



Appeal Decision

Site visit made on 21 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/E2734/W/22/3302749

Otley Road, Harrogate HG3 1PY

- 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 Labcorp Early Development Laboratories Ltd against the decision of Harrogate Borough Council.
 - The application Ref 21/05395/FUL, dated 15 December 2021, was refused by notice dated 5 April 2022.
 - The development proposed is installation of new perimeter fence and associated gates and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of new perimeter fence and associated gates and landscaping at Otley Road, Harrogate HG3 1PY in accordance with the terms of the application Ref 21/05395/FUL dated 15 December 2021 and the plans with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appellants have a considerable site in this location and are a major employer in the Harrogate area. The fencing is apparently required to secure a recently acquired section of site.
4. The application was for two sections of security fencing, gates and landscaping, and a split decision was issued, allowing what was referred to as Area 2 in the application, but refusing Area 1.
5. The area under appeal constitutes the north, east and west boundaries at the northern end of the site. It would be located along Beckwith Knowle and Otley Road, with associated landscaping to mitigate the impact.
6. The area is mixed in nature, with commercial/industrial uses in the immediate vicinity with some residential a little further beyond. Larkfield Road is residential in nature beyond the eastern boundary.

7. It is considered by the Council that the proposal maintains the security of the site, which in turn, has also been forwarded by the appellants as a reason for the fencing, as there have been incidences of security breaches logged by the company, both malicious and non-malicious. Also, according to the submission of the Appellant, security protocols are necessary as part of the requirements of the Home Office, due to the nature of the business of the Appellant.
8. The fencing is proposed to be of weld-mesh type, to a height of 2.4m, to be painted green. It would be set back from the frontages of Beckwith Knowle and Otley Road, deviating only where necessary to avoid the trees that are under a Tree Preservation Order and behind the existing landscaping screening to the rear of the Larkfield Road properties. The gates to the access points are also shown to be 2.4m in height.
9. There is some landscape screening to the Beckwith Knowle and Otley Road frontages giving some limited mitigation, but this would be bolstered by a landscaping scheme submitted with the application.
10. I noted that the commercial and industrial nature of the immediate locality sees a number of other examples of security fencing being used, and the design of the appeal fencing would not look out of place within the locality. The appeal site only forms part of the overall site of the Appellant at this location and the wider site contains a considerable number of buildings, including some of three storeys in height.
11. I have noted the concerns of the Council in relation to the location of the fencing, but I find that the siting is set back from the highway as much as possible, and whilst the mitigation will be minimised in winter months, it will still assist in screening the fencing from highway views, and it is not designed to catch the eye of vehicular traffic as it passes.
12. The fencing would not look out of place in this location, and I am satisfied that it would not cause material harm to the character and appearance of the area. As such, I find no conflict with policies HP3 and NE4 of the Harrogate District Local Plan (2020) which, amongst other matters, expects development to respect the spatial qualities of the local area and proposals protect, and/or enhance the character and appearance and local distinctiveness of the landscape.

Conditions

13. The Council did not supply any conditions with their submission and did not respond to a request for a submission of conditions made during the appeal.
14. In the absence of any submission, I have imposed standard conditions regarding timing of commencement and in accordance with approved plans, in the interests of good planning practice.
15. I have also imposed conditions relating to tree protection measures which were added to the previously approved "Area 2" submission to ensure replication of good arboricultural practice.
16. I have also imposed a condition that the new gates and fencing are coated /painted green before erection, in the interests of the visual amenities of the locality.

Conclusion

17. The Framework states that development that accords with the development plan should be approved without delay. There are no material considerations, taken individually or cumulatively, that indicate that the appeal should not succeed. Overall, I conclude that planning permission should be granted subject to the conditions in the attached schedule.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

14552-200 Location Plan

14552-101 Existing Site Plan Area 1

14552-103 Existing Site Elevations Area 1

14552-201 Proposed Site Plan Area 1

14552-203 Proposed Site Elevations Area 1

14552-205 Proposed Landscape Layout Area 1

BA11275AMS Revision A – Arboricultural Method Statement

Tree and Fence management Plan – RBS Architects 12 January 2022

3) Before any commencement of development, the developer shall implement the agreed specification for root protection area (RPA) (as per Barnes Associates drawing BA11275AMS dated Feb 2022) fencing in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

4) No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, access works and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme are in place.

5) Before erection, the 'Dulok' fencing and the gates hereby approved shall be painted Green in colour and be retained in that colour for the lifetime of the approved development

END OF SCHEDULE