



Appeal Decision

Site visit made on 1 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/E2734/W/22/3290226

53 Old Trough Way, Harrogate HG1 3DE

- 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 Richard Gegg against the decision of Harrogate Borough Council.
 - The application Ref 21/03235/FUL, dated 21 July 2021, was refused by notice dated 26 October 2021.
 - The development proposed is described as "proposed change of use of land from agricultural to domestic residential. The agricultural land now has planning permission for housing but the applicant bought the land before it was sold to the developers."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, fencing had been erected enclosing the appeal site and dividing the site up into three parcels of land. I have dealt with the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Special Landscape Area and countryside.

Reasons

4. The area surrounding the appeal site is characterised by built form developed up to the open countryside. Properties of Old Trough Way and other streets in the immediate area have rear gardens and established boundaries with open land interspersed with trees directly beyond these established boundaries to the north. It has been described that the appeal site is located within a Special Landscape Area (SLA).
5. The proposal extends the domestic garden area beyond the established boundary of the built development, encroaching into the open countryside and disrupting the established boundary of the built form. There are heavier lines of trees beyond other properties in the area which may restrict other proposals of similar nature coming forward. Nevertheless, the open features of the countryside and SLA with scattering of mature trees is adversely affected by the encroachment of domestic land and the erection of fencing which encloses the appeal site.

6. At the time of my site visit I did witness some domestic paraphernalia on the appeal site, in the form of garden furniture and domestic plant pots. Whilst these items were not located across the whole of the appeal site, it is an indication that further domestic paraphernalia could encroach into the appeal site which would be to the detriment of the open character of this area.
7. It is noted that there are no intentions to build any structures within the appeal site, however the boundary treatment which has been erected and the use of this land for domestic purposes with possible associated domestic paraphernalia does compromise the character of the SLA and countryside in this location.
8. My attention has been brought to a proposed development¹ and a layout plan including a second application and modified application. However, insufficient information has been submitted with regards to these other schemes, including whether planning permission has been granted for any development to the north of the appeal site. From the evidence before me, my assessment above remains unaltered and the proposal would be an encroachment into open countryside that would be harmful to the character and appearance of the SLA.
9. The proposal would have a harmful effect on the character and appearance of the SLA and countryside. The proposal would be in conflict with Policies NE3 and NE4 of the Harrogate District Local Plan March 2020 and the National Planning Policy Framework (the Framework) which seeks proposals to protect the natural environment, and protect, enhance or restore landscape character.
10. I have had regard to the appellants statement of case including the narrative around the purchase of the appeal site and submission of a planning application, correspondence with the Planning Officer and how the planning application was determined, views from the existing properties and photographic images. These matters though do not alter my findings above and the harm which I have identified. It is also noted that there would be no net loss in terms of biodiversity as a result of the proposal.

Conclusion

11. The proposal would not compromise biodiversity. However, this matter would not outweigh the harm I have identified with regards to the effects on the character and appearance of the SLA and countryside.
12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
13. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

¹ Local Planning Authority Reference Number: 20/01333/FUL MAJ