



Appeal Decision

Site Visit made on 18 February 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/E2734/W/20/3263351

Land at Green Tree, Main Street, Scotton, Knaresborough HG5 9HS

- 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 Forward Retirement Trust against the decision of Harrogate Borough Council.
 - The application Ref 20/01191/FUL, dated 10 March 2020, was refused by notice dated 18 September 2020.
 - The development proposed is described as demolition of existing barns and structures; erection of five new dwellings (pursuant to planning permissions 17/04663/OUT and 17/02707/PBR).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Prior to the determination of the planning application the scheme was amended. This was the basis upon which the Council determined the scheme and so shall I.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the development, having regard to development plan policies relating to the location of development in the Borough;
 - the effect of the development on the character and appearance of the area and the recreational and amenity value of the nearby public right of way (PROW); and
 - whether the development would provide adequate living conditions for its future occupiers with particular regard to privacy and outlook.

Reasons

4. The appeal site comprises an agricultural building and associated land to the rear of properties on Main Street, which lie to the south and west. The land to the east and north is comprised of fields and open countryside. The proposal is for demolition of the existing agricultural building and erection of five dwellings utilising the existing access from Main Street.

Location of development

5. Policy GS2 of the Harrogate District Local Plan 2014–2035 adopted March 2020 (the Local Plan) outlines that new homes and jobs will be met as far as possible by focussing growth within the district’s main settlements. The Policy goes on to set out the Settlement Hierarchy for the district. Policy GS3 of the Local Plan identifies the development limits for places in the Settlement Hierarchy. The development limits indicate the extent to which each settlement should be allowed to develop during the plan period and where, within the defined area, there will be support for development in principle.
6. Scotton is a Smaller Village. Paragraph 3.22 of the justification to Local Plan Policy GS2 explains that within this lowest tier of the Settlement Hierarchy, development will be restricted to small-scale infill development on non-allocated (windfall) sites. It defines infill development as the development of a gap between existing buildings or a gap between an existing building and the development limit.
7. The appeal site lies outside the development limits of the village and does not represent infill development in the context of the development plan’s definition thereof. The exception criteria A-D of Local Plan Policy GS3 are only applicable in the absence of a 5-year supply of housing land, which is evidently not the case here as the Council’s undisputed figures indicate a deliverable housing supply of over 6 years. As such, whilst the appeal site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework), it is part of the wider countryside where Policy GS3 of the Local Plan highlights that development will only be supported where expressly permitted by other policies in the Local Plan, a neighbourhood plan, or national policy.
8. The appellant refers to support from Local Plan Policy GS1. However, Policy GS1 merely sets the minimum housing supply target for the District over the Plan period. It does not expressly support development in conflict with the spatial strategy set by Local Plan Policies GS2 and GS3. There are no other development plan or neighbourhood plan policies drawn to my attention that expressly support the appeal scheme. Nor is this a case where the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework is engaged.
9. For these reasons, I conclude, on this issue, that the appeal site is not a suitable location for the development having regard to development plan policies relating to the location of development in the Borough as the proposal would conflict with Policies GS2 and GS3 of the Local Plan. Together, these Policies seek to direct new homes within the district’s main settlements and their identified limits. The scheme would result in significant harm in this respect.

Character and appearance

10. The appeal site protrudes considerably deeper into the countryside than the existing housing to the south and west and therefore runs at odds to the established pattern of development along this part of Main Street. Although it is currently occupied by a large building of unremarkable appearance, the building is agricultural in character and thus, is not a highly incongruous feature in this rural setting beyond the village envelope.

11. The proposal is to erect a pair of semi-detached houses and replace the agricultural building with three linked houses. The latter would be constructed along the same alignment as the existing building, but pushed slightly further to the north. This, in combination with the change in the character of the site from agriculture to one that would have a more suburban appearance, would perpetuate a more evident protrusion of built development northwards and cause harm to the rural character of the area.
12. I have had regard to the Design and Access Statement, which sets out the rationale for the contemporary design approach adopted for the scheme. The massing of the linked houses is clearly taken from the existing agricultural building, but these houses would include deep roof insets on one side with box-like dormer windows on the other. These features are not characteristic of the area, or otherwise reflective of an agricultural building on which the form of the building has been predicated. Furthermore, the drawings indicate that the houses would be finished mostly in render. There are examples of buildings within the village which are either wholly or partly rendered, but the locally distinctive material is stone. The use of render in this particular location outside of the main village envelope would not be sympathetic to the rural setting and would make the development highly conspicuous. The Design and Access Statement explains that the materials have been specifically chosen to create sharp, clean architectural forms and are therefore integral to the design rather than matters which could be left to conditions.
13. The drawings show new planting along the site's eastern and northern boundaries, which could help to soften the development to some extent. However, landscaping should not be used to hide unacceptable development. I also have concerns that any landscaping along garden boundaries is likely to be subject to regular maintenance which would reduce its effectiveness. In my experience there is a far lesser tolerance of natural and unmaintained vegetation where it blocks views and contributes to debris and shade in proximity to dwellings and garden spaces.
14. In reaching my conclusion, I recognise that appropriate innovation or change should not be prevented or discouraged. However, there would appear to be little local reference for these dwellings, which in view of their design and materials, would appear incongruous in relation to the character of surrounding development and the rural setting of the village. Overall, the development would not enhance its immediate setting and would not be sensitive to the characteristics of the local area.
15. The development would not physically alter or result in the loss of any PROW, but it would be visible from the PROW that extends across the fields to the east and north of the site. I am advised that the distance to the PROW is some 28 metres. At this proximity, the development would be highly prominent, and in light of my findings above, would detract from the experience of recreational users of this footpath as they approach or leave the village. As such, the recreational and amenity value of the PROW would not be protected.
16. I therefore conclude, on this issue, that the development would result in significant harm to the character and appearance of the area, and the recreational and amenity value of the nearby PROW. This is contrary to Local Plan Policies HP3, HP5 and NE4. These require, among other things, development proposals to respect the form of settlements and buildings in their

landscape setting; enhance or reinforce the local distinctiveness of the district's rural and urban character; and protect the recreational and amenity value of rights of way.

Living conditions

17. There is some dispute over the separation distance between the gable window in Plot 4 and the front windows in Plot 1. However, the gable window in Plot 4 appears to serve the light well of the staircase. In any event, the appellant is agreeable to this window being obscure glazed, which would remove the potential for loss of privacy to the occupiers of Plot 1, thereby addressing the Council's concern in this regard.
18. I note that the Parish Council have also raised concerns in respect of the overbearing effect of this particular relationship. However, owing to the separation distances involved, internal layout of the accommodation, and the open rear outlook for Plot 1, I am satisfied that the relationship is acceptable. I do agree that bedrooms served solely by rooflights would have a poorer standard of outlook, but having regards to the size of the rooflights and overall standard of the accommodation, this would not be a reason on its own to justify dismissing the appeal on living conditions grounds.
19. I conclude, on this issue, that the development would provide adequate living conditions for its future occupiers with particular regard to privacy and outlook. In this regard, the proposal complies with Local Plan Policy HP4 and the Council's House Extensions and Garages Design Guide (2005).

Other Matters

20. Outline planning permission has been granted for one dwelling on the site¹. The Council states that this was at a time when it could not demonstrate a 5-year supply of housing land. Nevertheless, I am informed that the reserved matters is currently under consideration by the Council and that the permission remains extant. In addition, the existing barn is subject to prior approval for the change of use to form two dwellings² under Class Q of the Town and Country Planning (General Permitted Development) Order 2015. A condition of Class Q.2(3) requires the work to be completed within three years of the prior approval date (April 2020). Both schemes are therefore still reasonably capable of being implemented as a fallback, either individually or cumulatively, and would have an effect on the character and appearance of the appeal site and the surrounding area.
21. This notwithstanding, an application for express planning permission must be determined in accordance with regard to the current development plan unless material considerations indicate otherwise. I have identified that the proposal would not accord with the Local Plan in spatial terms or in terms of character and appearance and PROWs. A clear intention of Class Q is to make use of existing agricultural building stock through limited alteration and irrespective of locational matters. It does not follow that this is a method to gain the construction of new dwellings that would side-step the policies of the development plan or the Framework.

¹ LPA ref: 17/04663/OUT

² LPA ref: 20/00543/PBR

22. Furthermore, the fallback schemes would be for a lesser quantum of development, both in terms of the number of houses and overall developed area. In addition, the Class Q fallback would be less substantial in length and would not intrude as far north as the three linked dwellings in the appeal scheme. The drawings indicate that the Class Q fallback would also likely be far less conspicuous in terms of its design and materials. The details of the outline fallback have yet to be finalised. It is my view therefore that the appeal scheme would be significantly more harmful than the individual and cumulative fallback schemes.
23. I recognise that the fallback schemes make a contribution to the windfall allowance in the calculation of the Council's 5-year housing supply. Nevertheless, three dwellings would have only a negligible effect on the delivery of housing in the district.
24. With the above factors in mind, any weight that I would attach to the aforementioned outline planning permission and change of use of the building concerned as a fallback position, individually and cumulatively, would be limited; to the point that it would not be capable of making the appeal scheme acceptable, particularly in light of the multiple planning harms and conflicts with the development plan that I have found.
25. The proposal would have the benefit of boosting housing supply, including the provision of three-bedroom dwellings for which there appears to be some need in the district. There would also be some social and economic benefits from construction, support for local services, and expenditure from future occupiers. However, this would be at a small scale and therefore these benefits would not be sufficient to outweigh the harm I have found.
26. The appellant contends that the appeal site is previously developed land, but the definition within Annex 2: Glossary to the Framework excludes land that is or was last occupied by agricultural buildings. Accordingly, this is not a factor which weighs in favour of the development.
27. Notwithstanding local concerns, it seems to be common ground between the main parties, and local highway authority, that the appeal scheme would be acceptable in respect of access and traffic. In addition, no concerns have been raised by the Council in respect of drainage, flooding, and ecology. I have also found no harm in respect of living conditions. Being a lack of harm however, these matters would be neutral in any balance.

Conclusion

28. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. I therefore conclude that the appeal should be dismissed.

A Caines

INSPECTOR