modern design.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The name of the applicant within the planning application form and the appeal form differs. However, I am satisfied that it is the same applicant who submitted the appeal.
3. The Harrogate District Local Plan 2014-2035 (LP) was an emerging plan at the time the original scheme was determined by the Council. The Harrogate District Local Plan (HLP) was adopted on 4 March 2020 and the policies contained within are given full weight. The Council has confirmed the status of the Plan and the appellant has been made aware of this. I am therefore satisfied that the interests of the parties have not been prejudiced by my determining this appeal in accordance with the up to date policy framework, as I am required to do in any event.
4. The description of the proposal has been amended by the Council and is described as; 'Erection of 1no dwelling with associated access and landscaping' and I concur that this accurately describes the proposal before me.

Main Issues

5. The main issues are:
 - The effect of the proposal on the Area of Outstanding Natural Beauty (AONB) including lighting and the character and appearance of the area; and
 - Whether the proposal is appropriate development outside the development settlement limits.

Reasons

6. The appeal site is a paddock associated with Silverdale Farm to the north and is located close to its vehicular access and opposite the newly constructed four dwellings off Silverdale Close¹. The site is located within the Nidderdale Area of Outstanding Natural Beauty (AONB) recognised for its special landscape character. A Public Right of Way is located to the northeast. Fringill Beck and another Public Right of Way are located close to the southeast side of the site.

Effect upon the AONB

7. The appeal site is an open and undeveloped parcel of land located within and surrounded by countryside and within the AONB. It is therefore a sensitive location. The setting of the appeal site may be experienced close to a built-up environment, and despite the fact that a new bungalow has been approved close to the appeal site, as well as the four new houses off Silverdale Close, however the site forms a definite physical break from the tight grain of built development as it transitions into much lower density development, and open fields of the countryside beyond.
8. The site's identification by the Council in its adopted guidance as an 'important view' further reinforces the significance as it is free from development and allows a 'through-view' from Main Street into the countryside and the AONB to be experienced.
9. The proposed development would encompass nearly the full width of the plot as well as occupy a significant portion of it. It would in parts rise above the height of the boundary walls, despite its design that is proposed to step down in tiers due to the sloping nature of the land. Overall, irrespective of its low-level nature, the mass of development here would not be insurmountable.
10. It would be visible from the Main Street between the 'through-view' over the open countryside as this is on a higher level with longer range views across the land visible at this point. This through-view is recognised within Council adopted guidance as open fields and a key feature of the village. Ultimately, the through-view provides a valuable contribution to the AONB as the wider countryside is experienced from this vista. To this end, I recognise its contribution to the open countryside and AONB as a spatial gap.
11. Despite the location of the four new dwellings, these may slightly compromise the view from the through-view to the countryside, nonetheless these houses do not erode it. A dwelling sited on this parcel of land, despite its low-level nature which is I appreciate, intended to minimise its visual effect together with the use of a sedum roof, would result in a further reduction of this important through-view. This is also taken alongside its associated domestic paraphernalia, would have the resultant effect of eroding the character of the countryside and the sensitive nature of the AONB.
12. Essential infrastructure such as roads and overhead cables may be visible from the through-view, although these are typical features of the environment, and do not create an urbanised effect to the countryside or the AONB. The presence of stock fencing and stone walls are an inevitable part of the landscape character here. There are equestrian buildings close by and residential development seen within the landscape together with its associated domestic

¹ Application Reference 15/02994/FUL

paraphernalia, however the site, by virtue that it is void of development, contributes to the character of the AONB as a gap site.

13. Landscaping to it, regardless of whether or not the tree species are indigenous to the area or next generation species, would not be an appropriate solution to minimise the effects of the development as the gap would no longer exist. Furthermore, by planting around the site would act to further obstruct the spatially open view that is experienced from the through-view as well as a number of pedestrian aspects. The landscape belt to the east opens up to appreciate the spatial gap which would be diminished as a result of the proposal.
14. The appeal site would instead result in a physical form of development that would distort the pleasant open character of the site that is readily experienced as part of the countryside and AONB, and appreciable from important vantage points. To emphasise, a dwelling as proposed would lead to encroachment into the countryside that would be harmful to the value of the protected landscape.

Effect of Lighting on AONB

15. Illumination is already generated from Darley by existing houses and street lights amongst other commercial lighting expected within a built-up environment. However, the effect of such is well contained within the linear pattern of Darley and is minimised elsewhere beyond the village edges into the AONB.
16. The site in this location is currently void of development and artificial lighting. The development proposes large fenestration openings. These would be especially pronounced within the north elevation. As a result, artificial light would be emitted from the site. Roof lights would also allow internal light transfer into the night sky outside the building. This would further emphasise the dwelling in the AONB.
17. External lighting illuminance levels could be controlled within the site by way of planning condition should the appeal be allowed, however this could not be reasonably controlled within the main dwelling, despite the appellant's reassurances that this would be a sensitive solution to protect the AONB. The consequence of lighting on the AONB would be harmful.

Character and Appearance of Area

18. There is some variety of dwelling types and styles within Darley although a unifying element is the use of natural stone to most dwellings. The proposed eco home may use local stone and high quality materials, and would be of a contemporary design and whilst the Council's Village Design Statement recognises that new development should have a contemporary edge to it, this style in this location does not reflect the more traditional appearance of local vernacular.
19. It may follow design cues from the eco home currently under construction to the east of Silverdale Farm, however, this dwelling is not readily visible from outside the site, or from the Main Street. It has a much more secluded presence to it and is therefore not comparable to the appeal dwelling before me.

20. The proposal would therefore be conspicuous in this location and would not harmonise with the local vernacular. It would instead jar with it appearing as an uncharacteristic form of development within this location resulting in harm arising to local distinctiveness.
21. Taken cumulatively, the proposal would conflict with Policies GS6, HP3 and NE4 of the HLP in so far as they seek to ensure proposals conserve and enhance the AONB and does not detract from its special qualities, and it respects local distinctiveness with regards to the contribution of the landscape, and for development to be sympathetic to the distinctive landscape character. It would also be contrary to the Council's Supplementary Planning Documents Landscape Character Assessment, Harrogate District Heritage Management Guidance, Residential Design Guide 1999, Darley Village Design Statement 2002, in their unifying aims to protect and enhance the character of the District. Finally, the proposal would be contrary to both the Nidderdale AONB Management Plan and the National Planning Policy Framework (the Framework) in their aims to conserve and enhance the natural beauty within the AONB.

Development Limits

22. The HLP identifies Darley as a service village. It contains a local primary school, some shops and place of worship. Policy GS2 of the HLP sets the growth strategy for the District and Policy GS3 of the HLP supports new development where it is expressly permitted by other policies.
23. The site is located on the periphery of the settlement boundary of Darley and it is accepted that a new dwelling here would be served by local amenities and transport services, and would contribute to the local community and the economy.
24. The four other newly constructed dwellings were approved in 2015 and are outside the development limits. Part of the Council's justification for these houses was in order to maintain supply and delivery of the housing necessary to support the District, and outside the development limits within greenfield sites were considered to be required by the Council. Therefore, the control of the settlement limits within adopted policy was given limited weight by the Council at that time. The Council can demonstrate a 5 year housing land supply and this is not disputed by the appellant. However, this appeal is considered under a different plan and therefore approval for the four houses is not directly comparable to the appeal site.
25. In the planning balance I have considered that development would result in encroachment into the countryside, pushing development further beyond the defined settlement limits within this important gap site. Its harmful effects on the AONB has been considered earlier and I give these significant weight. There are no other policies identified that supports the proposal. The proposal would conflict with Policies GS2 and GS3 of the HLP.

Other Matters

26. The development could be considered as a self-build plot in line with Policy HS3 of the HLP for Self and Custom Built Housing as the appellant intends to undertake the work themselves. This policy supports this form of development on sites over 500 dwellings.

27. They also refer to housing delivery close by as they delivered the four dwellings opposite the site, as well as the eco home and the self-build enterprise would be secured via a Unilateral Undertaking. I commend this and their willingness to deliver the site within a specific timeframe.
28. They have also brought to my attention an appeal decision in another county that supports self-build houses as well as Planning Inspectors' decisions² where a number of self-build developments have been deemed to be acceptable. Whilst I have given due regard to these decisions, and it may be the case that no self-build plots have been delivered on strategic sites within the Harrogate District, this is not a justification to allow unacceptable development here.
29. An additional dwelling can add to housing numbers despite the Council being able to demonstrate a 5 year housing land supply. I recognise the contribution a single house can make to job creations and it would contribute to the population of Darley, it has the potential to contribute to the local primary school and immediate community, as well as the wider area. Whilst a new dwelling would help to sustain local services and this is acknowledged in line with paragraph 78 of the Framework, to promote sustainable development in rural areas, all these factors have limitations as it is only one dwelling that would be proposed. It nevertheless does not persuade me in favour of the proposal.
30. Given the size of the site, a contribution is required towards affordable housing which is not disputed by the appellant and is willing to enter into a Unilateral Undertaking to secure an off-site affordable housing contribution. Alongside this, the Council is seeking further contributions towards off-site open space and play contributions as the population of the area would be increased and pressure placed upon these existing facilities. The Council also request a financial contribution towards the village hall.
31. The amount of such has been calculated and the appellant has since updated the Unilateral Undertaking to reflect these contributions. However, despite the benefits of the contributions to the community that these would bring, it does not weigh in favour of the proposal.
32. Whilst it could be designed to be an environmentally low carbon home and constructed to a high standard with biodiversity contributions incorporated into its fabric, regardless of these benefits, I am not otherwise convinced to allow the appeal.
33. Although comparisons are drawn between the appeal site and the eco home, this development is surrounded by other built development to which it closely relates. It cannot be compared to the separate eco home before me as that development shares a tight relationship with the existing buildings and domestic land surrounding Silverdale Farm. It is somewhat absorbed into its built-up environment, unlike the appeal site where it would be spatially separate from other dwellings and visually exposed in this location.
34. The appellant has brought to my attention an appeal decision for a new dwelling within an AONB in the Cotswolds. However, the precise details are not

² Appeal reference APP/G2435/W/18/3214451 & APP/G32435/Q/18/3214498, APP/W0530/W/19/3230103

before me and that development is furthermore not within the Nidderdale AONB. I apply limited weight to any comparison.

Conclusion

35. Having considered all matters before me, I have found that the harm that would arise to the AONB and the character and appearance of the area would outweigh the benefits of the proposal. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR