



Appeal Decision

Site visit made on 15 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2022

Appeal Ref: APP/E2734/W/22/3290969

Savage Garth, Nun Monkton Village, Nun Monkton YO26 8ER

- 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 Andrew & Alex Brook-Dobson against the decision of Harrogate Borough Council.
 - The application Ref 21/02056/FUL, dated 11 May 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as "to extend the domestic curtilage to include the woodland area. The building of a timber clad woodworking shop within the new domestic curtilage."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I witnessed that the proposed building had been mainly constructed. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Nun Monkton Conservation Area.

Reasons

4. The appeal site is a large area of land consisting of woodland. The site also lies within the Nun Monkton Conservation Area (NMCA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The NMCA, in the immediate locality of the appeal site is characterised predominantly by residential properties set in a linear form that have long rear gardens with the countryside consisting of woodland and open fields sited beyond. It is this established mix of domestic curtilage abutting the countryside with woodland and open fields that contribute positively to the character of the NMCA.
7. The proposal would extend the residential domestic curtilage area beyond the established boundary of the settlement and encroach into the countryside having a detrimental effect on the existing pattern of development. The proposed

structure differs from the previous buildings on site, particularly with regards to form and use. The proposed building, given its appearance and use is out of keeping with the countryside location and is an incongruous feature that does not respond positively to the local distinctiveness.

8. There would be limited views of the proposals from designated footpaths and public roads within the NMCA, with the topography, existing woodland and introduction of further landscaping also providing some screening. However, the proposals would be visible and prominent from surrounding fields, neighbouring properties and garden areas. The materials of the building compliment the surroundings, nevertheless, due to its scale, location and use, the building and use of the site for domestic purposes are not in keeping with the surrounding established mix of land use and is harmful to the character and appearance of the NMCA.
9. The proposal detrimentally alters the character of the woodland area as it would be converted from countryside to residential domestic use which could then lead to the introduction of domestic paraphernalia. Whilst the appellant has indicated they are willing to accept a planning condition to restrict domestic items, this type of condition would not be enforceable, and it is likely that domestic paraphernalia would eventually become visible on the site.
10. It has been indicated that the proposed building could be sited within the existing domestic curtilage under permitted development rights. Little information has been provided on this permitted development scheme in terms of location and relationship with surrounding properties. This matter therefore does not alter my findings with regards to the proposed structure and change of use of the land.
11. The proposal would not preserve or enhance the character and appearance of the NMCA. The proposal would be contrary to Policies HP2 and HP3 of the Harrogate District Local Plan 2020 (HDLP) which seeks proposals affecting a conservation area to protect and enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.

Other Matters

12. The proposal would not have any harmful effects on living conditions of neighbouring occupiers or flood risk. It is also noted that the proposals do not conflict with Policies HP4 and HS8 of the HDLP.

Conclusion

13. The proposal would not compromise living conditions of neighbouring occupiers or flood risk. However, these matters would not outweigh the harm I have identified with regards to the effects on the NMCA.
14. 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.
15. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR