



Appeal Decision

Site visit made on 7 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/E2734/W/22/3290537

Land comprising field at grid reference 432397 449421, Walton Head Lane, Kirkby Overblow HG3 1HG

- 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 Hayden against the decision of Harrogate Borough Council.
 - The application Ref 20/04995/FULMAJ, dated 7 October 2020, was refused by notice dated 12 July 2021.
 - The development proposed is described as "the construction of 2 new build houses and 1 new self build by the applicant all to be sustainable, energy efficient dwellings. The removal of 2 no redundant sheds and construction of a new LRC base at All Saints C of E School Kirkby Overblow."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt;
 - ii) The effect of the proposal on the character and appearance of the surrounding area;
 - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

3. Policy GS4 of the Harrogate District Local Plan 2020 (HDLP) relates to development within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) also states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes limited affordable housing for local community needs under policies set out in the development plan.
4. It has been described that Kirkby Overblow is a Service Village and the Housing and Economic Developments Needs Assessment (HEDNA) analysis identifies a number of factors including the need for some 4,400 affordable houses

between 2014 and 2035, the suppression of household formation in the 25 to 34 age group, that around two fifths of newly formed households will be unable to afford market housing, and the need for two and three bed units within this area. The Council indicate that the HEDNA is a district wide assessment of the affordable housing shortfall and does not identify specific village, parish or grouped parish requirements.

5. My attention has been brought to planning application 18/02964/RG3. The Green Belt section of the committee report for this application relies on the proposal according with paragraph 145(g) of the previous Framework format, which referred to "*limited infilling or the partial or complete redevelopment of previously developed land*". The committee report for application 18/02964/RG3 does not indicate that the proposal is not inappropriate development due to it being for limited affordable housing for local community needs. In this respect, I do not consider the scheme in application 18/02964/RG3 to be directly comparable to the appeal scheme.
6. The committee report for application 18/02964/RG3 discusses affordable housing including matters such as the housing waiting list, and states that the proposal would provide much needed affordable housing within Kirkby Overblow. I also note the support given by the Council's Affordable Housing Development Officer as detailed in appendix 7 of the appellants statement of case. However, there is no substantial evidence before me to indicate whether there is still an affordable housing requirement in Kirkby Overblow, particularly given the time that has passed since application 18/02964/RG3 was determined.
7. Reference has also been made to an attempt to purchase the site for affordable housing in 2007, as well as an email detailed in appendix 6 of the appellants statement of case. Insufficient information has been provided on this matter and I cannot be sure that it is directly comparable to the appeal scheme, particularly with regards to type of development and whether planning permission was obtained.
8. Data presented in appendix 9 of the appellants statement of case presents current applications for social housing on the Council's waiting list in the Lower Wharfedale area, indicating a need for 2 and 3 bedroom accommodation. The Wharfedale area consists of around 10 parish areas and this does not indicate that there is a specific local community need for affordable housing in Kirkby Overblow.
9. I have had regard to the appellants statement of case including comments from the Parish Council and their minutes in appendix 10 of the appellants statement of case, entering into a legal agreement to ensure availability for local people first, conformity with Government's National Described Space Standards and dialogue with local affordable housing providers.
10. There is, however, insufficient and up to date evidence submitted to convince me that the proposal would provide limited affordable housing for local community needs detailed under policies set out in the development plan. Subsequently, the proposal would be inappropriate development in the Green Belt as it fails to meet the exception requirements detailed in paragraph 149 of the Framework. The proposal therefore fails to comply with Policy GS4 of the HDLP.

Character and appearance

11. The area surrounding the appeal site is characterised by built development predominantly concentrated along Follifoot Lane and open fields interspersed with hedgerow, trees and landscaping set beyond the built environment. It is this concentrated pattern of built development with surrounding open countryside that contributes positively to the character of the area.
12. The proposal would introduce properties into an open field that is set beyond the existing envelope of the built form and separate from other buildings. The proposal would therefore not relate well to the existing built form and be an encroachment into the open countryside.
13. The proposal would not close a gap with neighbouring settlements, it would not adversely affect any heritage assets, and the design of the properties would not be out of keeping with the varied styles of buildings in the settlement. It is also noted that there would be limited effect on the trees in the area. Nevertheless, due to the siting, form and scale of the proposal, it would appear as an incongruous form of development that would have a detrimental effect on the character and appearance of the area.
14. The proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policies HP3 and NE4 of the HDLP which seeks development to protect, enhance or reinforce those characteristics, qualities and features that contribute to local distinctiveness.

Other considerations

15. The proposal would provide a Learning Resource Centre (LRC) for the local primary school in accordance with OFSTED requirements. The appellant indicates that the LRC and the proposed housing are inextricably linked, further stating that the school is not in a position to fund the LRC on its own. However, minimal evidence, particularly financial information, has been submitted to indicate how the LRC is reliant on the residential part of the scheme and whether this constitutes an enabling development. Whilst there are clear benefits to the introduction of a LRC, given the scale of the LRC building and the uncertainty around funding options, I attribute moderate weight to this matter.
16. An agreed Statement of Common Ground confirms that the Council are satisfied, given the submission of further information, that refusal reasons 3, 4 and 5, as well as the second part of refusal reason 2 have been addressed. The proposals would not have an adverse effect on trees, ecology and public sewer in the area. I attribute neutral weight to these matters.

Conclusion

17. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
18. The proposal would provide a LRC building and the proposed development would not have a detrimental effect on trees, ecology and public sewers in the

area. The proposal would be harmful to the character and appearance of the area. The identified benefits would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.

19. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist.
20. The proposal would conflict with the development plan as a whole and for the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR