



Appeal Decision

Site visit made on 3 July 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/E2734/W/19/3243703

Shutt Nook Farm, Chain Bar Lane, Killinghall HG3 2BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Gary Phillips against the decision of Harrogate Borough Council.
 - The application Ref 19/02736/FUL, dated 26 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is the change of use from livestock grazing to create two secure dog walking fields on a site just under 1 hectare incorporating 6' deer stock fencing, secure double-gate access, wooden mobile shelters, native species landscaping and parking for 3 cars.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of brevity, I have condensed the description of development from that presented in the submitted application form.
3. In his Appeal Statement the appellant's agent requests that the 6' high deer stock fencing be removed from the proposed development. For the avoidance of doubt, and in the interests of ensuring that no third-party interests are prejudiced, this Decision Letter addresses the proposed development described within the application and thus includes the deer stock fencing.
4. The Harrogate District Local Plan 2014-2035 (LP) was adopted 4 March 2020 and replaces the Harrogate District Local Plan 2001 and the Harrogate District Local Development Framework: Core Strategy 2009 as the Development Plan for the area.

Main Issues

5. The main issues are:
 - whether the site of the proposal is within a sustainable location having regard to access; and
 - the effect of the proposed development upon the character and appearance of the rural landscape.

Reasons

Whether a Sustainable Location

6. The appeal property is located adjacent to Chain Bar Lane, close to the A59 Skipton Road about 2km from the urban edge of Harrogate. The proposed development entails the change of use of land from agriculture to a secure dog walking area enclosed on all sides by deer stock fencing. An area of hardstanding next to the farm buildings would provide parking for 3 cars.
7. Chain Bar Lane is a relatively isolated location that is not served by public transport. The A59 is a busy road linking Harrogate to Skipton. I have not been provided with any information about the provision of bus services that pass by or pass close to the site. The proposed development would be about a 5-minute drive from the edge of Harrogate.
8. Given the distance between the site and the urban edge of Harrogate, it would be unlikely that those wanting to use the facility would be willing to walk to it, in particular given the volume of traffic on the A59. There is no evidence to suggest that they could easily access the site by bus. Thus, access to the site from Harrogate would invariably be by use of the car. Whilst there might be a demand for such a facility no evidence has been presented to the effect that the site would be the closest available to Harrogate.
9. Consequently, the development proposal would fail to reduce car usage and so would harm the environment. Thus, it would not accord with Policy EC4(G) of the LP which seeks to encourage farm diversification but only where the new enterprise can be easily accessed by public transport, foot or bicycle. Furthermore, it would fail to accord with the advice contained in Paragraph 8 of the National Planning Policy Framework (the Framework) seeking to minimise pollution.

Character and Appearance

10. The deer stock fencing surrounding the 2 fields would be, according to the Appellant's plans, 1.9m high and would be punctuated by posts about every 2m. The 2 proposed wood constructed mobile shelters would be around 2m in length, 1m in width and 2m in height. There would be some landscaping treatment although the plans do not indicate its location.
11. Shutt Nook Farm sits in a slightly elevated position. There are around 5 pitches for touring caravans located in a neatly mown field adjacent to the track accessing the farm from Chain Bar Lane. The farm buildings are surrounded by open fields, many of which are demarcated by dry stone walls and hedgerows. None of the fields in the immediate area are enclosed by deer stock fencing.
12. The general location provides for long distance views of a peaceful, pastoral landscape largely dedicated to the husbandry of livestock. The nearest residential properties are located about 125m and 200m away respectively.
13. The appeal site is not readily visible from the A59 which is about 400 m away. However, the deer stock fencing would be very evident from the adjacent Chain Bar Lane. The fencing of two relatively large areas would serve to change and suburbanise the landscape. It would be a discordant and alien feature within what is largely open countryside devoid of such a form of development.

14. Although they would be quite solid structures, because of their limited size the 2 mobile shelters would be relatively unobtrusive and would be absorbed by the scale of the surroundings. No details of any other components of a dog walking facility, such as jumps or other obstacles, have been included within the application and so do not form part of my consideration.
15. A condition requiring the Council to approve a redesigned shelter would change the scheme and so could prejudice the interests of parties by denying them the opportunity for comment.
16. The number of people and dogs using the facility at any one time is not subject to a restriction although the Appellant has agreed to a condition limiting it to 4 of each. In practice, the level of usage would also be limited by the car parking provision. This small number of people and dogs within an area measuring nearly 1ha in size would not harm the character of the area.
17. Nevertheless, notwithstanding the limited effect that the shelters and the comings and goings of dogs and their owners would have on the area, because of the intrusiveness of the fencing the proposed development would, overall, cause harm to the character and appearance of the rural landscape. Thus, it would fail to accord with Policies EC2, EC3 and EC4 of the LP which seek to allow new employment opportunities in the countryside but only where they do not have a significant adverse effect on the character of the local landscape.

Other Matters

18. The proposal could help to bolster the farm's income by meeting a possible need for such a facility for people living in Harrogate. Farm diversification is consistent with the advice in Paragraph 83 of the Framework which encourages the development of land-based rural businesses. However, notwithstanding that it would not adversely affect traffic congestion or highway / pedestrian safety the proposal would not be consistent with Paragraph 84 since it would not be readily accessible by foot or by public transport.
19. The Appellant has intimated a condition limiting the number of those allowed to use the facility at any one time and, to help protect the occupants' peaceful enjoyment of the two neighbouring dwellings, limiting its hours of operation. The Officer's report referred to the possible disturbance caused by dog barking and this risk would be exacerbated were the number of dogs to be very large. A condition restricting the usage of the facility could, therefore, reduce this possibility.
20. However, notwithstanding the support provided by certain aspects of the Framework and the possibility of a condition restricting use of the facility the proposal fundamentally conflicts with the development plan as regard to its location and its effect on the character and appearance of the area.

Conclusion

21. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR