



Appeal Decision

Site visit made on 1 December 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Appeal Ref: APP/E2734/W/21/3283129

Hew Green Farm, Hew Green to Swarcliffe Top, High Birstwith HG3 2JL

- 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 G Douglas against the decision of Harrogate Borough Council.
 - The application Ref 20/05115/FUL, dated 4 December 2020, was refused by notice dated 14 April 2021.
 - The development proposed is the conversion of cow shed to form a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of cow shed to form a single dwelling at Hew Green Farm, High Birstwith HG3 2JL in accordance with the terms of the application, Ref 20/05115/FUL, dated 4 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/03/1979/02 – Existing Site Plan and Site Location Plan; 20/03/1979/06 – Barn 3 Existing Plan & Elevations; 20/03/1979/07 – Proposed Site Plan Revision B; 20/03/1979/08 – Barn 3 Proposed Plan & Elevations.
 - 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority

within 30 days of the report being completed and approved in writing by the local planning authority.

- 4) No works to the roof or external cladding shall commence until details samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the occupation of the dwelling hereby approved, details of the storage and containment of refuse prior to collection and access for the collection of refuse shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development.
- 6) The dwelling hereby approved shall not be occupied until that part of the service road which provides access to it as shown on the approved plans, and the parking facilities serving the dwelling, have been constructed in accordance with the approved plans. The service road as constructed shall be retained thereafter.
- 7) The dwelling hereby approved shall not be occupied until details of the junction between the proposed service road and the highway, including sight lines and surface water drainage, shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.

Preliminary Matters

2. The appellant has submitted new evidence to support the appeal scheme in the form of a Landscape and Visual Appraisal by Smeeden Foreman dated June 2021. The Procedural Guide: Planning Appeals – England advises that the appeal process should not be used to evolve a scheme and “if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal they should normally make a fresh planning application”.
3. The additional information provided by the appellant appears to be minor in nature. With regards fairness and natural justice and having regard to the Wheatcroft principles, in light of the limited additional information submitted I consider that the Council and other interested parties would not be prejudiced if I considered the additional evidence.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the Nidderdale Area of Outstanding Natural Beauty.

Reasons

5. The site lies within the Nidderdale Area of Outstanding Natural Beauty (NAONB), paragraph 176 of the National Planning Policy Framework (the Framework) details that “great weight should be given to conserving and

- enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty”.
6. Harrogate District Local Plan (the LP) Policy GS6 seeks to conserve and enhance the NAONB and states, of particular relevance to the appeal scheme, that proposals will only be supported where they “A. do not detract from the natural beauty and special qualities of the AONB and its setting”.
 7. Policy HS6 of the LP is relevant to the appeal scheme and details six criteria which a proposed development must meet. It is not at dispute between the parties that the appeal scheme meets criteria D, E and F and based on the evidence before me I have no substantive reason to conclude otherwise.
 8. With regards the remaining criterion of Policy HS6, the Officer’s report details that the proposed external timber cladding constitutes a substantial alteration, contrary to criterion A; that “the shallow roof pitch appears incongruous and not in keeping with the more traditional stone barns on site” thereby creating a development that is incongruous to the detriment of the character and appearance of the area including the NAONB contrary to criterion B; and, that the timber cladding does not represent high quality design and does not contribute positively to the surroundings contrary to criterion C.
 9. I saw at the site visit that the area around the appeal site includes a mixture of traditional and more modern agricultural buildings and stone built residential dwellings set within pleasant rolling countryside. The current appearance of the appeal site and the appeal property do not contribute positively to the area including NAONB.
 10. The appellant’s landscape study undertakes a comprehensive assessment of the proposal, it’s setting and concludes that the appeal scheme would result in a landscape effect that is minor and beneficial. The submitted plans show the existing block work building reclad in timber, with a new roof and a number of new apertures. The fenestration of the proposed building echoes the earlier agricultural use of the building and I saw in the surrounding area a small number of timber clad buildings.
 11. On this basis I am satisfied that the appeal scheme would not detract from the natural beauty and special qualities of the AONB and its setting, does represent high quality design overall and would positively contribute to the surroundings.
 12. The appellant’s statement of case notes that the existing building is of permanent and substantial construction and is structurally sound. The alterations proposed as part of the appeal scheme, relating to the timber cladding and new roof is described as “cosmetic”. I note that the works are detailed as not being necessary for conversion but would alter and improve the appeal building that currently does not contribute positively to the character and appearance of the area, including the NAONB.
 13. On the basis of the evidence before me I am satisfied that the new roof and timber cladding is not, for the purposes of LP Policy HS6, a substantial alteration and would be in keeping with the character and appearance of the area, including the NAONB.
 14. For the reasons detailed above I am satisfied that the appeal scheme would not harm the character and appearance of the area, including the Nidderdale Area

of Outstanding Natural Beauty and as such is not contrary to LP Policies GS6 and HS6.

Other Matters

15. A neighbour to the site has raised concerns relating to highway safety. I saw at the site visit that the surrounding roads are narrow with many tight corners, but the appeal scheme being for a single dwelling is unlikely to materially affect the level of traffic on the surrounding roads, particularly if consideration is given to the reduction in farm traffic on the appeal site.

Conditions

16. The Council has provided a list of suggested conditions that it considers would be appropriate. I have included and adapted some of these in my attached schedule, in light of the Planning Practice Guidance (PPG).
17. Other than the standard conditions dealing with the life of the permission and approved plans, I have set out a range of other conditions to control the development. These include a condition requiring the submission of evidence regarding contaminated land in the interests of the environment; a condition requiring the submission of samples / details of the materials of the external walls and roof of the dwelling and details of refuse storage in the interests of the character and appearance of the area; I have also included conditions relating to the details of the junction with the adopted highway and the access road, in the interests of highway safety.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR