



Appeal Decision

Site visit made on 21 July 2023

by M J Francis BA (Hons) MA MSc MCIffA

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/E2734/W/23/3319141

Padside Green Farm, Foldshaw Lane to Harper Lane, Padside, North Yorkshire HG3 4AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
- The appeal is made by Messrs G W Houseman against the decision of Harrogate Borough Council.
- The application Ref 22/04523/REM, dated 23 November 2022, sought approval of details pursuant to approval Ref 19/03551/OUT, granted on 26 November 2019.
- The application was refused by notice dated 24 January 2023.
- The development proposed is approval of reserved matters under outline permission 19/03551/OUT for the erection of an agricultural workers dwelling with access.
- The details for which approval is sought are appearance, landscaping, layout and scale.

Decision

1. The appeal is dismissed and the reserved matters are refused, namely in respect of appearance, landscaping, layout and scale of planning permission Ref 19/03551/OUT for the erection of an agricultural workers dwelling with access.

Preliminary Matters

2. The site has been considered in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). The development has been screened as it is within a 'sensitive area', in this case the Nidderdale Area of Outstanding Natural Beauty (AONB), as defined by Regulation 2 of the EIA Regulations. The proposal was found as not likely to have significant effects on the environment and so an Environmental Statement is not required. Therefore, this matter does not need to be considered further.
3. The officer report discusses three sets of plans, whilst the appeal documents include two sets of floor plans. I have based my decision on floor plans, rev A, on the basis that there would be no prejudice to any party by doing so.

Background and Main Issues

4. Outline planning permission was approved¹ for the erection of an agricultural workers dwelling, with access considered.
5. A reserved matters application seeking approval for the appearance, landscaping, layout and scale was submitted by the appellant on 25 November 2022, with an acknowledgement received from the Council the same day. On

¹ 19/03551/OUT

28 November 2022 the Council informed the appellant that the red line boundary on the location plan did not match that approved under the outline planning application. A revised plan correcting this was sent to the Council who sent a validation letter on 6 December 2022. Subsequently the Council refused the application citing one of the reasons for refusal being that the outline permission was not extant.

6. Based on the reasons for refusal I consider that the main issues are:

- Whether the outline permission is extant; and
- Whether the scale and layout of the proposal is commensurate to the needs of the agricultural enterprise.

Reasons

Whether the outline permission is extant

7. The reserved matters application was submitted within three years of the outline permission which expired on 26 November 2022. Although it was not validated by the Council until after the outline permission expired, a substantive application for reserved matters had been made during the time period set out in the outline permission. Whilst the red line boundary plan was incorrect, the appellant corrected this within 4 days of being asked to do so by the Council. All other details were correct. Therefore, on this first main issue, as the appellant submitted the application in time, the outline permission was extant.

Scale and layout

8. Harrogate Borough Council's Rural Workers Dwellings Supplementary Planning Document (SPD), 2021, includes the need for consideration of the size of the dwelling. This states that 'rural workers dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the rural employment needs of the unit should not be permitted.' The SPD goes on to explain that the size of the dwelling must relate to the needs of the enterprise rather than the personal circumstances or aspirations of the applicant.
9. The SPD refers to Harrogate District Local Plan 2014-2035, 2020(LP) Policy HS5 that sets out minimum standards to meet the Nationally Described Space Standard (NDSS) which should be used as a guide to establish the size of the dwelling. It also requires that anything above the standards set in the NDSS must be justified on a business basis as needing to support the operational needs of the enterprise, being financially sustainable and continue in the future to be financially accessible as a rural worker's dwelling.
10. There was an agreed essential need for this second dwelling on the holding when outline permission was granted in 2019. Whilst the NDSS are minimum standards to be applied, the SPD does say that there is unlikely to be support for additional space greater than the figures within the SPD. However, the original plans submitted were for a 3-bedroom dwelling, with a porch, plant room and garage. Amended plans then removed the porch, added a 4th bedroom, removed a snug and included an office on the ground floor.

11. Whilst the amendments reduced the internal space within the building, an office was then required by the appellant for the business, with the attached garage needed to store a quad bike. Although these may be requirements for the proposed occupier of the dwelling to satisfy security, administrative and accessibility reasons, no substantive evidence has been provided as to whether these needs cannot be met elsewhere on the farm.
12. Although it is claimed that the numbers of bedrooms are a personal matter, the SPD does state that the size of the dwelling should not relate to the personal circumstances of the appellant. Consequently, justification has not been fully demonstrated as to whether the scale and layout of the proposed dwelling is commensurate to the needs of the agricultural enterprise.
13. The proposal is therefore not in accordance with LP Policy HS9 and the SPD which requires rural workers dwellings to be of a size commensurate with the functional requirement of the business, and that unusually large dwellings in relation to the employment needs of the unit should not be permitted.

Other Matters

14. Whilst it is stated that there were ongoing discussions between the parties regarding the size of the dwelling at the time that the application was determined, this does not affect my determination of this appeal.
15. The appellant has cited an approval for a rural worker's dwelling² determined by Harrogate Borough Council, and the consistency of decision making for these types of applications. Whilst the schemes are considered to be similar, the support for rural workers dwellings depends on the particular circumstances and needs of the business. Although there may be similarities between the schemes, particularly in the use of rooms proposed, I am not aware of the full particulars of this case and whether the situation is comparable to this appeal.
16. The site is located within the Nidderdale AONB. Such areas are designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Paragraph 176 of the National Planning Policy Framework advises that 'great weight should be given to conserving the landscape and scenic beauty within AONBs which have the highest status of protection in relation to these issues.' However, as I am dismissing the appeal, I do not need to consider the effect of the proposal on the AONB.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

² 21/03997/FUL