



Appeal Decision

Site visit made on 10 January 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/E2734/W/22/3308883

Knabbs Farm, Skipton Road, Kettleasing HG3 2LT

- 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 M Harper against the decision of Harrogate Borough Council.
 - The application Ref 21/02806/FULMAJ, dated 25 June 2021, was refused by notice dated 27 April 2022.
 - The development proposed is change of use of land and siting of 5 glamping pods with parking area and bike wash.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the landscape and scenic beauty of the Nidderdale Area of Outstanding Natural Beauty (AONB); and
 - The effect on protected species and biodiversity, having particular regard to Great Crested Newts and bats.

Reasons

AONB

3. The appeal site forms part of a network of paddocks/fields within the Nidderdale AONB and as such forms part of a landscape recognised for its scenic beauty. Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
4. In the Harrogate District Landscape Character Assessment the site falls between the Lower Nidderdale Valley north west of Harrogate landscape character area (LCA) and the Menwith and Penny Pot Grassland LCA. The key characteristics of the area evident at and around the appeal site include pastoral fields of moderate size, bounded by a mix of hedgerows and walls with some individual trees and areas of woodland blocks, and permeated by a network of footpaths and bridleways, with scattered farmsteads and villages. As a result, the site contributes positively to the rural qualities and landscape character of the area. This is the case despite the visual influence of the large radomes of RAF Menwith Hill, and the wind turbines at Knabbs Ridge.

5. In considering the previous appeal for a similar proposal at the site¹ the Inspector found that the siting of 5 chalets or cabins spread over a wide area and accompanied by the access tracks, parking areas, and other incidental development would dramatically alter the character of the fields in which they would be located. In addition, despite the proposed tree planting, it was considered that there would be a major adverse visual impact for users of the footpath immediately to the north of the site, and a less marked, but still material, impact on users of the footpath which traverses east to west from Kettlesing Bottom to Summer House Farm.
6. The 'glamping pods' now proposed would be smaller than the cabins in the previous scheme, and provision is now made on the plans for a dedicated gravelled parking area at the edge of the field. I am also advised that separate Woodland Trust approval has been obtained for the proposed tree planting. However, the quantum and spread of development over a wide area and the degree of visibility from nearby public footpaths would be largely unchanged. Even with the reduced size of the pods and revised parking arrangements, the development would have a noticeable presence at the site and would not be well related to existing buildings to the north or south. The overall spread and clutter of development on what is currently simple pasture land would significantly and adversely alter the mostly undeveloped and agricultural character of the site. Furthermore, much of the predicted future reduction in adverse visual effects relies on the provision of new planting at the site. Any robust new landscaping here would take many years to establish and there is little substantive evidence before me which demonstrates that it could effectively integrate the development into the local landscape over time. The objection from the Nidderdale AONB Joint Advisory Committee adds weight to my concerns in these regards.
7. Therefore, notwithstanding the revisions that have been made to the scheme since the previous appeal, I find that the proposal would have a significant adverse impact on the character and appearance of the site and its surroundings. As such, the landscape and scenic beauty of the AONB would not be conserved or enhanced and there is clear conflict with Policy GS6 A) of the Harrogate District Local Plan (2020) (the LP), and paragraph 176 of the National Planning Policy Framework (the Framework) in this regard. There is also conflict with the requirements of LP Policies HP3 C), NE4, EC4 A), and EC7 B), which together seek to ensure that development proposals, including those for farm diversification and rural tourism, protect, enhance, or reinforce landscape character and local distinctiveness, amongst other things.

Protected species and biodiversity

8. The site comprises agricultural paddocks/fields of improved grassland bounded by hedgerows with some mature trees. A short distance to the west is a linear strip of woodland along a small stream, and approximately 200 metres to the north is a pond. The mature trees, hedgerows, and water bodies surrounding the site are ecological features with potential of providing suitable habitat for protected species, specifically bats and Great Crested Newts.
9. Circular 06/2005 states that the presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it is

¹ APP/E2734/W/20/3245540

essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is reinforced in the Planning Practice Guidance: Natural Environment.

10. The appeal was accompanied by a Preliminary Ecological Scoping Survey² (PESS). However, the PESS is more than 3 years old and therefore cannot reasonably be considered up to date. Moreover, I note that the PESS recommends an eDNA test before the presence of Great Crested Newts can be confidently ruled out. It also acknowledges that there is a high likelihood that bats utilise the north, south, and western boundaries for foraging and commuting with opportunities for roosting in the trees to the northern boundary, and identifies the need for impacts of artificial lighting to be mitigated as a result.
11. Without an up to date ecological survey, including results of eDNA testing, it is simply not known whether any protected species are present and if so, how they use the site. Nor is it known what mitigation measures would be appropriate and whether they could be secured. The degree of uncertainty means that it would not be reasonable to address these matters through the use of planning conditions.
12. In relation to other biodiversity matters, I do not consider the proposal to represent major development, and I acknowledge that the proposed tree and wild meadow grassland planting has the potential to improve the habitat value of the site over time. However, this does not override legal and policy provisions relating to development impacts on protected species. The absence of sufficient information, especially in relation to Great Crested Newts and bats at the site, means I cannot rule out potentially significant harm to biodiversity.
13. Therefore, on the basis of the information before me, it has not been sufficiently demonstrated that the proposal would not have an unacceptable adverse effect on protected species and biodiversity, with particular regard to Great Crested Newts and bats. This is contrary to LP Policies NE3 C), HP3 C), EC4 B), and EC7 B), in so far as they seek to protect the natural environment, including features of ecological interest and biodiversity. For the same reasons the proposal is contrary to the policies set out in Section 15 of the Framework which require the conservation and enhancement of the natural environment.

Other Matters

14. The Council's first reason for refusal points to the lack of justification for a rural location, and concerns were expressed over the accessibility credentials of the site. In the previous appeal, the Inspector acknowledged that occupants of the development would, in all probability, be reliant on private vehicles to reach the site. This reflects my own observations that opportunities to access services and facilities by foot, bicycle, and public transport from the site would be limited. However, there is evidence with the appeal that the proposal forms part of a farm diversification scheme, which provides some justification for its rural location. It is also not uncommon for accommodation of this particular type to be located away from built-up areas, as its attraction lies in factors such as countryside views, proximity to nature, and access to outdoor

² By Lobo Ecology November 2019

recreation opportunities. Paragraph 85 of the Framework recognises that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. Accordingly, and consistent with the previous appeal decision, this is not a determinative matter in the appeal.

15. The Council did not take issue with matters relating to neighbouring occupiers and highway safety, including in respect of the use of the existing access which is a public bridleway. I have no reason to disagree with this assessment, but the absence of harm in these regards is neutral in effect.
16. I have noted the representations made by an interested party regarding apparently unauthorised works at the site. However, it is not within the scope of this appeal to determine the acceptability or otherwise of works which do not form part of the proposal before me. It would therefore be a matter to take up with the Council in the first instance.

Planning Balance and Conclusion

17. Although the proposal would likely improve the range of visitor accommodation in the area, assist in farm diversification, and benefit the wider local economy, it would give rise to significant conflict with the contents of the development plan relating to the landscape and scenic beauty of the AONB, and in relation to protected species. As such, the proposal conflicts with the development plan as a whole. Material considerations, including the potential economic benefits that would arise, do not indicate that a decision should be taken other than in accordance with the development plan. Accordingly, for the reasons set out above, the appeal should be dismissed.

A Caines

INSPECTOR