



Appeal Decision

Site visit made on 16 May 2024

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/U2750/W/23/3332690

Beckwith Barn, Beckwith Head To Beckwith Cottage, Beckwith, North Yorkshire HG3 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jenny Cairns against the decision of North Yorkshire Council.
 - The application Ref is ZC23/03025/FUL.
 - The development proposed is a new dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging North Yorkshire Local Plan is at an early stage of preparation and no weight has been afforded to it by the Council. From the evidence before me, I have no reason to disagree.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

4. The main issues are (a) whether this is a suitable location for a new build dwelling, having regard to local and national policies, (b) the effect of the proposed development upon the character and appearance of the area, and (c) if any harm is identified, whether there are other material considerations that would be sufficient to outweigh the identified harm.

Reasons

Suitability of location

5. Policy GS2 of the Harrogate District Local Plan 2014 – 2035, dated March 2020, (LP), provides the growth strategy for the area. It seeks to manage the scale of new development in accordance with a defined settlement hierarchy. LP policy GS3 specifies that within the development limits of the settlements identified in policy GS2, new development will be supported where it is in accordance with other relevant policies of the plan. Outside development limits, proposals for new development will only be supported where permitted by other policies of the plan, a neighbourhood plan, or national planning policy.
6. Any settlement or group of buildings below the lowest tier of the settlement hierarchy are considered to form part of the countryside. The supporting text to

LP policy GS2 states that there are many villages and hamlets spread across the district, and that allowing development in all of these would not result in a sustainable pattern of growth, as many offer little in the way of local services and facilities.

7. Beckwith is not included within the settlement hierarchy of LP policy GS2 as a main settlement, local service centre, service village, or one of the smaller villages, and so the appeal site falls to be considered as countryside.
8. The road connecting the site to the wider area is a typical country lane, which does not benefit from street lighting or footways. While this is not a through road, and so it is likely to be lightly trafficked, the lack of lighting and the additional distance beyond this required to access the nearest services and facilities or public transport, would likely discourage walking or cycling, particularly in the winter months. Therefore, future occupiers of the proposed development would be highly dependent on the private car to access day to day services and facilities.
9. The Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, avoiding the development of isolated homes in the countryside. Although located close to a small grouping of houses and farm buildings, the appeal site is some distance from the nearest settlement which provides a range of services and facilities, a point acknowledged in the appellant's Planning Statement. While reference is made in the appellant's Statement of Case to some local facilities within the built-up area of Harrogate, the location and details of these facilities has not been specified. From the evidence before me, the appeal scheme would not be located so as to enhance or maintain the vitality of rural communities, as required by the Framework.
10. Neither party has indicated that a new build dwelling at this location would be expressly permitted by any other policies of the local plan, or a neighbourhood plan. Nor has it been suggested that the appeal scheme would benefit from any of the exceptions for supporting isolated housing as set out at paragraph 84 of the Framework.
11. To conclude on this first main issue, the proposal would not be in a suitable location for a new build dwelling, having regard to local and national policies. It would conflict with the Council's strategy for sustainable growth, which LP policy GS2 seeks to achieve, and it would not benefit from the support of any other local or national policies relating to the location of rural housing, as required by LP policy GS3.

Character and Appearance

12. The appeal site comprises two agricultural barns, a gravelled yard and access, and a large field that extends to the rear of these barns and to the southwest. These barns sit at the western edge of a group of buildings consisting of houses and agricultural/horse related buildings. Access is along a typical country lane extending between fields. The appeal site is visible from the highway as it passes to the south, albeit intermittent trees and hedgerow provide partial screening. Land levels fall to the west, allowing open views of the rolling countryside. As a result, the existing barns sit on rising land when approaching from the southwest. These barns have a typical agrarian appearance that is compatible with the rural character of the area.

13. The site is located within the Crimple Valley, which is designated as a special landscape area (SLA) under LP policy NE4. This policy explains that these designated areas are valued locally for their high-quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon, and that they have a high sensitivity to inappropriate development which would adversely impact on the quality of the area designated.
14. The proposed dwelling would replace the two existing barns. The Design and Access Statement (DAS) demonstrates that in formulating the layout and scale of the proposed dwelling, regard has been had to the position and size of the existing barns. The proposed dwelling would sit lower than the barns within the appeal site. Parts of the proposal, such as the form of the two-storey element, the limited fenestration to its east facing elevation, and the use of dark timber cladding, would replicate the simple form of the more westerly barn, and its agrarian character and appearance. The palette of materials proposed for the dwelling would respond to those prevalent within the surrounding area.
15. However, the proposal would consolidate the built form, introducing a central section with a stepped frontage and flat roof, that would be angled off the two-storey element. As a result, the form of the proposal overall would not replicate the simple agrarian form of the existing barns. The flat roof and box shape of part of the proposal would give the scheme the appearance of a contemporary dwelling, resulting in a more domesticated appearance, which would be compounded by the high level of glazing within the southwest elevation. As a result, the domestic appearance of the proposed dwelling would be a marked contrast to the agrarian appearance of existing development. The consolidated form would also reduce the openness of this part of the site, by removing those views achievable between the barns to the fields and woodland beyond.
16. Further, the gravelled frontage would be used for domestic parking, while the consolidated built form would allow the introduction of a terrace adjoining the dwelling to the west. While this would not extend beyond the footprint of the existing barns, the terrace and associated domestic paraphernalia, along with the parking area, would further emphasize the residential character and appearance of the proposal.
17. The scale of the proposed development would be small in the context of the Crimple Valley landscape designation, and from the wider area, the proposal would be largely screened by hedgerows or landform, or seen with the backdrop of existing buildings. Nevertheless, in closer range views, the domestic appearance of the appeal scheme would be at odds with the rural character of the site, resulting in domestic encroachment into this countryside setting that would adversely impact on the rural character and appearance of the area.
18. I have considered the hard and soft landscaping plans put forward for the proposal. The green roof and additional planting around the driveway would serve to soften the appearance of the development, but it would not alter its domestic character. The visualisations provided suggest that the drystone walling would not be sufficiently high to fully screen any domestic paraphernalia positioned on the terrace. The details of the proposed landscaping along the highway are insufficiently detailed to demonstrate the extent to which this would screen views of the proposal from public views along the highway. Even if I were to impose a condition to secure this detail, such

planting would take time to mature, and it would not screen all views of the proposal in any event.

19. I note the appellant's consideration of the proposal against criteria (a) to (d) of LP Policy GS3. However, these criteria are only applicable to proposals in the absence of a five-year housing land supply, which has not been demonstrated to be the case here.
20. My attention has been drawn to the character and appearance of a development at Low House Farm. However, I have not been provided with the full details of this development, particularly how this site looked previously, and the change that has resulted from any development approved by the Council. As such, I cannot be certain that the circumstances of that case are directly comparable to the appeal scheme.
21. For the above reasons, the proposal would be harmful to the character and appearance of the area. The proposal would conflict with LP policies HP3 and NE4, which collectively, and amongst other matters, require new development to incorporate urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural environments, so as to protect and/or enhance the character, appearance and local distinctiveness of the landscape.

Other Material Considerations

22. The existing barns benefit from prior approval¹ to be converted into two, 1-bedroom dwellings under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (GPDO). A condition of Class Q is that the required works are to be completed within 3 years of the prior approval date. These prior approval applications were granted in April 2023 and so they are still capable of being implemented.
23. There is no dispute between the main parties that there is a real prospect of this fallback position being implemented, and from the information before me, I have no reason to disagree. Consequently, this fallback position is a material consideration in the determination of the appeal scheme.
24. Nevertheless, the proposal for a new build dwelling would conflict with the development plan in locational terms. The intention of Class Q of the GPDO is to make use of existing agricultural building stock, irrespective of locational matters, which the appeal scheme would not do. Class Q of the GPDO does not relate to the construction of new build dwellings in the countryside, such development is subject to differing policy considerations. Therefore, there remains conflict with the Council's strategy for growth as set out in LP policies GS2 and GS3, regardless of this fallback position.
25. There is dispute between the main parties as to whether the appeal scheme offers betterment over and above the fallback position in other respects, which in turn influences the weight to be attributed to it as a material planning consideration. This is a matter of planning judgement in each case.
26. I acknowledge that the fallback position would result in some change to the character and appearance of the appeal site and surroundings. However, the

¹ Approval ref: 23/00781/PBR and ref: 23/00793/PBR

approved plans for these conversions provided within the DAS, demonstrate that the simple form of these existing barns would be retained, along with the openness of this part of the site provided by the intervening hardstanding. While some new openings would be installed to each barn, the number and size would be noticeably less than is proposed for the appeal scheme, particularly to the west elevation. As such, the agrarian appearance of the existing barns, which assimilates with the rural character of the area, would be retained to a greater extent as part of the conversion, than would be the case for the proposed dwelling.

27. Further, the curtilage of the converted barns would be tight to the outer building envelope, while the single designated parking space to each unit would be positioned close to each building. Any domestic paraphernalia would be more limited in extent due to the smaller size of the outdoor space, and its position between the two barns. As such, external areas associated with the fallback schemes would not appear domesticated to the same extent as the proposal. Consequently, the fallback position would not erode the rural character of the site and its surroundings to the same extent as the appeal scheme.
28. While I appreciate that the materials proposed for the appeal scheme would be of good quality, compatible with those found in the locality, this would not address my concerns with the proposal in relation to the erosion of rural character.
29. For the reasons outlined above, I have determined that future occupiers of the proposed development would be highly reliant on the private car to meet their day-to-day needs. This would also be the case for future occupiers of the fallback schemes. The main parties disagree on the likely vehicle movements associated with the appeal scheme for one, 4-bedroom dwelling, and the Class Q conversion to 2, 1-bedroom dwellings. In the absence of any detailed information to support the positions of either main party, I consider that the vehicle movements would be similar and so the appeal scheme would not offer any betterment in this respect.
30. The appellant states that the appeal scheme would incorporate sustainability credentials that the fallback schemes would not, including photovoltaic panels, a ground source heat pump, a high standard of air-tight construction, whole house heat recovery and mechanical ventilation, high level thermal integrity and rainwater harvesting. These measures would no doubt limit carbon emissions and water/energy consumption once operational. However, the information before me does not provide a detailed comparison of the sustainability credentials of the proposed new build construction compared to the conversions. As such, I cannot be certain that when considering the construction/conversion stage, as well as the lifecycle of each development, that the appeal scheme would offer betterment over the fallback position.
31. The appellant considers that the appeal scheme would provide improved internal space standards and outside amenity space for future occupiers, over and above the Class Q conversions. The appeal scheme would no doubt provide a more generous and private dwelling than the fallback schemes. However, the information before me does not suggest that the barns to be converted fall short of any internal or external space standards for 1-bedroom properties, or

that external amenity space would be overlooked to the extent that it would be unusable. As such, I afford this only limited weight as a betterment.

32. The eastern elevation of the proposed dwelling would be positioned 1.5m further away from the neighbouring dwelling than the easternmost barn to be converted, and it would be 2m lower in height. While this would improve the outlook of occupiers of this neighbouring property, given the separation distance that presently exists between this barn and the neighbouring property, any improvement would not be so significant that this would attract any more than limited weight in favour of the appeal scheme, over the fallback position.
33. The appeal scheme would include biodiversity measures that I am advised the fallback schemes would not, including a green roof, wildflower meadow planting and pond, new native hedgerow and tree planting within the site and to the site boundaries. The appellant suggests that the development would result in a net gain of 7.48 Habitat Units and a net gain of 0.62 Hedgerow Units. I note the Council's concerns relating to a lack of detail relating to some of these measures as well as the means to secure them. Nevertheless, if secured, these measures would likely form a betterment over and above the fallback position, albeit a modest one, given that some of these measures are recommended in the submitted Landscape and Visual Assessment as mitigation/compensation for the appeal scheme.
34. The appellant suggests that the benefits of developing the appeal site as a single planning unit as opposed to two separate dwellings has not been recognised by the Council in terms of maintenance and management of the wider parcel of land. However, any future ownership of this land is at the present landowner's discretion and the grant of planning permission would not change this. In any event, there is no substantive evidence to suggest that this parcel of land could not be managed effectively by two owners, as well as one.

Other Matters

35. The information before me suggests that the proposal would provide the opportunity for a self-build, accessible dwelling that could meet the housing needs of different groups in the community. Given the small scale of the proposal, these benefits attract limited weight.
36. The proposed development does not lie within a national landscape designation, a conservation area, or the setting of a listed building. The site is in Flood Zone 1 and so is at the lowest risk of flooding. No concerns are raised with regards to technical matters such as highway safety, drainage or contamination. The appellant confirms that there will be no export of materials from the site. These are neutral matters which do not weigh for or against the appeal scheme.

Balance and Conclusion

37. Planning law requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not be a suitable location for a new build dwelling, conflicting with the Council's strategy for sustainable growth as set out in LP policies GS2 and GS3. Further, the proposal would be harmful to the character and appearance of the area, conflicting with LP policies HP3 and NE4.

38. Having considered the fallback position, I have found that the appeal scheme would erode the rural character of the site and surroundings to a greater extent than the permitted Class Q conversions. Additionally, the appeal scheme would provide no betterment over and above the fallback position in terms of accessibility. Some aspects of the appeal scheme would provide a betterment in comparison to the fallback position, however for the reasons outlined above, these are afforded only limited weight, as are the benefits relating to the provision of an accessible dwelling providing self-build accommodation. This weight in favour of the appeal scheme is not sufficient to outweigh the harm arising from the conflict identified with the development plan.
39. As such, having had regard to the development plan as a whole and all other matters raised, including the fallback position, the appeal should be dismissed.

S Brook

INSPECTOR