



Appeal Decision

Site visit made on 19 November 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/E2734/W/20/3257773

Land to the rear of School Cottage, Sicklinghall, Wetherby

- 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 & Mrs Andy & Natalie Mitchell against the decision of Harrogate Borough Council.
 - The application Ref 20/01277/FUL, dated 9 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is a 4-bedroom new detached house with open plan car port, for two cars and landscaped gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and the Local Plan;
 - The effect on the openness of the Green Belt;
 - Whether the appeal site is a suitable location for residential development having regard to development plan policy and the effect of the proposed development on the character and appearance of the area;
 - If the appeal development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Site and proposal

3. The appeal site comprises an area of land to the rear of School Cottage which it is separated from by a lane which runs behind the main road through the village. The site accommodates a garage and is bounded by hedges overlooking the lane and the footpath to the side. There are also a number of trees on the site. The land to the east is an open field which, at the time of my visit, was

being used for grazing of horses. To the south is a graveyard and to the west is the rear garden of another residential property.

4. The site is located outside the development limit for the village of Sicklinghall and is within the Green Belt.

Whether or not inappropriate development

5. The National Planning Policy Framework (2019) (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. Two of the exceptions cited are e) the limited infilling in villages and g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. For the latter exception, the development must not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Policy GS4 of the Harrogate District Local Plan 2014-2035 (HDLP) states that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
6. The appellants case focuses on exception e), namely the limited infilling in villages. It is not in dispute that Sicklinghall can be classed as a village. From my observations on my site visit I have no reason to form a different view. Notwithstanding the fact that the appeal site is located beyond the development limit for the village, given its proximity to the rest of the village and the connection with School Cottage, I consider it would be incorrect to conclude that the site is somehow not within the village for the purposes of consideration against the Framework.
7. The Framework does not provide a definition of infilling. Due to the location of the appeal site, behind the main road through the village, sitting next to open agricultural land and being separated from the host property by the back lane, it would not fill a gap in an otherwise developed road frontage between existing buildings. I therefore do not consider that the proposal would amount to limited infilling in the village.
8. Although I acknowledge that there are other examples of built development behind the main road through the village, such as the garage for Geecroft House and Rock House, the presence of these buildings and their siting some distance from the appeal site, do not lead me to conclude that the appeal proposal would constitute infilling. This is particularly the case given the open agricultural land adjacent to the appeal site.
9. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

Openness

10. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The proposal would result in the construction of a new dwelling in place of an

existing garage. Due to the difference in size between the existing garage and proposed dwelling, it cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I find that considering the overall size and scale of the development, such harm would be significant.

11. The development would be in a corner location at the juncture of the back lane and a footpath. It would detract from the relatively open aspect of the site and be clearly visible above the existing hedge. Consequently, due to its prominence by reason of its size and scale, the proposal would have a significant impact on the openness of the Green Belt in visual terms. The harm to the openness of the Green Belt from a visual aspect, would be significant.
12. I therefore consider that in both spatial and visual terms the proposal would cause significant harm to the openness of the Green Belt. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Collectively, I give this harm substantial weight.

Suitable location

13. Policy GS2 of the HDLP sets out the housing growth strategy to 2035 for the Harrogate Borough Council area. The policy details a settlement hierarchy wherein sites are allocated in, amongst others, main settlements, local service centres and service villages. Development limits for places in the settlement hierarchy are identified under Policy GS3.
14. Sicklinghall is identified as a 'service village'. The appeal site is located outside the Development Limit for the village. Therefore the appeal site is in a location where residential development is not supported by the locational principles of the HDLP.
15. Policy GS3 of the HDLP outlines that outside development limits, proposals for new development will only be supported where expressly permitted by other policies in the plan, or a neighbourhood plan or national planning policy. The appellant considers that the proposal would be expressly permitted by other policies in the plan and national policy. The policies put forward are however focussed on the generic provision of housing and sustainable development of previously developed land. Due to the conflict I have identified, however, I do not consider that they would constitute the proposal being 'expressly permitted' in a manner which would override the conflict, and harm, I have identified.
16. As the appeal site lies outside the development limit for the village, the proposed development would result in encroachment into the open countryside. It is predominantly grass and is used as a garden for the adjacent School Cottage. Although it is in dispute whether the site forms part of the curtilage of School Cottage by way of this association, this does not change the fact that it is outside the defined development limit.
17. Through the creation of a new self-contained residential property comprising a building significantly larger than the current building on site, the proposal would remove what is an open area, which due to its open character, positively contributes to the character and appearance of the area. It would result in a

harmful encroachment of further built development into the open countryside that would detract from the traditional rural character and appearance of the area.

18. I observed that the area around the back lane and the appeal site has a tranquil and rural character. The severance with the association with School Cottage to create a new dwelling would result in a change in the nature, use and character of the site. The proposal would intensify the use of the land and such an incursion into the countryside would harmfully erode the rural character of the site and the surroundings.
19. Therefore, the proposed dwelling would not be in a suitable location for residential development due to the harm it would cause to the character and appearance of the area. It would be contrary to the aims of Policies GS2, GS3, NE4 and HP3 of the HDLP. These policies seek, amongst other things, to ensure that development reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the rural environment. In particular, respecting the spatial qualities of the local area, including appearance, visual relationships, views and vistas and take account of the contribution of the natural environment and landscape.

Other considerations

20. The appellant has referred to the proposal's compliance with a number of other policies, including in relation to the provision of rural housing. These are of small benefit and I do not find such matters to be pertinent to the main issues. Similarly, the economic benefit from the creation of employment opportunities, and of an additional dwelling in the district, would represent small benefits in light of the overall economic and housing provision in the area.
21. The appellant has referred to an appeal at Aspley Guise¹. Although I have been provided with a copy of the appeal decision, I do not have full details of the case. It relates to a different development at a different location and is therefore under different circumstances. I have, in any event, determined the appeal on its own individual merits.

Planning Balance

22. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, significant harm would be caused to the openness of the Green Belt and the purposes of including land within it. Harm would also be caused to the character and appearance of the area through the development of a dwelling in an unsuitable location. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have

¹ APP/P0240/W/17/3185864

identified. Consequently, the very special circumstances necessary to justify the development do not exist.

24. Therefore, the proposal would be contrary to Policies GS2, GS3, GS4, NE4 and HP3 of the HDLP, which require, amongst other things, that developments in the Green Belt conform to national policy relating to the Green Belt, that development protects and enhances the character and appearance of the area, and restricts development to within specified limits in settlements. The proposal would also be contrary to the Framework.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR