



Appeal Decision

Site visit made on 11 October 2022

by C Megginson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/E2734/W/22/3305203

2 Sunnybank, Roebuck Lane, Clifton, North Yorkshire LS21 2HA

- 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 Neil Stringwell against the decision of Harrogate Borough Council.
 - The application Ref 22/01003/FUL, dated 8 March 2022, was refused by notice dated 27 May 2022.
 - The development is described as the Change of use of land from agricultural to domestic curtilage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was evident from my visit that the development applied for had been completed. I have determined the appeal on this basis.
3. A cabin is referenced in part of the evidence. It is clear from the evidence before me that this is not included in this appeal, therefore, I have not considered this matter further.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the area and the Nidderdale Area of Outstanding Natural Beauty (AONB); and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. The development includes the change of use of agricultural land to allow an extension to the existing domestic curtilage and includes a patio, cobbled hard standing and gravel areas, stone walls with wrought iron gates and fencing.

Whilst there is a difference in levels on the site, from the evidence before me and my site visit observations, I consider that the development does not amount to a substantial engineering operation.

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. The term 'building' refers to any structure or erection and it therefore includes walls and fences. I have no evidence before me to demonstrate that the development meets any of the exceptions set out in paragraph 149.
7. Paragraph 150 of the Framework sets out the categories of development which may be regarded as *'not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.'* My attention has been drawn to 150e), *'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).'* The development is a private garden space described by the appellant as *'solely for him and his family to relax and take pleasure from the surroundings'* and therefore cannot be considered as outdoor sport and recreation. However, the material change of use of the land could meet exception 150e), if it preserves openness and does not conflict with the Green Belt purposes.

Openness

8. The essential characteristics of Green Belts are their openness and their permanence. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The openness of the Green Belt is clearly evident around the appeal site and across the fields to the south. The development results in built development where there previously was none. The footprint of the patio, hardstanding and gravelled areas, the bulk of the stone wall and the accompanying domestic paraphernalia, inevitably lead to a loss of openness.
9. The development encroaches into the context of the wider countryside and in both spatial and visual terms results in a harmful reduction to the openness of the Greenbelt. This conflicts with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open.

Green Belt Purposes

10. Paragraph 138 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The effect of development as encroachment on the countryside may also be in the form of loss of openness or intrusion and through that loss of openness, there can also be an intrusion or encroachment into the countryside¹. The site clearly formed part of the countryside, and the proposal results in permanent physical encroachment of development into and onto parts of the site that were

¹ *Summers Poultry Products Ltd v SSCLG* [2009] EWHC 533 (Admin).

free from development. In this location the proposal does not safeguard the countryside from encroachment, causing moderate harm.

11. For the above reasons, the appeal proposal is inappropriate development in the Green Belt, which is, by definition, harmful.

Character and appearance

12. Given the visual dimension identified in *Turner* there is a significant overlap between this issue and my assessment of the effects on openness above. Nonetheless, as that judgement is clear this is a different exercise.
13. The appeal site formed part of the agricultural land to the south of the residential gardens to the rear of Roebuck Lane. To the east of the appeal site, separated by a high fence is a pub car park and to the western boundary is a long stone wall, beyond which is an agricultural building and hardstanding area. Despite this, the character of the appeal site is open and rural, with the agricultural land forming part of a large field, extending southwards and to the west into expansive open countryside.
14. The development does not extend beyond the southern extent of the pub car park to the east or stone wall to the west and I appreciate that views into the appeal site from the surrounding area are limited. Nevertheless, it extends the domestic curtilage beyond the southern boundary of the existing rear gardens of Roebuck Lane into the open countryside. The proliferation of domestic paraphernalia, hardstanding and patio areas, stone walls and wrought iron gates stands out as incongruous and results in harm to the open, rural character of the site. Illumination from three lamp posts would be seen in the context of the floodlight pub car park and the adjacent agricultural building. Despite this, they add to the domestication of the appeal site and further erode the open rural character.
15. For the same reasons, the development is detrimental to the landscape of the AONB, and I am mindful that the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty, and that the AONB has the highest status of protection in relation to these issues.
16. I conclude that the development leads to moderate harm to the character and appearance of the area and the AONB due to its design and location. Therefore, the proposal would conflict with the design, landscape character and local distinctiveness requirements of the Harrogate District Local Plan (2020) (LP) Policies HP3, GS6 and NE4, the Harrogate Landscape Character Assessment (2004), the Residential Design Guide (1999) and the Framework.

Other considerations

17. The appellant has highlighted the benefits that the additional domestic curtilage provides in terms of space to relax and enjoy the surroundings. I afford this matter limited weight.
18. The Council refer to the loss of the best and most versatile agricultural land. However, on the evidence before me I am unable to be conclusive as to whether the appeal site is within grade 3a. This is a neutral factor and does not weigh in favour or against the development.

The Green Belt Balance and Conclusion

19. The Framework requires that any harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. In this appeal, the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness, through its harm to openness, encroachment into the countryside and the harm to the character and appearance of the area and the AONB. Consequently, the very special circumstances necessary to justify the development do not exist.
21. I have considered all other matters raised, but none outweigh the conclusions I have reached. The development conflicts with LP Policies GS3, GS4, and the Framework, which seek to protect the Green Belt. The proposal would also conflict with other policies of the LP as set out above and would be in conflict with the development plan, when read as a whole.
22. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR