



Appeal Decision

Site visit made on 30 November 2021

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/E2734/W/21/3283483

Land Rear of The Old Vicarage, Knaresborough Road, Bishop Monkton, Harrogate, North Yorkshire HG3 3QQ

- 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 Featherstone against the decision of Harrogate Borough Council.
 - The application Ref 21/01647/FUL, dated 14 April 2021, was refused by notice dated 29 July 2021.
 - The development proposed is remove existing barn, stable block and store and erect new detached family dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for new residential development.

Reasons

3. The appeal site is located to the rear of The Old Vicarage on Knaresborough Road close to the developed edge of Bishop Monkton. It is currently comprised of a series of existing outbuildings including a barn, stable block and store. It is screened by existing trees and hedgerows on the edges of the appeal site and nearby. The proposal is for a new dwelling on approximately the same footprint as the existing buildings and would be accessed from Mains Lane.
4. Policy GS2 of the Harrogate District Local Plan 2014-2035 (2020) (HDLP) sets out the growth strategy for delivering housing in the District. It details a settlement hierarchy which includes major allocations in Main Settlements, allocations in Local Service Centres and Service Villages, and small scale infill development on non-allocated windfall sites in Smaller Villages. Policy GS3 of the HDLP establishes development limits for the settlements identified in Policy GS2 and states that proposals within the development limits will be supported provided that they accord with other relevant policies of the HDLP.
5. Bishop Monkton is identified as a Service Village in Policy GS2, and the appeal site is located outside the defined development limits for the settlement. Therefore, under Policy GS2 the site is part of the wider countryside.
6. The appellants have drawn my attention to the supporting text of Policy GS3 which at paragraph 3.23 states '*Any land and buildings outside the defined limit will generally be considered countryside where there is a stricter control*

over development. Whilst I note the inclusion of the word '*generally*' it does not change the fact that the site is located outside the development limits of Bishop Monkton. Policy GS2 is clear that places not identified in the settlement hierarchy are considered to be part of the wider countryside.

7. Under Policies GS2 and GS3 development in such locations will only be supported where expressly permitted by other HDLP policies, a neighbourhood plan or national planning policy. Alternatively, Policy GS3 states that where the Council cannot show a five-year supply of housing land then development outside settlement limits would be considered in accordance with the presumption in favour of sustainable development set out in national policy.
8. The appellants have referred to Policy HS3 of the HDLP which relates to self and custom-build housing and have stated that the proposal is for a self-build dwelling. They have also advised that they are on the Council's self-build register. I also note that the Council Officer's Report identified Policy HS3 as a relevant policy, although it did not provide any commentary or assessment of the proposal against the Policy.
9. However, applying the examples of methods to determine whether a proposal is for self-build housing in the Planning Practice Guidance (the Guidance) I find no clear evidence that the proposal constitutes a self-build dwelling. The original planning application material did not identify that the proposal was to be a self-build dwelling, or who the initial owner would be and if they had a primary input to the final proposal. I also note that no self-build CIL exemption has been applied for.
10. Consequently, whilst I acknowledge the important role of providing self-build dwellings as part of the District and national housing supply, I do not consider that there is clear evidence that Policy HS3 is applicable in respect of the appeal. Notwithstanding this, Policy HS3 would not expressly permit the proposal as would be necessary under Policies GS2 and GS3. I have also not been directed to any other policies within the HDLP that expressly permit the proposal and there is no neighbourhood plan in place for this area.
11. There is no evident dispute between the parties that the Council can demonstrate that it has a five-year supply of housing land. The appellants note that the presence of a five-year supply of housing land is not an upper limit. Whilst this is acknowledged, the provisions in Policy GS3 for the presumption in favour of sustainable development set out in national policy to apply have not been met in respect of the proposal.
12. I acknowledge the appellants' comments about the perceived idiosyncrasies of the defined development limits for the settlement excluding the appeal site, especially in the context of the allocation of nearby land for residential development. However, the Local Plan has been recently adopted and the development limits were considered as part of that adoption process.
13. The character of the land to the west of Knaresborough Road is liable to change if the residential allocations at Site Refs BM2 and BM4 of Policy DM1 of the HDLP are developed. However, there are no current planning permissions for any development on the land and it remains open. Therefore, it is not possible to attribute any significant weight to the effect of any future development of this land on the character and context of the appeal site.

14. I recognise that the appeal site would have similar accessibility to local services as the nearby residential allocations within the development limits. However, such accessibility is not a significant benefit that would outweigh the harm of the proposal by virtue of being contrary to the policies in the HDLP.
15. The appellants have made me aware of two other planning permissions which have been secured for residential development elsewhere in Bishop Monkton. However, I do not have the full details before me that led to these proposals being accepted by the Council. Notwithstanding this, I have determined this appeal on its individual planning merits.
16. The appellants have also brought my attention to an appeal decision at Ashdown Park, Boroughbridge (Ref: APP/E2734/W/21/3267790) where the Inspector concluded that there were material considerations that outweighed the proposal being contrary to Policy GS3 of the HDLP. That proposal differs from that which is before me in that it was surrounded on all sides by existing development. It was also within walking distance of a range of services in Boroughbridge which is identified as a Local Service Centre, which is higher up in the settlement hierarchy than Bishop Monkton in Policy GS2. Given these differences I have given the appeal decision only limited weight in my decision, and in any event have considered this appeal on its own merits in light of the evidence before me.
17. Consequently, I conclude that the appeal site is not an appropriate location for new residential development. The proposal would not accord with the plan-led strategy for housing and growth in the HDLP having regard to the requirements of Policies GS2 and GS3.

Other Matters

18. The Council identifies in the allocation of nearby land for residential development under Site Ref BM4 of Policy DM1 of the HDLP that The Old Vicarage adjacent to the appeal site is a non-designated heritage asset. The proposal would be of a similar scale, footprint and location to the existing buildings that would be demolished as part of the proposal. Whilst the proposed dwelling would be taller than the existing buildings the appeal site is visually screened from The Old Vicarage and the surrounding area to a degree by mature landscaping. Therefore, I consider that the proposal would not detrimentally affect the setting of The Old Vicarage and that there would not be harm to the significance of a non-designated heritage asset.
19. I acknowledge that the proposal would not detract from the landscape of the wider countryside. It would also not result in any highways or amenity issues. However, the absence of harm in respect of these other matters are neutral factors and would not be benefits of the proposal.

Conclusion

20. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR