
Appeal Decision

Site visit made on 23 November 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2022

Appeal Ref: APP/E2734/D/22/3301316

High Pastures, Laverton Road, Kirkby Malzeard HG4 3QL

- 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 and Mrs N Bain against the decision of Harrogate Borough Council.
 - The application Ref 21/05516/FUL, dated 22 December 2021, was refused by notice dated 28 March 2022.
 - The development proposed is Garage Block with Boiler Room and Pellet Store – Application to renew approved Application Ref:15/04756/FUL.
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Decision

1. The appeal is allowed. Planning permission is granted for Garage Block with Boiler Room and Pellet Store at High Pastures, Laverton Road, Kirkby Malzeard HG4 3QL in accordance with the terms of the application Ref 21/05516/FUL dated 22 December 2021 subject to the following conditions;
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Further Elevation Details, Proposed Floor Plan & Elevations & Proposed Site Plan GS/2201/1.

Procedural Matter

2. The description of the proposal has been amended in the formal decision above to omit wording that is not a description of development.

Main Issue

3. The main issue is the effect of the proposal with regard to its scale on the character and appearance of the area with particular regard to the effect of the proposal on the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

4. High Pastures forms part of a cluster of development including dwellings, stables and farm buildings set on both sides of Laverton Road, a short distance from Kirkby Malzeard to the north east.

5. The building would be reasonably large in scale, incorporating two vehicle openings with additional space either side as well as a section for a pellet boiler and fuel store. Given the levels on site and the height of the existing stables immediately to the west, the roof of the garage block would be higher than the adjoining stables.
6. However, the garage block would be constructed using locally appropriate materials and would sit firmly as part of the cluster of development on either side of Laverton Road, which includes buildings in a wide range of sizes and materials. It would be positioned between the existing stable block and the dwelling and would not intrude into the surrounding countryside.
7. It would have some visibility from the nearby roads and footpath, although that visibility will be often reduced by the hedgerows which line both the footpath to the west and the nearby roads. Within those views, the garage block would be viewed comfortably within the frame of this existing cluster of development.
8. The garage block would be set to the rear of the existing dwelling in relation to the position of the road. It would therefore, despite its size, be read as being ancillary to the house and would not form an over-dominant feature.
9. The proposal would therefore have no significant adverse impact on the character and appearance of the area and would not detract from the natural beauty and special qualities of the AONB.
10. The proposal would subsequently accord with policies HP3, GS6 and NE4 of the Harrogate District Local Plan (2020) (HDLP) which require amongst other things that proposals do not detract from the natural beauty and special qualities of the AONB and protect landscape character. I have not identified conflict with SPD¹ guidance, nor Policy HP4 of the HDLP which is also before me.

Conditions

11. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
12. The garage block appears to be proposed for incidental use. If that were to change, it is likely that further planning permission would be required. The suggested condition in relation to this matter is therefore not necessary.

Planning Balance and Conclusion

13. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

¹ House Extensions & Garages Design Guide, September 2005.