



Appeal Decision

Site visit made on 26 July 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2021

Appeal Ref: APP/E2734/W/21/3269957

Grange House, White Wall Lane, Felliscliffe HG3 2JZ

- 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 Ann Holmes against the decision of Harrogate Borough Council.
 - The application Ref 20/04234/FUL, dated 29 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is detached two-storey house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published, and the main parties have been given an opportunity to comment on it. As a result, I am satisfied that neither party has been prejudiced in relation to this matter.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for residential development; and
 - the effect of the proposed development on the character and appearance of the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is situated between Grange House Farm and White Wall Farm on White Wall Lane and comprises a mown area of grass which is described by the appellant as a vacant garden/paddock. The site sits within a relatively large open gap between two groups of buildings. On one side there is a two-storey dwelling with a stone façade which fronts onto the lane. Behind this there are several other outbuildings, two of which appear to be much larger than the dwelling. On the far side of the gap is a detached two-storey outbuilding with a traditional stone external material finish the rear of which also faces the lane. Behind this building there is a larger L-shaped dwelling with a traditional stone finish which is 'Grange

House'. The site is also located within the Nidderdale Area of Outstanding Natural Beauty (AONB).

Whether a suitable location

6. The main parties agree that the appeal site is located outside of any settlement development limit as defined by the adopted Harrogate District Local Plan (HLP). The parties also agree that the appeal site is therefore located within the open countryside. Policy GS3 of the HLP states that new development proposals outside identified limits will only be supported where expressly permitted by other policies of the development plan, a neighbourhood plan or national planning policy. As a result, the proposed residential development would need to meet the requirements of Policy GS3 for it to be acceptable in principle.
7. There is disagreement between the parties as to whether the appeal site is in an isolated location.
8. Paragraph 80 of the Framework states that planning decisions should avoid the development of an isolated home in the countryside unless it meets certain specified exception tests. The Braintree Judgement¹ has held that the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. It has also held that the issue of 'isolated' in this regard must always be a matter of fact and planning judgment. In this case, it is not simply about a consideration of proximity to services and facilities, but also about whether the proposed dwelling would be physically separate or remote from a settlement.
9. According to the Council's evidence the nearest identified settlement is Kettlesing Bottom which is located approximately 1km away from the site. From the evidence before me the services and facilities within Kettlesing Bottom are limited. I also have no evidence before me that the settlement could be accessed from the appeal site by public transport. Therefore, while I note that the settlement could be reached by foot or bicycle given the relatively short distance, due to the nature of the roads, the fact that they are mostly unlit and the lack of a footpath I consider it unlikely that the proposal's future occupiers would travel there by any means other than the private car particularly when the hours of daylight would be limited. Furthermore, even if they could, the limited range of facilities and services in the village means that their day-to-day needs would not likely be met in any case.
10. Moreover, while there are other dwellings along White Wall Lane and Crag Lane, these are dispersed and typically separated from the small cluster of buildings to which the proposal would belong by notable gaps, such that they could not be regarded as forming a residential hamlet or 'settlement'. In any event, in planning terms, the appeal site and the dwellings next to it are situated outside any settlement boundary defined by the HLP and fall within the open countryside.
11. As a result, even though Kettlesing Bottom could be reached from the appeal site by private car, in my judgement due to its location the proposed dwelling would as a matter of fact and degree be physically separate and remote from a settlement.
12. I note the appellant's point that the proposal would help to generate a demand for services and facilities such as a local shop in the settlement. However, given its small scale and isolated location I fail to see how this could be the case.
13. The appellant has also put forward that the proposal would be a form of infill development. I consider that infill development is normally associated with the

¹ Braintree District Council v SSCLG Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

completion of an otherwise substantial built-up frontage of several buildings or at the very least, the consolidation of a largely built-up area.

