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## Appeal Decision

Site visit made on 4 December 2020

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 January 2021**

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**Appeal Ref: APP/E2734/W/20/3256706**

**Oakwood Farm, John Metcalf Way, Pannal HG3 1EY**

- 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 John Schofield against the decision of Harrogate Borough Council.
  - The application Ref 19/04270/FUL, dated 8 September 2019, was refused by notice dated 18 June 2020.
  - The development proposed is erection of agricultural building (retrospective).
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr John Schofield against Harrogate Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. At my site visit I saw that the building appeared to be substantially complete and was in active use. Some elements of the development do not reflect the details shown on the plans which were considered and refused by the Council, including the use of solar panels as well as the extent and materials of the area of hardstanding. The plan showing the appeal building as built which was submitted with the appeal reflects the development I saw on my visit. However, for the avoidance of doubt, I have considered this appeal on the basis of the plans which formed the basis of the Council's decision and consultation on the planning application. That said, the appellant has confirmed that the refused block plan<sup>1</sup> submitted with the appeal relates to a site elsewhere and I have had regard to it accordingly.
4. I have taken the location of the development in the heading above from the Council's decision notice, as this reflects the address given on the planning application form.
5. During the course of this appeal there was a successful legal challenge to the Harrogate District Local Plan 2020 (the Local Plan) which required that the plan be remitted back to the Council for consideration. Subsequently, the Council has reconfirmed the adoption of the Local Plan. The Council has also confirmed

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<sup>1</sup> APPLICATION PLAN – 671611 – JSA LAYOUT BLOCK PLAN'

that reference to policy GB4 in its decision was an error and this should refer to policy GS4. I have proceeded to determine this appeal on that basis.

## **Main Issues**

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt; and
- The effect on the character and appearance of the area.

## **Reasons**

### *Whether Inappropriate Development*

7. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 145(a) of the Framework states that buildings for agriculture and forestry are such an exception.
8. The appeal proposal is described as an agricultural building. At the time of my visit it was being used for agricultural purposes, including the storage of agricultural machinery and fertiliser.
9. The Council states that it has not been demonstrated that the building is reasonably necessary to serve the landholding. However, the Framework does not set out any limiting criteria in respect of buildings for agriculture or forestry on Green Belt land.
10. Based on what I have seen and read, the proposal is a building for agriculture and therefore falls within the exception of paragraph 145(a) of the Framework.
11. I conclude that the proposal would not be inappropriate development within the Green Belt. The proposal would therefore comply with Policy GS4 of the Local Plan and the Framework in respect of proposals affecting the Green Belt.

### *Character and Appearance*

12. The proposed building is a substantial structure which is faced with natural stone and stone roof slates. The scale of the building is not inappropriate for an agricultural use based on the submitted evidence in respect of vehicles, equipment and storage. However the design of the building includes a number of decorative elements, such as windows and circular openings. When combined with the use of materials, the design of the building is not of an agricultural character and appears as a substantial and incongruous structure in this area of countryside.
13. Furthermore, the proposal does not sit comfortably in relation to the landscape. It is a freestanding structure that is not viewed in the context of other buildings in the area. It projects beyond an area of trees adjacent to John Metcalf Way, and is a dominant and visually intrusive feature in views from this busy road, particularly when approached from the north east. At the time of my visit a number of intervening trees were not in leaf, which reduced their effectiveness in screening the development. However, even when the trees are in leaf I

consider that the proposal would be readily visible as an intrusive form of development in the countryside.

14. The building is also an obtrusive feature when viewed from a public footpath that passes the site. This visually intrusive appearance is exacerbated by the location of the building on an area of raised ground, which increases the prominence of the building when viewed from this path. The appellant contends that the building would be viewed against the backdrop of existing trees and woodland. However, I saw that in views from the footpath the building was apparent as a substantial and freestanding structure to the detriment of visual amenity.
15. The Council's Farm Buildings Design Guide refers to the use of traditional materials such as stone. However, the appeal proposal is not viewed within the immediate context of other stone buildings, even allowing for the appellant's intention to reflect a standard estate design. Furthermore, the use of traditional materials such as stone or timber boarding for a building of this scale and design would not successfully mitigate its incongruous siting and arrangement.
16. I conclude that due to its siting and design, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to policies HP5 and NE4 of the Local Plan in respect of the protection of the character and appearance of the landscape and the amenity of public rights of way.

### **Other Matters**

17. My attention has been drawn to a prior approval from 2014 for an agricultural building in the vicinity of the appeal site<sup>2</sup> which would have been of a similar scale to the appeal proposal. However, the approved building would have been more sensitively located in the landscape, particularly in respect of the extent of trees and the topography of the area. It was also of a more agricultural appearance, albeit one of a relatively utilitarian design. This prior approval does not therefore establish that a building of the design and siting of the appeal proposal is acceptable on this site.
18. The appellant also refers to the need for this building in respect of the operation of the landholding, and submits that the Council accepted this need when granting the previous prior approval. I acknowledge that the scale and height of the appeal building may be suitable for the machinery used on the landholding as well as associated storage. However, I am mindful that other consents have been granted for agricultural buildings to serve the landholding, and it has not been demonstrated that the operational requirements could not be met by these other buildings. Reference to a significant increase in the size of the landholding since 2014 and the nature of the operation does not represent a robust justification regarding the requirement for a further building. More fundamentally, it has not been demonstrated that there is an overriding need for a building of this arrangement and appearance in this prominent location.
19. In support of the arrangement and design of the building, the appellant refers to the provision of natural light and the use of solar panels. However, whilst this would have some benefits in terms of energy efficiency, I do not consider

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<sup>2</sup> Ref: 14/03447/PNAFUL

that these benefits are of such weight as to justify the incongruous and prominent nature of the building. Similarly, whilst I have had regard to the benefits arising from the use of biomass in renewable energy, these do not justify the appeal proposal in respect of its arrangement and design. It has also not been demonstrated that the access and manoeuvring requirements of vehicles could not be met by a more appropriately sited building.

### **Conclusion**

20. Notwithstanding my conclusions in respect of inappropriate development in the Green Belt, I conclude that the proposal would lead to significant harm to the character and appearance of the area. There are no requirements relating to the use of the landholding which are of such weight to outweigh the harm I have identified. The proposal would therefore be contrary to the development plan as a whole in respect of landscape character and rights of way.
21. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR