



Appeal Decision

Site visit made on 15 August 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2023

Appeal Ref: APP/E2734/W/23/3321118

**Rocks Cottage, Brimham Rocks, Hartwith, Harrogate, North Yorkshire
HG3 4BF**

- 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 R Harker against the decision of Harrogate Borough Council.
- The application Ref 22/03663/FUL, dated 10 September 2022, was refused by notice dated 9 November 2022.
- The development proposed is erection of 1no Timber Holiday Cottage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is a suitable location for the development proposed.

Reasons

3. The application site is located approximately 3km north of the service village of Summerbridge, within the Nidderdale Area of Outstanding Natural Beauty (AONB) and in open countryside. Access is served via a track from Brimham Rocks Road. There are a number of public rights of way (PROW) in close proximity to the site.
4. The site lies outside the settlement boundary as defined by Policy GS2 and GS3 of the Harrogate District Local Plan 2014-2035 (2020) (HDLP) and as such is considered to be part of the wider countryside. In such cases Policies GS2 and GS3 state, amongst other matters, that development will only be appropriate outside development limits and in the wider countryside if permitted by other policies as set out in this plan. Policy EC7 relates specifically to sustainable rural tourism and states, amongst other matters, that proposals involving new visitor accommodation in the countryside will be permitted providing (a) it can be demonstrated that the proposal for new attractions or accommodation require a rural location and cannot be accommodated elsewhere. Further stating that in addition to the above, proposals for holiday chalets *et. al* should be accessible to existing local services and connections to public utilities but should not adversely affect them.
5. Whilst I note that Policy GS5 of the HDLP supports amongst other matters, the districts visitor economy and the diversification of the rural and agricultural economy, it also seeks sustainable economic growth in rural areas. I note also Paragraph 84 of the National Planning Policy Framework (Framework) supports amongst other matters, the rural and agricultural economy and its

diversification, however I am mindful of my duties under S38(6)¹ and which Policy EC7 of the HDLP forms part of.

6. Whilst the Half Moon Pub and Summerbridge can be accessed via PROW's and are within a walkable distance from the appeal site, these routes are via unlit paths which would unlikely to be utilised during the hours of darkness. Furthermore, whilst both can be accessed by road, they are located a considerable distance via the public highway. The road is narrow, unlit and has no footpath running adjacent, and as such would be unlikely to be utilised by pedestrians or cyclists during the hours of darkness or in inclement weather. As such this is likely to result in holiday makers staying at the accommodation having a high dependency on the private motor vehicle to access nearby services and facilities.
7. Whilst I accept some people may arrive on bikes, I do not consider imposing a condition which restricts the mode of transport people use who would be staying at the accommodation meets the required tests as set out in the Framework.
8. Furthermore, whilst the appellant would service/clean and manage the cabin and provide basic foods and essentials packages using local suppliers, there is a high probability that visitors would require additional goods for their stay.
9. The appellant has referred to the need for farm diversification for health reasons and to increase income. Whilst I attach weight in favour of these considerations, this is moderated by the fact that no financial information has been submitted with the appeal to show the income from the existing business, and how this would be supplemented by the appeal proposal.
10. I acknowledge that Brimham Rocks is a popular tourist attraction alongside the AONB and there are PROW running through and alongside the site connecting it to the wider countryside, however the appellant has not demonstrated that there are no other suitable locations to accommodate tourist accommodation closer to local services.
11. With regards to the other similar holiday cabins nearby, I have not been provided with the circumstances surrounding their presence, so it is unclear if the circumstances are directly comparable.
12. I acknowledge that the proposal would be well screened in the landscape and from nearby occupiers and would not result in harm to the living conditions of nearby occupiers. I also note that the site is not at risk of flooding and that the building would be sustainably designed. These matters would be expected of any well designed scheme and this limits the weight that I can give them in my assessment of the case.
13. In light of my findings, I conclude that the location of the appeal site is not suitable for the proposal given its location outside a settlement boundary, its distant relationship to services and facilities, and the limited evidence which demonstrates that the proposal requires a rural location. Accordingly, the proposal is contrary to Policies EC7, GS3 and GS5 of the Harrogate District Local Plan 2014-2035 (2020). There would also be conflict with the National Planning Policy Framework which seeks, amongst other matters for rural tourism to be well-related to existing settlements.

¹ S38(6) of Planning and Compulsory Purchase Act 2004.

Conclusion

14. For the reasons set out above and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR