
Appeal Decision

Site visit made on 28 June 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/E2734/W/22/3296145

**Long Lane Farm, Long Lane, Felliscliffe, Harrogate, North Yorkshire
HG3 2LU**

- 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 Mrs J Atkinson against the decision of Harrogate Borough Council.
 - The application Ref 21/04928/FUL, dated 25 October 2021, was refused by notice dated 28 February 2022.
 - The development is described as conversion of existing barn to form dwelling including live/work space including rescinding planning permission - 15/03433/FUL.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description as submitted was amended by the Council and agreed with the appellant to 'Conversion of agricultural building to form dwelling (Site Area 0.3 ha) and formation of domestic curtilage'. The Council determined the proposal on this basis and so shall I.
3. Amended plans were submitted by the appellant following the decision by the Council. I have considered whether these plans should be accepted in light of the 'Wheatcroft principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]). As these plans have not been subject to formal consultation, this prejudices those parties who should have been consulted. Therefore, I have chosen to not accept the amended plans.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is a modern agricultural building constructed of concrete blocks and metal sheeting, with a corrugated roof. The building lies parallel to a range of modern farm buildings which are attached to traditional stone buildings in a L-shaped formation. Long Lane Farm is located within agricultural fields and is reached by a lane serving a number of properties. The site is within the Nidderdale Area of Outstanding Natural Beauty (AONB).
6. The proposal would convert the building to a five-bedroom dwelling, use the existing stone buildings for ancillary domestic use, and change the use of land

around the buildings to create garden space. Policy HS6 of Harrogate District Local Plan (HDLP), 2014-2035, which covers the conversion of rural buildings for housing, lists a number of criteria that must be met in order for development to be acceptable. This includes the requirement for high quality design in keeping with its surroundings, local building styles and materials. Local distinctiveness and the need for development to protect, enhance or reinforce characteristics and features that contribute to this, are covered by HDLP Policy HP3.

7. The proposal is a large structure, which combined with the adjoining concrete hardstanding has a significant footprint. The building has no obvious characteristics which are worthy of retention. The structure, and the attached buildings which would be removed for the conversion, dominate the site and overshadow the traditional farm buildings which are adjacent to it.
8. The appellant refers to Harrogate Borough Council Farm Buildings Design Guide Version 1, 10 December 2020, which they say has been used to guide the development. It is acknowledged that the proposal would provide a new use for an existing building that no longer has an agricultural purpose, using materials that relate to the local area. The building would, with its extensive glazing on the north, south and west elevations, introduce a very modern building form within a rural context. The length of the building and the use of floor to eaves level glazing on three prominent elevations, increases the incongruity of the building in this location.
9. The use of a roller shutter door for the home workspace would further urbanise the site and its setting, as its size and position would be an alien feature within the context of a domestic dwelling. Although paragraph 82 of the National Planning Policy Framework (NPPF) states that planning policies should be flexible enough to allow for new and flexible working practices, as shown in the recent Covid 19 epidemic, the floor plans already show the inclusion of a study and large amounts of space that could be used for homeworking.
10. The site falls within the Nidderdale AONB. Such areas are designated for the purposes of conserving and enhancing natural beauty, and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Policy GS6 of the HDLP, in summary seeks to ensure proposals do not detract from the natural beauty of the AONB. Similarly, paragraph 170 of the NPPF accords such areas 'the highest status of protection in relation to landscape and scenic beauty.'
11. The site is within Area 24 of the Harrogate District Landscape Character Assessment which is described as an area that channels extensive views. The appellant has disputed the assertion by the Council that long range views would be affected by the development, but photographs have been provided by the appellant from various viewpoints close to the site.
12. Whilst these provide a context for the building within the landscape, they also show its visibility, and that it is out of scale with the buildings around it. Although there is an acceptance of agricultural buildings of this scale in rural areas, changing the materials and the use of the building, would alter the overall character of the site. Acknowledging the benefits of removing a number of unattractive modern buildings, and revealing the traditional farm buildings, would not outweigh the harm to the appearance of the area. This includes the

short-range views from the lane and the public rights of way that are close to the site.

13. With a change of use of the site to a dwelling, concerns have been expressed about light pollution. The appellant has provided images of the building being used as a lambing shed at night. Although this is acknowledged, such a use would tend to be a seasonal occurrence, as opposed to all year lighting of a domestic house. The extensive glazing, even if measures were in place to try and reduce its impact, would inevitably result in light spill which would amplify the position and scale of the building and impact on the dark skies that HDLP Policy GS6 seeks to preserve. Existing light pollution within the area is not a reason to worsen the situation by allowing further lighting within this rural setting.
14. This and all other matters considered have led me to conclude that the proposal would harm the character and appearance of the area and would not conserve and enhance the natural beauty of the AONB. The proposal would therefore not comply with HDLP Policy NE4 which requires proposals to protect, enhance or restore the landscape character of the district and Policy NE3 to protect and enhance features of ecological interest. It also does not comply with Policies GS6 which seeks to conserve and enhance the beauty and special qualities of the AONB, Policy HP3 in terms of local distinctiveness, and fails to accord with the requirements of Policy GS6 for the conversion of rural buildings to housing.

Other Matters

15. The Council considers that the development would have an unacceptable overlooking impact as a result of the appearance of the proposal on the adjacent public rights of way (PROW). HDLP Policy HP5 discusses the protection of rights of way, whilst paragraph 100 of the NPPF relates to planning decisions protecting and enhancing public rights of way. Although it is acknowledged that the experience of users of the adjacent PROW would be changed if the development was built, the proposal does not extend over or interfere with the PROW. Immediate views of the development from the PROW would in part be glimpsed through existing hedges, and despite concerns regarding lighting, the footpaths would generally be used in daylight hours only. Therefore, the proposal would protect the public right of way in accordance with Policy HP5.
16. The adjoining traditional stone buildings are stated to have been given planning permission for conversion to one dwelling ref 15/03433/FUL including the removal of the modern agricultural building subject to this appeal. The appellant has said that they would not enact this permission, with the traditional stone buildings being used for domestic purposes relating to the appeal site. The officer report does, however, say that this permission is extant as works have commenced. I have no other information before me as to the planning status of these buildings, but notwithstanding this, it does not affect my decision on the appeal.
17. The appellant has included details of biodiversity enhancement on the surrounding farmland. Although this is to be supported, it is outside the red line boundary and so could not be conditioned if the appeal was to be allowed.

Conclusion

18. Whilst I accept that the proposal would find a new use for the building, resulting in the creation of a further dwelling, the size and design of the proposal would severely harm the character and appearance of the area and the landscape of the Nidderdale AONB. Consequently, and having considered the development plan as a whole and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR