



# Appeal Decision

Site visit made on 22 March 2022

**by G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 April 2022**

**Appeal Ref: APP/E2734/W/21/3288007**

**Fourways, Turn Bridge To Skip Bridge Farm, Moor Monkton YO26 8JJ**

- 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 P Owen against the decision of Harrogate Borough Council.
- The application Ref 20/02441/COU, dated 7 July 2020, was refused by notice dated 16 June 2021.
- The development proposed is change of use from retail horticulture to holiday cabins.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether or not, having regard to the development plan and national planning policy, the appeal site is an appropriate location for development of the nature proposed; and
  - Flood risk and drainage.

## Reasons

### *Location*

3. The appeal site lies in the open countryside within a small group of houses clustered around the junction of Church Lane with the A59 and Marston Lane. In addition to an existing bungalow adjacent to the site entrance, there are residential properties on either side of the site, the land and enclosures associated with which extend a considerable distance to the rear away from the A59 road frontage. Although no longer present, evidence of the previous siting of polytunnels associated with the site's use as retail horticulture can still be seen in the form of concrete pads and hardstanding, fixings and drainage channels.
4. Moor Monkton, the nearest settlement, lies some distance to the north of the appeal site along Church Lane. The road leading to Moor Monkton is reasonably straight and level with good visibility and wide verges and appeared, at least at the time of my visit to the site, to be relatively quiet. It serves only Moor Monkton and sporadic houses and farms and is not a through-road.
5. Unlike many rural roads therefore, it would not act as a disincentive to walking along it. However, there are no services or facilities within Moor Monkton and therefore whilst moderately accessible, there would be little need to walk it other than for informal recreation and exercise.

6. Nor are there any services or facilities within the group of houses that the appeal site lies within, nor any within reasonable walking distance along the A59 or Marston Lane irrespective of whether they are within or beyond existing settlements. Indeed, even if there were services or facilities closer at hand, if my experience attempting to cross the A59 on foot was representative, it is a very busy road, pavements are limited to just around the crossroads junction and crossing the road is neither convenient, pleasant nor particularly safe. Although there appeared to be bus stops close to the site, I have no evidence how frequently services stop and, in any event, access to them from the appeal site across the A59 would be unpleasant and inconvenient, despite their relative proximity.
7. Access to the site is therefore likely to be heavily reliant upon private motor vehicles. Although Harrogate District Local Plan (HDLP) policy EC7 is supportive of proposals for the provision of, amongst other things, visitor accommodation in the countryside, that support is contingent upon a number of factors. Thus, amongst other factors, proposals must demonstrate a requirement for a rural location and cannot be accommodated elsewhere and, crucially for visitor accommodation, should be accessible to existing local services.
8. Clearly there are obvious attractions in providing visitor accommodation in a rural setting. However, I have no evidence before me to lead me to conclude that the appeal proposal's rural countryside location is no more than a case of being desirable in this instance, rather than an absolute requirement. Nevertheless, it is broadly agreed between the main parties that the proposal would add to the limited range of visitor accommodation within local villages. However, I have not been presented with any robust or compelling evidence to demonstrate that the visitor accommodation has a requirement to be sited in this location, or that it cannot be accommodated elsewhere and would not, for reasons I have set out above, be accessible to existing local services.
9. The proposal would reuse, if not a derelict or disused site, then at the very least an untidy site, the indicative layout for which would draw upon existing boundary vegetation and supplement it with a landscaped setting within which to site the proposed lodges. Although the site is currently reasonably well screened in views from the north and west by bunding and vegetation, its generally untidiness is more evident in closer views. The proposal would, almost inevitably therefore, have some localised benefits in terms of visual improvements to the local environment. However, this does not amount to a requirement for such development in a rural location.
10. I note that the Council do not object to the proposal on highway safety grounds, or in terms of its effect of living conditions and residential amenity, ecology, landscape impact or ground contamination. The lack of objection in these respects amount to neutral factors in terms of living conditions and moderately positive factors in respect of ecological improvements, ground remediation and improvements to the local landscape. Whilst that may be so, these factors do not outweigh the harm that would arise from an inappropriately located form of visitor accommodation. The proposal would not amount to sustainable rural tourism in the form or manner sought by HDLP policy EC7. Nor has it been robustly demonstrated that the proposal would support the rural economy to an extent that would warrant allowing

unsustainable rural tourism development. As a consequence, the proposal would be contrary to HDLP policy GC5.

### *Flood risk and drainage*

11. It is stated that drainage was an issue in respect of previous applications at the appeal site, but those issues have not been explained within the submissions for this appeal. Nor, whilst noting previous complaints relating to surface water nuisance, were the Council able to attribute those incidences to the appeal site. However, whilst the appellant's 'Drainage strategy and flood risk' report<sup>1</sup> initially received qualified support from some consultees regarding its general approach to drainage strategy and flood risk, I have also noted the Council's continued concerns regarding its detail and ability to satisfactorily inform existing drainage arrangements and mitigation for the proposed development.
12. HDLP policy CC1 sets out the Council's approach to development, flood risk and sustainable drainage and states, amongst other matters, that all development will be required to ensure that there is no increase in surface water flow rate runoff. I have no further evidence before me that the appellant's approach to drainage, and particularly surface water drainage, would make adequate provision for surface water flow and discharge and, as such, cannot be certain that the proposal would not increase the risk of flooding from such sources. The proposal would fail to accord with HDLP policy CC1 as a consequence.

### **Other Matters**

13. I can understand the appellant's frustration regarding the time taken to determine the application and the receipt of conflicting advice previously received from the Council. However, I have very little detail of the appellant's concerns in these respects and, in any event, these are not material considerations to which I can give any significant weight in the consideration of an appeal made under section 78 of the Town and Country Planning Act 1990 (as amended).
14. The appellant has also referred to other successful applications for various schemes but no indication or details have been given as to what those schemes entailed, where they were or what the development plan context and material considerations were at the time of determination. I cannot therefore be certain whether or not they raise comparable issues to the appeal proposal and, as a consequence, the weight that I can give these schemes is very limited.

### **Conclusion**

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*G Robbie*

INSPECTOR

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<sup>1</sup> Dudleys Structural & Civil Consultants Ref: 21049 DRA 001(A) March 2021