14. However, even though the appeal site is in a gap between two buildings which face White Wall Lane, only one of them fronts onto the lane with the other presenting a blank rear wall to it. Furthermore, while the proposal would place a dwelling in the gap between these two buildings it would still leave sizeable gaps between it and the buildings on either side of it. Consequently, to my mind, it would not complete an otherwise substantially built-up frontage of several buildings. Moreover, while the proposal and the buildings nearest to it would form a small cluster, given their size and isolated rural location I also consider that they would not consolidate a largely built-up area. For these reasons I find that the proposal would therefore not be infill development.
15. I therefore conclude that the appeal site would not be a suitable location for residential development. Accordingly, the proposal would conflict with Policy GS3 of the HLP. It would also conflict with paragraph 80 of the Framework.

Character and Appearance

16. The fact that the appeal site is located within an AONB means that the landscape in this area is afforded the highest level of protection due to its nationally significant status and high vulnerability to change. Policy GS6 of the HLP also aims to conserve and enhance the natural beauty and special qualities of the AONB. Consequently, and being mindful of paragraph 176 of the Framework I have attached great weight to the conservation and enhancement of the AONB.
17. The dwellings nearby and within the locality largely comprise two storey residences with stone façades and an overall design reflecting the established traditional rural vernacular architectural style of the area. Many of these dwellings are located on or near a road and have outbuildings near or beside them and are surrounded by a more open agricultural landscape. In addition, given the appeal site's location next to the road I consider it to be in a visually prominent position within the street scene and landscape.
18. The proposal would present the frontage of a two-storey dwelling with a stone façade to White Wall Lane. However, the façade would also contain stained timber and fenestrations of a narrow contemporary design meaning that it would not present a frontage reflecting the established local vernacular. Furthermore, the proposal's two storey projection to the rear would have an extensive amount of large, glazed panels on its side and rear elevations that would represent an even starker contrast with the prevailing style of the dwellings nearby.
19. Moreover, given the large gap between the proposal and the larger outbuilding to the back of the site it would not create a 'courtyard' type layout arrangement that would be comparable to that existing at Grange House. Consequently, even though some of the materials to be used would be local, given its design and prominent location, the proposal would represent a discordant and incongruous addition to the street scene and landscape thereby having a significant adverse visual impact.
20. In support of the proposal the appellant has suggested that its design is innovative, sustainable and energy efficient. However, even so, its design would not reflect that of the surrounding dwellings, meaning that it would not visually fit with its locational context set within a nationally protected landscape. Consequently, for these reasons and bearing in mind its isolated location, I also find that it would not represent a design of exceptional quality as required by paragraph 80 e) of the Framework.

21. The appellant has also stated that paragraph 176 of the Framework supports small-scale development providing its extent and form are constrained by local geography and informed by local vernacular. However, while the scale and extent of the proposal would be somewhat limited, for the reasons set out above it would be neither sensitively located and designed nor would it avoid or minimise any adverse impact on the designated area as required by paragraph 176.
22. I therefore conclude that the proposed development would fail to conserve and enhance the landscape and scenic natural beauty of the Nidderdale AONB thereby harming the character and appearance of the area. As such, it would conflict with Policy GS6 of the HLP. It would also conflict with paragraphs 80 e) and 176 of the Framework.

Other considerations

23. The appellant has stated that the proposal would provide a much-needed dwelling in the area. However, as they acknowledge in their statement, the Council has a demonstrable 5-year land supply of deliverable housing land. As a result, I afford this matter little weight.
24. In addition, the appellant has also suggested that the proposal would provide windfall housing which is permitted within settlements identified as service villages. However, as set out above the appeal site is not within such a settlement and as a result, I afford this matter no weight.

Other Matters

25. Interested parties have also raised concerns relating to the ownership of the appeal site and enforcement proceedings being taken by the Council. However, these are not matters for me to consider as part of this s78 appeal.

Planning Balance and Conclusion

26. The proposal would not accord with the development plan and Framework when read as a whole and it would not conserve and enhance the landscape and scenic natural beauty of the AONB and as a result cause harm the character and appearance of the area to which I must attach great weight. In terms of the other considerations or potential benefits cited by the appellant in favour of the appeal scheme, I have afforded these limited or no weight.
27. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within the development plan and the Framework. There are also no material considerations which indicate a decision otherwise than in accordance with the development plan.
28. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR