



Appeal Decision

Site visit made on 23 February 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/E2734/W/21/3287526

Follifoot Ridge Business Park, Pannal Road, Follifoot HG3 1DP

- 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 U Kirkby against the decision of Harrogate Borough Council.
 - The application Ref 20/02580/FUL, dated 8 July 2020, was refused by notice dated 4 June 2021.
 - The development proposed was originally described as erection of two buildings to accommodate 5 commercial units (Use Classes B1, B2, B8 and D2) with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies; and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

3. Policy GS4 of the Harrogate District Local Plan (LP) (2020) stipulates, amongst other things, that proposals for development in the Green Belt will be determined in accordance with relevant national policy. Paragraph 147 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 149 (g) refers to the construction of new buildings comprising limited infilling or the partial or complete redevelopment of previously developed land (PDL).
4. The appeal site is a grassed area located within the curtilage of a small business park with a building to the north, east and south and a car park to the west. Moreover, in the context of the business park the proposed units would be of a scale, form and appearance similar to the existing units. In this regard, I am satisfied that the proposal falls to be assessed against the provisions of

paragraph 149 (g) of the Framework, in this case being both limited infilling and development of previously developed land (PDL).

5. In both instances to not constitute inappropriate development the proposal must satisfy either of the sub-criteria within paragraph 149 (g). The second sub-criterion relates to affordable housing and thus, given the nature of the proposal, it would not fall to be assessed against that criterion. Either as limited infilling or the redevelopment of PDL, the proposal would therefore need to satisfy the first sub-criterion. This stipulates that it would not have a greater impact on the openness of the Green Belt than the existing development.
6. The proposed units would be located on an open grassed area free of buildings. Spatially therefore the proposal would result in a reduction in openness from the existing situation. Visually the effects of this would be moderated by the surrounding business park. Even so, within the business park the grassed area provides some visual relief from the buildings and car parking, and this would be significantly eroded by the proposal. The effects of this would be less apparent from outside of the business park. However, it would be noticeable from Pannal Road where the gap between the buildings would be reduced.
7. Although the effects would be localised there would be a reduction in openness from the existing development. As such, the proposal would be at odds with paragraph 149 (g) of the Framework. Moreover, it would not accord with any of the other exceptions listed in the Framework.
8. I therefore find that the proposal would comprise inappropriate development in the Green Belt, resulting in a loss of openness. As such, it would be contrary to the relevant Green Belt guidance within the Framework and would be at odds with Policy GS4 of the LP.

Other considerations

9. One of the Green Belt purposes that appear to be served by the appeal site's designation in the Green Belt is assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposal would therefore have the potential to undermine this purpose.
10. The proposal would result in several smaller units which would be suitable for starter companies and there is no dispute that there is a demand for this type of business space. As such, there would be economic and social benefits from the increased provision in accordance with the Council's broad economic growth objectives. This would attract significant weight in accordance with paragraph 81 of the Framework.
11. I have no firm details of the end users of the proposed units. However, the application proposes a range of uses including office and leisure uses. Although supportive, I note the comments of the Council's Economic Officer regarding the extent of leisure uses within the business estate and the potential for further dilution of the business focus of the site.
12. Although there is not a specific policy requirement to undertake a sequential search, other considerations in favour of the development must clearly outweigh the harm by reason of inappropriateness. I do not have full details of the appellant's search of alternative sites in November 2021. Moreover, office and leisure uses do not appear to have formed part of the earlier search of the Council's Property Finder provided within the Planning Statement. It is unclear

therefore, from the evidence before me, to what extent there is a shortfall of the full range of uses proposed. The combination of these matters moderates the weight I afford to the benefits identified in this instance.

13. I have no substantive evidence of a fallback position in relation to the extension of existing units or how this would compare to the proposed development. This limits the weight I afford this matter.

Conclusion

14. The proposal would be inappropriate development in the Green Belt. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
15. Based on the evidence before me and for the reasons outlined above, I cannot be satisfied that the overall benefits clearly outweigh the substantial weight given to the harm to the Green Belt by reason of inappropriateness. I have come to this conclusion having regard to the importance that the government places on making efficient use of land and building a strong, competitive economy.
16. Therefore, the harm to the Green Belt is not clearly outweighed by any other considerations and the very special circumstances necessary to justify the development do not exist. The proposal is contrary to national policy in the Framework and Policy GS4 of the LP.
17. As such, the proposal would conflict with the development plan when read as a whole and there are no material considerations that would outweigh that conflict.
18. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR