



Appeal Decision

Site visit made on 22 December 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/E2734/W/22/3310079

Land comprising of the field to the north of Springfield Bungalow, Crag Lane, Killinghall HG3 2BD

- 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 Rachel Ryder against the decision of Harrogate Borough Council.
 - The application Ref 22/00076/FUL, dated 21 December 2021, was refused by notice dated 10 October 2022.
 - The development proposed is erection of detached dwelling with 4no. bedrooms with associated off-street parking, external works and landscaping. Conversion of existing stone storage barn to home office.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached dwelling with 4no. bedrooms with associated off-street parking, external works and landscaping. Conversion of existing stone storage barn to home office, at Land comprising of the field to the north of Springfield Bungalow, Crag Lane, Killinghall HG3 2BD in accordance with the terms of the application, Ref 22/00076/FUL, dated 21 December 2021, subject to the conditions set out in the attached schedule.

Applications for Costs

2. An application for costs has been made by Mrs Rachel Ryder against Harrogate Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would be in a suitable location; and
 - The effect of the proposed development on agricultural land.

Reasons

Suitability of location

4. The site lies on the edge of the settlement of Killinghall, defined as a 'starred' Service Village under Policy GS2 of the Harrogate District Local Plan 2014-2035 (March 2020) (the 'HDLP'). 'Starred' villages are defined as offering a demonstrably wider range of retail, service and leisure businesses than other villages in the district.

5. The site lies immediately to the west of Crag Lane and sits between the dwellings of Springfield Bungalow and Quietways, both of which front Crag Lane. The land immediately to the east of Crag Lane falls within the development limits. Several local services exist within a short walk of the site including a primary school and bus services to nearby Harrogate.
6. The proposed development would provide a new detached dwelling. Notwithstanding that the Council can demonstrate a 5 year supply of housing land, the fact remains the proposal would result in the creation of an individual residential dwelling in the countryside which would be outside of the defined development limits of a settlement. This is agreed by the main parties.
7. Although outside of the development limits, the site is well related to the settlement as it lies directly adjacent to the development limits and between 2 existing dwellings. Despite Killinghall's service offering being limited mainly to local facilities, it is a relatively short distance via car or public transport to the larger settlement of Harrogate, which offers a wide variety of services. As such, in this particular case, whilst access to services from this countryside location is less than ideal, the development site benefits from similar access to services that exist for nearby residents within the settlement of Killinghall. Moreover, the activity associated with one new dwelling is likely to be limited.
8. Taking all above matters into account, the proposal is contrary to Policy GS3 of the HDLP on the basis of its position outside of defined development limits. I am not aware of any policies in the HDLP that would expressly permit the proposed development, and there is no dispute that the Council is able to demonstrate a five-year supply of housing land. However, I attach significant weight to the material considerations relating to the site's relationship with existing development and the settlement as a whole, and the lack of identified harm. As outlined above, these matters weigh in favour of the proposed development.

Agricultural land

9. There is disagreement between the parties as to whether the site does indeed comprise agricultural land. Policy NE8 of the HDLP relates to the protection of agricultural land, and states that the best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.
10. Notwithstanding the lack of an agricultural land classification survey, from the evidence before me, including reference to the existing building on site being historically used for agricultural purposes, I am persuaded that the appeal site does comprise agricultural land. However, I find no evidence that it comprises best and most versatile agricultural land. Moreover, even if the site were found to comprise best and most versatile land, based on its limited size it would make only a negligible contribution to the stated aims of Policy NE8. I also refer to the Government's objective to significantly boost the supply of homes, as set out in the National Planning Policy Framework (the 'Framework'). Although the proposed development would deliver only one new dwelling, in the absence of identified harm I attach significant weight to this matter.
11. For the above reasons, I conclude that the proposed development would not lead to an unacceptable loss of agricultural land. Hence, the proposed development would comply with Policy NE8 of the HDLP, which seeks to protect

the best and most versatile agricultural land (grades 1, 2 and 3a) from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.

Other Matters

12. The Council has referred in its statement to several appeal decisions¹ relating to the application of Policies GS2 and GS3. However, limited details of the development proposals have been provided and all of the sites appear to have distinctly different characteristics to the appeal site. Reference is also made by both parties to a previous outline consent granted on the site that has since lapsed. However, I am aware that the development plan context and housing land supply position have both changed since the date of this decision. I have therefore given these matters very limited weight in my decision.

Conditions

13. The Council has provided a list of suggested conditions that I have considered against the tests outlined at Paragraph 56 of the Framework and within the Planning Practice Guidance (the 'PPG'). I have amended certain conditions where necessary to ensure compliance with the provisions of the Framework and PPG.
14. I agree that conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A separate condition securing details of the site access is not necessary on the basis that it is shown on the approved plans.
15. Conditions requiring the implementation of parking areas, implementation of tree protection measures, a scheme of landscaping and the submission of details of external materials are necessary for reasons of providing adequate off-street parking, safeguarding trees and landscape features and ensuring high-quality design.
16. A condition securing a foul and surface water drainage strategy is necessary to ensure the development is provided with suitable drainage. I find no justification for additional conditions relating to other drainage details or the culverting of any watercourse.
17. I have been provided with no policy basis for the condition requiring an electric vehicle infrastructure strategy, and therefore do not find this condition to be demonstrably necessary. Finally, based on the limited scale of the development and the availability of space within the site, I do not find a condition requiring a construction management plan to be necessary.

Conclusion

18. For the reasons set out above and taking account of all other matters, I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

¹ APP/E2734/W/20/3262519, APP/E2734/W/21/3275123, APP/E2734/W/21/3283483, APP/E2734/W/21/3284640

Schedule of 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 – 372 (PL)01 – Date: Dec 2021
Site Plan as proposed – 372 (PL)04 Rev C – Date: Dec 2021
Floor Plans as proposed – 372 (PL)05 – Date: Dec 2021
Front and Side 1 Elevation as proposed – 372 (PL)06 – Date: Dec 2021
Rear and Side 2 Elevation as proposed – 372 (PL)07 – Date: Dec 2021
Parking Layout Swept Path Analysis – 372 (PL)09 – Date: Aug 2022
- 3) Prior to their first use in the external construction of the development hereby permitted, details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The development hereby permitted shall not be occupied until the parking facilities have been constructed in accordance with the details shown on the approved plans. Thereafter, these areas shall be retained at all times for the parking of vehicles.
- 5) No development shall commence on site until the approved tree protection measures (as set out on Barnes Associates drawing BA11225 TPP dated Feb 2022) have been installed on site. The measures shall be retained until the development is occupied.
- 6) The development hereby approved shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No development above ground works shall take place until a scheme of separate systems of drainage for foul and surface water on and off site, including details of the point of discharge, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

***** End of Conditions*****