The Planning Inspectorate

Appeal Decision

Site Visit made on 13 September 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/E2734/D/21/3275558
Follifott Grange, Shaw Lane, Spofforth, Harrogate, HG3 1EG

- 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 and Mrs R Grafton against the decision of Harrogate Borough Council.
- The application Ref 21/00028/FUL, dated 5 January 2021, was refused by notice dated 1 March 2021.
- The development proposed is construction of new entrance gates and wall.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
   - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
   - the effect on the openness of the Green Belt;
   - the effect of the proposal on the character and appearance of the local area; and
   - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

4. The appeal site lies in a rural location within the Green Belt. The host dwelling is set back from the highway served by a driveway with a five bar gate and post and rail fence at the entrance and bounded by a dense hedgerow.

5. Paragraph 149 of the Framework says the construction of new buildings in the Green Belt should be regarded as inappropriate development unless certain listed exceptions apply. Policy GS4 of the Harrogate District Local Plan (HDLP)

states the proposals for development in the Green Belt should be determined in accordance with relevant national policy.

6. The proposal is for a close boarded gate and stone wall. Although the Framework does not provide a definition of a building, the wall and gate can be considered a building having regard to the definition of this in the Act. As the proposal would not meet any of the listed exceptions for a new building in the Green Belt specified in the Framework, it amounts to inappropriate development. Paragraph 147 of the Framework states inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on Openness

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in this context could be taken to mean the absence of built development. Openness and permanence are essential characteristics of the Green Belt.

8. The wall and gate would be set back from the highway and would include a bonded gravel drive. Although the proposal would replace existing fencing, hedging and gates it would be of a more solid construction and as a consequence, would have a greater impact on the openness of the Green Belt in this location, in that it would be reduced.

9. Whilst the effect on openness would be limited and localised, the Framework requires that I give any harm to the Green Belt substantial weight.

Character and appearance

10. From the site visit it was noted that the field boundaries in the area are timber fences and hedges and that the limited gateways are five bar timber gates. Hedgerows and trees are also characteristic of the area. This gives a verdant and rural character to the surrounding area.

11. The introduction of solid stone and timber features as proposed would detract from this character and would appear as an alien and intrusive feature in the locality, which would be harmful to its character and appearance.

12. I note that the materials would match the host property, however the proposal would be viewed in isolation to this building and this matter would not mitigate the harm identified.

13. Given the above I conclude that the proposal would harm the character and appearance of the area which would conflict with polices HP3 and NE4 of the HDLP which together, amongst other things, seek to ensure that development enhances or reinforces local distinctiveness. It would also conflict with the guidance in the House Extensions and Garages Design Guide Supplementary Planning Document (2005) which states boundary construction should reflect local tradition.

Other considerations

14. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations

15. Whilst noting the appellants desire to improve security at their home, it is likely that there are other ways to do this without causing harm to the Green Belt and the local area. Accordingly, limited weight is given to this matter. I also note that the proposal would widen the apron to the entrance, however I have no evidence before me to suggest that the existing access causes harm to highway safety. This matter therefore does not weigh in favour of the proposal.

16. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. In addition to this is the harm that would be caused to the character and appearance of the area, which carries significant weight against the proposal.

17. The other considerations put forward in support of the proposal attract limited weight. Consequently, they do not clearly outweigh the harm that the proposal would cause to the Green Belt and the character and appearance of the area. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal conflicts with the Framework, and Policy GS4 of the HDLP.

Recommendation

18. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

R C Kirby

INSPECTOR