



Appeal Decision

Site visit made on 18 August 2020

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 27th August 2020

Appeal Ref: APP/E2734/W/20/3245540

Land at Knabbs Farm, Skipton Road, Kettlesing, Harrogate HG3 2LT

- 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 R T Hughes against the decision of Harrogate Borough Council.
 - The application Ref: 19/02913/FULMAJ, dated 5 July 2019, was refused by notice dated 21 November 2019.
 - The development proposed is proposed woodlands with 5 No holiday chalets (cabins).
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Preliminary Matters

1. The Appellant has indicated to me that he has concerns that the planning application was not properly dealt with by some consultees when it was considered. Any action relating to that is not a matter for me. I am required to assess the case afresh on its land use planning merits and I have done so taking into account all relevant representations.
2. Since the proposal was refused by the Council the Harrogate District Local Plan 2014 – 2035 (LP) has been adopted in March 2020. This superseded and replaced policies within the former Core Strategy and Local Plan (2001) which now no longer apply.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the site and its surroundings, bearing in mind its location within the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

5. The National Planning Policy Framework (NPPF) confirms that AONBs have the highest status of protection in relation the conservation and enhancement of landscape and scenic beauty. Great weight is to be afforded to these issues. The scale and extent of development in these areas should be limited, and assessed on the basis of the need (including impact on the local economy), cost and scope for development outside the designated area, and any detrimental effect and the extent to which it could be moderated. Clearly, therefore, development is not precluded but its effects must be subjected to rigorous assessment. Local Plan Policy GS6 generally follows these principles,

and the supporting text recognises that development is not precluded in the AONB.

6. The appeal site lies almost exactly on the boundary between 2 landscape character areas as identified in the Harrogate District Landscape Character Assessment. On balance my judgement is that it lies predominantly within the landscape character area (LCA) known as the Lower Nidderdale Valley north-west of Harrogate. The characteristics of the area that are evident at the appeal site include the pastoral nature of the fields, which are of moderate size, and the small scattered areas of woodland. Boundaries are a mix of hedgerows and walls. Similar characteristics are evident in the Menwith and Penny Pot Grassland LCA to the south and west. There are scattered farmsteads and villages. The impact of the A59 on the appeal site is limited, but it is important to note that the large radomes of RAF Menwith Hill, and the wind turbines at Knabbs Ridge, exert a strong visual influence over both LCAs. Despite these influences I regard the locality of the appeal site to have a moderate to high sensitivity to development.
7. The proposed development would patently have an impact on landscape character in 2 principal ways. First, it would interrupt the field pattern with new tree planting in the form of an area of woodland. Although not wholly absent hereabouts woodland tends to be more linear in form, following valleys, field boundaries and other longitudinal features. However, I do not regard the introduction of native species of trees as being materially detrimental to the character of the landscape given the sinuous nature of the planting proposed and the general encouragement for tree planting.
8. Secondly, the proposal would introduce the proposed chalets or cabins. These would be spread over a relatively wide area and be accompanied by the access tracks, parking areas and other incidental development. Although relatively few in number these buildings would dramatically alter the character of the fields in which they would be located. I accept that over a period of years their impact on character would be diluted by the tree planting proposed, but I can only conclude that the impact on character in the early years would be significant and adverse. Although described as being impermanent they would not be perceived as such, even as timber buildings with green roofs. The development would involve built development where none currently exists, and the movement and parking of vehicles where currently there is simple pasture.
9. In visual terms the area is notable for its public rights of way, users of which should be regarded as sensitive receptors. It is almost inevitable that those people would be doing so for recreational purposes. With the proviso that visual impact would be reduced over time, my judgement is that in the short to medium term there would be a major and adverse visual impact for users of the footpath immediately to the north of the site. There would be a less marked, but still material, impact on users of the footpath which traverses east to west from Kettlesing Bottom to Summer House Farm. The fact that Knabbs Ridge wind turbines and Menwith Hill radomes are also experienced does not lessen the likely impact of the development.
10. Taking these factors into account it is my judgement that the proposal would have a moderate to major impact on the character and appearance of the locality and that this would be materially harmful to the AONB. As such it would be in conflict with Local Plan Policy GS6, which is the principal policy

dealing with potential development in the AONB. However, I also find conflict with the more generic objectives of Policies NE4 and HP3, which seek to ensure that development protects, enhances, restores or reinforces the landscape and local distinctiveness.

11. There are relevant policies within the Local Plan which deal with economic matters. Policy EC4 deals with farm diversification and is permissive where development would not cause unacceptable harm to the landscape. The harm that I have identified means that this policy cannot support the proposal. Policy EC7 seeks to permit sustainable rural tourism when, amongst other things, development would not have a detrimental impact on the natural environment. Again, this policy cannot be relied upon to support the proposal in view of the identified harm. The more general policy which seeks to support the District's economy (GS5) lends some support to enhancing the visitor economy, but the stronger pull of other policies set out above means that this policy cannot sway the balance in favour of the proposal. I note here that the proposal would also be in conflict with Policies L6 and LW2 of the Management Plan for the AONB.

Other Matters

12. The Council's first reason for refusing planning permission points out that the development would be outside development limits and is not identified as a sustainable location. The officer's report expands on this concern and expresses the view that occupants of the development would, in all probability, use private vehicles to reach the site. I agree with that assessment notwithstanding that there is a bus service along the nearby A59. But the use of private vehicles to reach holiday accommodation is commonplace and would be likely in any rural location. This is not a determinative matter in the appeal.
13. A number of representations have expressed concern that the development would rely on vehicular access from the busy A59. The access point itself has good visibility in both directions, and I note that the Highway Authority has no in principle objection to the proposal. This is not a matter which weighs against the proposal.
14. The Council has not raised objections in relation to residential amenity for the closest neighbours, and I agree that the location of the development would preclude unacceptable impacts in this respect. I also agree that there are no other matters which would add to the harm already identified.

Planning Balance and Conclusion

15. The proposed development would be materially harmful to the character and appearance of the local landscape and the AONB. There are no matters in favour of the proposal which outweigh the harm identified. The proposal cannot be regarded as sustainable development as set out in the NPPF and there is conflict with the recently adopted development plan. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR