



Appeal Decision

Site visit made on 20 October 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/E2734/W/21/3279816

**Laverton Woods, Laverton Woods House, Quarry Top to Belford Lane,
Laverton HG4 3TA**

- 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 Philippa Abrahams against the decision of Harrogate Borough Council.
 - The application Ref 20/04940/FUL, dated 8 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is formation of tennis court.
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Decision

1. The appeal is allowed. Planning permission is granted for formation of tennis court at Laverton Woods, Laverton Woods House, Quarry Top to Belford Lane, Laverton HG4 3TA in accordance with the terms of the application Ref 20/04940/FUL dated 8 December 2020 subject to the following conditions;
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, SF 3081, Tennis Netting Specification.
 - 3) No development shall commence until details of the proposed landscaping works to include double row hornbeam hedge, woodland belt, woodland copses and wooded pasture have been submitted to and approved in writing by the local planning authority. Details shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species; plant supply sizes and proposed numbers/densities where appropriate and an implementation programme.
 - 4) The landscaping works shall be carried out in accordance with the approved details before the development is first brought into use in accordance with the agreed implementation programme.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site falls within the Nidderdale Area of Outstanding Natural Beauty (AONB). The tennis court would be situated a short distance to the south west of Laverton Woods House away from its immediate area of enclosure on scrubland within a woodland clearing. Despite this, the tennis court would retain close visual links with the residential dwelling, by reason of its close proximity.
4. The proposal would involve the provision of a green surfaced single tennis court surrounded by 2m high timber posts and cricket netting which would be enclosed by a double row hornbeam hedge. This would provide a soft edge to the court, as opposed to the use of more formal and higher fencing that tennis courts are often characterised by.
5. Laverton Woods House is located well to the south of the Quarry Top to Belford Lane. In the vicinity of this road the landscape has an open character. The character of the appeal site contrasts sharply and is much more enclosed as a result of the presence of an extensive coniferous plantation that wraps around the site to varying degrees of depth.
6. As a result, the application site has little or no public visibility from public areas as a result of the screening effects of the plantation. The visual impact of the tennis court would therefore be extremely limited.
7. The LVIA¹ indicates that provision of the tennis court would result in generally minor or negligible landscape effects in terms of landscape character, individual elements or features or aesthetic or perceptual aspects.
8. The LVIA indicates that the landscape effect of the proposal would be minor/moderate in relation to Laverton Woods. However, the sensitivity of Laverton Woods is low. The Landscape Character assessment² (LCA) which covers the area indicates that conifer forestry has had a considerable, and detrimental, impact on landscape character.
9. The proposals also include enhancement which would be provided through broadleaf tree planting within the area of windblown trees and a broadleaved woodland belt to the western perimeter of the clearing. As this planting establishes, it would improve landscape character at Laverton Woods in line with guidelines for the area to promote the diversification of conifer plantations.
10. The proposal would therefore have no significant adverse impact on the character and appearance of the area. The proposal would subsequently accord with Policy GS6 and NE4 of the Harrogate District Local Plan (2020) which require amongst other things that proposals do not detract from the natural beauty and special qualities of the AONB and its setting and protect landscape character. The proposal would conserve and enhance the natural beauty of the area in line with the purpose of the designation of the area.

¹ Landscape and Visual Impact Appraisal by Smeeden Foreman July 2020 Laverton Woods House, Laverton.

² Landscape Character Assessment Area 32 Skelding Moor, Galphay Moor and Lumley Moor Upland Fringe Farmland Feb 2004.

Conditions

11. No conditions have been formally suggested although the principle of a condition relating to the proposed planting is suggested within the Council report and invited within the appellants' appeal statement.
12. Conditions to secure the provision of the planting scheme are necessary in the interests of the improvement of the landscape character of the area.
13. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

Conclusion

14. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR