



Appeal Decision

Site visit made on 21 July 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/E2734/W/23/3320614

Sunrise Farm, Follifoot Lane, Kirkby Overblow, North Yorkshire HG3 1HA

- 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 Adam Liddle and Grace Clifford of Sunrise Farm Partnership against the decision of Harrogate Borough Council.
 - The application Ref 22/02347/REM, dated 10 June 2022, sought approval of details pursuant to approval Ref 20/05165/OUT, granted on 12 July 2021.
 - The application was refused by notice dated 20 October 2022.
 - The development proposed is approval of all reserved matters under outline planning permission 20/05165/OUT for erection of agricultural workers dwelling with all matters reserved and installation of package treatment plant.
 - The details for which approval is sought are access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed and the reserved matters are refused, namely in respect of access, appearance, landscaping, layout and scale of planning permission Ref 20/05165/OUT for erection of agricultural workers dwelling with all matters reserved and installation of package treatment plant.

Background and Main Issues

2. Outline planning permission has been granted¹ for the erection of an agricultural workers dwelling and the installation of a package treatment plant. As all matters were reserved, in this appeal I have before me details of the proposed access, appearance, scale, landscaping and layout.
3. The appeal property lies within the Green Belt. National policy on development in the Green Belt is set out in the National Planning Policy Framework (the Framework) which advises that the essential characteristics of Green Belts are their openness and permanence. The Framework also sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There is no dispute between the parties that the appeal proposal constitutes inappropriate development in the Green Belt. I agree, as it does not fall within any of the exceptions set out in paragraphs 149 and 150 of the Framework.
4. The main issues in this appeal are therefore:
 - The effect of the proposal on the openness of the Green Belt and its purposes;

¹ 20/05165/OUT

- Whether or not there is any other harm that would result;
- Whether or not any other considerations exist and the weight that should be afforded to them; and
- Whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the appeal proposal.

Reasons

Openness of the Green Belt

5. The proposal would be sited straddling the boundary of two fields and accessed using an existing track to the rear. It would be located adjacent to, and would be slightly higher than, an agricultural building that has planning permission but has not yet been built. It would, therefore, result in built development where there was previously none.
6. Photographic images of views of the proposed dwelling within the landscape setting have been provided. Whilst new tree planting and the retention of the existing hedge to the side of the proposal would reduce the visibility of the house, it would sit on a slight ridge and so there would be a level of visibility from distant views.
7. Whilst it would be viewed within the context of the overall built form of the farmstead, it would be separated from other dwellings in the complex of buildings which were originally part of the farmstead. It would be located at the furthest edge of the buildings on that side, extending into the countryside at this point. This would, in spatial terms, have an adverse effect on the openness of the Green Belt.
8. The buildings elevations include extensive areas of glazing. The lighting of the property and the comings and goings of those occupying the building would result in a level of use that does not currently take place. This increased activity, including additional vehicle movements and the domestic paraphernalia that would result from a dwelling, would result in a more intensive form of development than currently exists. This would, therefore, in visual terms, have a harmful effect on the openness of the Green Belt in this location. I note, however, that there is no dispute between the parties that harm to the openness of the Green Belt would occur.

Any other harm

9. Policy HS5 of the Harrogate District Local Plan 2014-2035, 2020 (LP) sets out minimum space standards required to meet the Nationally Described Space Standard (NDSS), which should be used as a guide to establish the size of a workers dwelling. Harrogate Borough Council's Rural Workers Dwellings Supplementary Planning Document (SPD), 2021, 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 workers' dwelling.

10. The SPD also 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.
11. The proposed dwelling would include a sizeable office, boot room and shower room in the basement. On the ground floor there would be three double bedrooms and a snug, which it has been stated could become a further bedroom, plus a large bathroom, and an open plan kitchen/living area. Extensive storage and a large plant room would also be included. The house would have an extensive garden area to the front.
12. The proposal, which would be 200m² internally, would be a succession dwelling following the retirement of one of the appellants fathers, who would remain in the existing farmhouse. The proposal would be 100m² smaller than the farmhouse and would become the principal dwelling on the farmstead. This is considered by the appellants to not be excessive in size in relation to the needs of the enterprise, who also consider that the SPD provides minimum standards only.
13. Although the NDSS does provide minimum standards, the SPD does say that there is unlikely to be support for additional space greater than the figures outlined in the NDSS. Whilst it was agreed that there was an essential need for this second dwelling on the holding when outline planning permission was granted, the likely size of the dwelling would not have been considered. The decision notice did, however, refer to the reserved matters application needing to follow the guidance set out in the SPD.
14. Although the proposal would become the primary dwelling on the farm, the dwelling would be large, with extensive space provided over two floors. There is, however, no substantive evidence that the proposed property size has been justified on a business basis and is required for the operational needs of the farm. It therefore does not reflect the needs of the enterprise.
15. Although the enterprise has considerable assets and an annual profit, and the enterprises' bank has confirmed funding for the proposal, the Council have questioned the affordability of a dwelling of the size proposed for a rural worker. Whilst the enterprise could, based on the evidence provided, build the proposal, it is not clear, however, as to whether, because of the size of the dwelling that it would continue to be affordable for future agricultural workers.
16. Therefore, it has not been demonstrated that the scale of dwelling proposed is justified for the size of the enterprise and could be sustained into the future. The proposal would not accord with LP Policy HS9 and the SPD which sets out the requirements for rural workers' dwellings in these terms.

Other considerations

17. The appellants have referred to several appeal decisions in support of their appeal. Whilst that at Tatefield Farm² considered that a size range of 100-200m² for a rural workers' dwelling was appropriate, consideration of such dwellings must be based on the individual business needs and requirements of

² APP/E2734/W/19/3232005

the enterprise. Whilst it has been drawn to my attention that the decision refers to the Council collating national statistics on the size of workers' dwellings, I have not been provided with this evidence.

18. In the Mowbrey Park³ appeal decision that has been cited, the dwelling exceeded the minimum standards in the NDSS, although the Inspector acknowledged that if dwellings are too large, they could become unaffordable for future workers. Whilst this appeal allowed a three-bedroom dwelling, it was for a new farming enterprise, and I have no evidence before me as to whether it is directly comparable to this case.
19. The appellants also refer to the Council granting reserved matters approval for a rural workers' dwelling at Kirkby Malzeard⁴ where the Council quoted the Tatefield Farm appeal decision in terms of the size of the dwelling, and that it exceeded the minimum standards in the NDSS. Whilst the appellants consider that there was no justification provided for allowing this, I am not aware of the individual circumstances of this enterprise and the details of the case. Notwithstanding this, I have not been provided with any substantive evidence that this approval is comparable to the current appeal.
20. The appellant has stated that the proposed dwelling has been designed in an appropriate form and scale so that it would be low maintenance, a sustainable construction and would be future proofed. I give limited weight to the benefits associated with sustainable construction on a proposal for one dwelling, whilst the other matters are private rather than public benefits.
21. Whilst I agree that deciding what is a commensurate sized dwelling, falls to planning judgement, I have not been persuaded by the appellant as to why a dwelling of the scale proposed for this farm is necessary.
22. The parties have provided details of a reserved matters application⁵ for this site that considered matters of access, appearance, scale, landscaping and layout which was approved on 6 April 2023. This is for a dwelling of 142m² and provides a 'fallback' position. Whilst this would provide a smaller dwelling on the site, this does not alter my view on the case before me.

Green Belt balance

23. The Framework confirms that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. The proposal is inappropriate development in the Green Belt, and is, therefore, by definition, harmful to it.
24. The Framework states that inappropriate development should not be approved except in very special circumstances. It goes on to confirm that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
25. It is agreed that the outline permission determined that the needs of the enterprise provided the other considerations which outweighed the harm to the

³ APP/E2734/W/22/3298965

⁴ 21/00172/REM

⁵ 23/00144/REM

Green Belt and provided the very special circumstances to justify the planning permission.

26. In terms of the reserved matters application, subject to this appeal, it has not been demonstrated that a dwelling of the size proposed is justified and meets the needs of the enterprise. The proposal would harm the openness of the Green Belt and there are no other considerations which clearly outweigh the harm that has been identified. Consequently, the very special circumstances necessary to justify the development therefore do not exist.
27. The proposal would therefore not accord with LP Policy GS4 which requires proposals in the Green Belt to be determined in accordance with relevant national policy and LP Policy GS3 which only allows new development outside development limits where the proposal would be permitted by other policies in the development plan. Furthermore, it would not accord with LP Policy HS9, as the evidence has not demonstrated that the size of the dwelling is commensurate with the established functional requirement of the business and would be accessible to rural workers in the future.

Conclusion

28. 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 that warrant a decision other than in accordance with the development plan.
29. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR