



Appeal Decision

Site visit made on 28 July 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/E2734/W/20/3252650

Grass Garth Farm, Hallam Lane, Askwith, Otley LS21 2HU

- 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 Akers against the decision of Harrogate Borough Council.
 - The application Ref: 20/00662/FUL, dated 9 September 2019, was refused by notice dated 20 April 2020.
 - The development proposed is described as: Erection of stables and tack room.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of stables and tack room at Grass Garth Farm, Hallam Lane, Askwith, Otley LS21 2HU in accordance with the terms of the application, Ref: 20/00662/FUL, dated 9 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing number 4632 - Proposed Plans and Elevations, dated 20 January 2020; and Drawing number 4632 - Proposed Site Plan, dated 20 January 2020.
 - 3) The landscaping works shall be implemented in accordance with the details shown on Drawing number 4362 – Proposed Site Plan, dated 20 January 2020, in the first available planting season following completion of the walls of the stables hereby permitted. If within a period of five years from the date of the planting of any tree or hedge, that tree or hedge, or any tree or hedge planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Procedural matter

2. The Council adopted the Harrogate District Local Plan 2014-2035 (the Local Plan) in March 2020. The adoption of the Local Plan was subsequently challenged in the High Court¹ and on 25 November 2020 the whole of the Local Plan was remitted to the Council to consider whether or not to accept the

¹ Flaxby Park Limited v Harrogate Borough Council [2020] EWHC 3204 (Admin)

recommendations of the Inspector who examined the Local Plan in so far as they related to the New Settlement Policies, and whether or not to adopt the Local Plan with those policies.

3. The challenge related solely to the decision-making process of the Council when adopting the plan after the examination was over and did not seek to dispute any of the policies in the Local Plan that are relevant to this appeal. In respect of the Policies which are relevant to this appeal, the Local Plan was found sound at examination and the Court held that there was no error in the local plan process up to and including the conclusion of the examination process. The Court also decided that the Plan should not be quashed.
4. In these circumstances whilst the relevant policies cannot at present be afforded full weight, for the purposes of this appeal, substantial weight can still be given to the policies of the Local Plan cited on the decision notice.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
 - The effect of the proposed development on the character and appearance of the Nidderdale Area of Outstanding Natural Beauty.

Reasons

Whether the proposal is inappropriate development

6. The appeal site is an area of land approximately 0.1 hectares in extent, that is currently laid to grass. It is located close to the existing farmhouse at Grass Garth Farm which stands on the opposite side of Hallam Lane, a narrow country lane that provides access to the group of buildings around Grass Garth Farm. Adjacent to the appeal site is an area of hardstanding used for the parking of vehicles. The appeal proposal is for the erection of a single storey building that would accommodate two horses in separate loose boxes, with provision in the rear of the building for the storage of tack and feed. It is common ground that the appeal site is located within the Green Belt.
7. The National Planning Policy Framework (the Framework) at Paragraph 134 sets out five purposes for including land within the Green Belt. The Framework also states that the construction of new buildings in the Green Belt is inappropriate development, subject to several exceptions. One such exception is the provision of appropriate facilities for outdoor sport or outdoor recreation (in connection with the existing use of land or a change of use) as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy GS4 of the Local Plan expects that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
8. The Council do not contend that the provision of stables would not, as a matter of general principle, be considered appropriate facilities for outdoor sport or recreation. Rather, it is argued that as the proposed stables are not located within the same field where the horses would be grazed, they would not be in

- connection with an existing or proposed use of the land on which they would be sited. It is proposed that the horses that would be housed in the stables would be grazed in a field owned by the appellant a very short distance away on the opposite side of Hallam Lane.
9. There is no requirement in the Framework that facilities for outdoor recreation must be located directly on the land used for that purpose. Although at the time of my site visit, the field opposite was not being used for the grazing of horses, there is no evidence before me that it could not be put to that use or that a further grant of planning permission would be necessary before it could be used for that purpose.
 10. It would be necessary for the horses housed in the stables to be led to the field opposite. However, the distance involved is short and whilst it would involve crossing Hallam Lane, as the lane effectively terminates a short distance past the appeal site and only serves a small number of buildings at this point, vehicle movements on it would be infrequent. I did note that the existing field gate is located further to the south. Nonetheless, this is not an insurmountable distance and there is nothing that would suggest that a new field gate could not be installed closer to the proposed stables if required. Consequently, access to this field would be neither impractical, nor an arduous task, and would not be hazardous to the welfare of either the horses or the handlers. Within this context, I find that the proposed stables would be an appropriate facility for outdoor sport or recreation within the meaning of the Framework.
 11. Whether the appeal proposal would be inappropriate development is contingent on whether the proposals would preserve the openness of the Green Belt. The erection of a building where previously there was none would inevitably reduce the openness of the Green Belt. Nevertheless, in addition to the spatial dimension, the quality of openness also has a visual dimension.
 12. Aside from the small group of buildings around Grass Garth Farm, some of which are quite substantial, much of the remaining land in the vicinity of the appeal site is open countryside, with the exception of a dwelling on Hallam Lane located to the south of the appeal site. The sense of openness is amplified by the landform falling steeply away to the south of the site with some other buildings and the small settlement of Askwith visible in the distance.
 13. The proposed new building would be visible from the Public Right of Way footpath that runs up Hallam Lane and then turns west beyond the appeal site. The most prominent views would be from Hallam Lane. From here the new building would be seen against the backdrop of the much larger barn, situated on higher ground above and to the rear of the appeal site, and the substantial two storey farmhouse to the east.
 14. The proposed stables building would be sited on the edge of, but adjacent to the existing group of buildings. In this position, it would not be so remote that it would not be perceived as part of this existing group and it would be located at a lower level on the hillside. This notwithstanding, the submitted drawings show that the ground level of the appeal site, which is currently higher than the adjacent hardstanding area, would be lowered to the same level as the hardstanding, resulting in the proposed building being set below the existing ground level on three of its four sides. It is also proposed that a new hedgerow would be planted on the higher ground to the north of the appeal site and that

- an existing hedgerow to the west would be reinforced with additional planting. All of these factors would reduce the visual presence of the proposed building.
15. In short range views from Hallam Lane, the new building would be more obvious, however, by this point it would be seen in context with the existing, much larger, buildings nearby. From the footpath to the north there would be some views across the appeal site and down the hillside. I have noted that the proposed new hedgerow, between the appeal site and the line of the footpath, would be in the form of whips that may take some years to become established but, due to the proposed lowering of the site levels, the new building would also be partially concealed by the landform to its rear.
 16. Having regard to the above and to the small size of the proposed building relative to the existing buildings nearby, I find that the proposed development would preserve the openness of the Green Belt.
 17. As a result of the proposed location, between an existing group of buildings and an existing hardstanding area used for the parking of vehicles in association with these buildings, I do not consider that the proposed development would amount to an encroachment on the countryside. It is not contended by the Council that the proposal conflicts with any of the other purposes of including land within the Green Belt.
 18. I therefore conclude that the proposed development is not inappropriate development in the Green Belt and would comply with the relevant requirements of the Framework and Local Plan Policy GS4.

The effect on the Nidderdale Area of Outstanding Natural Beauty

19. The appeal site is in the Nidderdale Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework requires that great weight is given to preserving and enhancing the landscape and scenic beauty in AONBs. Local Plan Policy GS6 seeks to ensure that new development does not detract from the natural beauty and special qualities of the AONB. This Policy has to be read alongside Local Plan Policies NE4 and HP3 which, when taken together, expect development proposals to protect and/or enhance the character, appearance and local distinctiveness of the landscape and the district's rural and urban environments.
20. In the vicinity of the appeal site, the landscape is comprised of a pattern of small to medium sized fields on a landform that slopes to the south towards the River Wharfe. Field boundaries are a mix of fences and hedgerows, some of which contain larger trees. Trees are also present in long, linear, groups following the line of small watercourses flowing downhill towards the River Wharfe. Only minor roads run through the area and a network of narrow lanes connect scattered groups of buildings to these roads.
21. In order to address increasing demand for equestrian related development in the AONB, the Council has produced the Guidelines on Equestrian Development in Nidderdale AONB Supplementary Planning Document 2007 (the SPD), which sets out guidance in respect of various types of development.
22. In respect of stables, the SPD expects among other matters that that these should, in general, be within or adjacent to existing farmsteads or settlements, avoid exposed skyline locations, respect vernacular design, and minimise the requirement for earthworks. The SPD does not preclude the siting of stables in

- open countryside but notes that these may potentially impact on landscape character.
23. The Council accept that the materials that are proposed for the stables are appropriate for the area and it has not raised any concerns in respect of the size or general design of the building. Although it would occupy an elevated position, I observed that the proposed building would not be in a location where it would appear on the skyline as it would be located further downslope than the existing timber barn and farmhouse, which do appear as skyline features due to their position and height. The stables would be located approximately 16 metres from the farmhouse. The existing buildings at Grass Garth Farm are not a close knit group and cover a relatively large area. Within this context the proposed stables are adjacent to the existing group of buildings and would not be perceived as remote or disconnected from them.
24. Grass Garth Farmhouse is a large, two storey, dwelling and occupies a prominent and elevated position. The proposed stables would have a width of approximately 8.7 metres but as they would be sited to the west of the dwelling they would not be located directly in front of, or in a position that would obscure, the principal façade of the main house despite being located downslope from it. Consequently, the stables would appear as a relatively modest structure that would not compete visually with the main house. Nor would the stables compete visually with the much larger timber barn located at a higher level directly behind the appeal site.
25. Whilst the proposals involve some earthworks, these would involve excavation to effectively create a level platform for the proposed building as opposed to building up the landform to create a level surface, or to create screening bunds. The practical consequence of this is that the proposed building would sit lower in the landscape and appear better integrated with it. I therefore do not consider that the proposal conflicts with the requirements of the SPD.
26. A short Landscape Assessment was submitted with the application which concludes that the visual effect of the proposed new building would be limited to very short range views and that, overall, the proposed building would have a low or negligible effect on the landscape. It is proposed to introduce additional planting in the vicinity of the appeal site to assist in screening the proposed building in the most prominent short range views from Hallam Lane. From what I saw when I visited the site, I would agree with the findings of the Landscape Assessment.
27. The Council Officer's report does not identify any defining or important landscape characteristics that would be harmed by the appeal proposal. The appeal proposal would affect a change to the landscape in the near vicinity of the appeal site, but from the evidence before me and from what I saw when I visited the site, that change would not be harmful and the effect of the proposal on the special landscape character and scenic beauty of the AONB would be a neutral one.
28. I therefore find that the proposed development would not cause harm to the character and appearance of the Nidderdale Area of Outstanding Natural Beauty. It would not conflict with the relevant requirements of the Framework or Local Plan Policies GS6, NE4 or HP3.

Other matters

29. I have had regard to the points raised by the occupier of the neighbouring property. Some of these have been addressed under the main issues above, however, none of the points raised either individually or collectively would lead me to a different conclusion on the main issues.

Conditions

30. I have had regard to the list of conditions that have been suggested by the Council. In order to provide certainty regarding what has been granted planning permission I have included a condition specifying the approved drawings. In order to ensure that the proposed development is integrated with the surrounding area and to minimise its visual effect, it is necessary to impose a condition that requires the proposed landscaping to be implemented and maintained.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR