



Appeal Decision

Site visit made on 18 June 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/U2750/W/24/3342044

Cherry Tree Stables, Kirkby Lane, Kearby LS22 4BS

- 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 Wright & Rogers against the decision of North Yorkshire Council.
 - The application Ref is ZC24/00042/FUL.
 - The development proposed is reconfiguration of buildings to incorporate demolition works, residential conversion and a new-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their appeal submission, the appellant has provided a Technical Note¹ to address the Council's third reason for refusal concerning visibility at the site entrance and the implications for highway safety. This document does not materially alter the appeal proposal, and the parties in the appeal have had an opportunity to comment on it through the appeal process. I am thus satisfied that no party would be prejudiced by my consideration of it, and I have had regard to the document in my assessment of the appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including, where appropriate, its effect on openness;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide a suitable location for housing with respect to the Council's spatial strategy and accessibility;
 - The effect of the proposal on highway safety; and
 - If the development would be inappropriate, whether any harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

¹ SCP Technical Note, Ref: AM/240174/TN02, Date: 28 March 2024

Reasons

Whether the proposal would be inappropriate development

4. The site is located within the Green Belt. Policy GS4 of Harrogate District Local Plan 2014 – 2034, adopted March 2020 (the Local Plan) states that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
5. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 154 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. These exceptions include (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The appellant contends that the status of the site as previously developed land (PDL) was acknowledged through a previous planning permission². The Council note that the Officer Report in that case refers to the site as PDL. I saw on my site visit that part of the site for the proposed development is already occupied by buildings or hard surfacing. Nevertheless, even if the site constitutes PDL, it must be demonstrated that its redevelopment would not have a greater impact on openness.
8. Openness is an essential characteristic of the Green Belt. Several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
9. The appeal site features a stone building housing 2 dwellings and storage space, timber stables and a partially enclosed barn in close arrangement. The existing stone building is adjoined to a similar neighbouring building to the side. Areas of gravel and concrete surfaces sit alongside the buildings to the north, including a large manege surrounded by a post and rail timber fence.
10. The site is otherwise predominantly open, save for vegetation lining the access road and along parts of the southern and eastern boundary. From within the site, there are largely unobstructed views across paddocks to the north and west, and distant views of the surrounding countryside beyond. The site therefore contributes to the openness of the Green Belt in this location.
11. The proposal includes demolition of the existing stables and barn, conversion of the two existing dwellings into one, erection of a new detached dwelling, removal of the manege and other hardstanding, and the provision of soft landscaping. Calculations provided by the appellant indicate that the proposal would provide an increase in floorspace, built footprint and volume over and above that of the existing development on site.

² Council Ref: 21/04036/FUL

12. Removal of the existing stable building adjoining the existing dwellings would enhance openness in this part of the site. However, the presence of neighbouring buildings immediately behind would somewhat curtail this. The proposed dwelling would be located on the site of the other stable block and barn it would replace. Nevertheless, it would be considerably larger than both combined. In particular, the 2-storey element would be appreciably longer than the existing barn and the single storey elements would extend considerably further westwards and northwards, into currently open areas of the site.
13. Any benefit to openness from the removal of the existing manege and its replacement with meadow and native trees would be limited comparative to the existing openness of this area, and as it would remain bounded by a driveway and boundary fencing. The replacement of other hard surface areas with soft landscaping would likewise have limited effect on openness overall in the context of the other development proposed. Moreover, I saw on site that some areas identified as existing hardstanding in the submitted plans and documents have already returned to grass.
14. Overall, I conclude that the proposal would erode the openness of the Green Belt in both visual and spatial terms. This would be mitigated to a limited extent by some of the factors mentioned above. It would nevertheless have a greater impact on the openness of the Green Belt than the existing development. The encroachment of the development into open areas of the site would also conflict with the purposes of including land within the Green Belt.
15. The appeal proposal therefore does not benefit from the exception set out in Paragraph 154(g) of the Framework. It would also conflict with Policy GS4 of the Local Plan, for the reasons set out above. It would therefore constitute inappropriate development in the Green Belt.

Character and appearance

16. The area surrounding the appeal site is primarily rural in nature, characterised by agricultural fields and paddocks, interspersed by sporadic development. Near the site are several agricultural buildings and scattered dwellings, some in small groups. Traditional architecture and the use of timber and stone are common. Tree cover is limited, albeit there are small pockets of woodland nearby, and hedgerows along field boundaries.
17. The landscape is otherwise predominantly open and largely flat, with sweeping views available across the site and surrounding area. The Harrogate District Landscape Character Assessment, February 2004, identified that the landscape has some capacity to absorb small-scale rural development, but is sensitive to the conversion of farm buildings, which can change their contribution to landscape character.
18. At the appeal site, the existing dwellings form part of a short row of somewhat traditional stone buildings, alongside the stables, barn and manege. While I observed a modest external seating area and some domestic fencing serving the existing dwellings, the site otherwise contributes to the prevailing rural character and appearance of the area.
19. The proposal would remove the stables and barn and introduce a new detached dwelling. Finishing materials and the form of the dwelling would be somewhat sympathetic to those found at the appeal site and in the surrounding area,

although the design would otherwise be contemporary, with large, glazed openings and a partially flat roof. The dwelling would be separated from the existing row and would extend further into open areas of the site. Residential curtilage would be spread over a larger area and, along with it, domestic paraphernalia. This would erode the open, rural setting of the site and thus would detract from the prevailing character and appearance of the area.

20. The proposed alterations to the existing building, including introduction of timber window frames and the removal of an external staircase would provide a visual enhancement. Replacement of hard surfaces with tree and shrub planting and other soft landscaping would also be beneficial and provide an element of screening of the proposed dwelling. However, in its current state, the site does not detract from the character and appearance of the area. These would thus be modest enhancements and would not outweigh the identified harm. Moreover, some of these measures formed part of the approved scheme and so are not contingent on the outcome of this appeal.
21. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policies HP3 and NE4 of the Local Plan. These policies, among other provisions, seek to ensure that development protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness and landscape character.
22. The proposal would also conflict with Paragraph 135 of the Framework which, among other provisions, seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The proposal would also be contrary to the Residential Design Guide, March 1999, which, among other provisions, advises that the siting of new buildings should reflect the general context, and new buildings should make a positive contribution to the special quality of the area, respecting its character and layout.

Spatial strategy and accessibility

23. Policy GS2 of the Local Plan states that the need for new homes will be met as far as possible by focusing growth within settlements. The scale of development will reflect, among other criteria, the settlement's role as defined in the settlement hierarchy. Policy GS3 of the Local Plan indicates that outside development limits, proposals will only be supported where expressly permitted by other development plan or national policies. This approach is consistent with Paragraphs 83, 84 and 109 of the Framework.
24. It is common ground between the parties that the appeal site lies beyond the settlement boundaries, and it is therefore within the countryside. Sicklinghall is located to the northeast of the appeal site and is identified in Policy GS2 as a service village. The larger settlements of Wetherby and Harrogate are considerably further away.
25. None are within a reasonable walking distance of the appeal site, nor do local routes to them provide convenient access for pedestrians. Cycling to Sicklinghall would be feasible, though services and facilities there are limited. There is little information before me concerning local public rights of way, or the availability of public transport in this area. The evidence therefore indicates

that future occupiers of the appeal site would be heavily reliant on the private car for most, if not all, trips to and from the appeal site.

26. Policy HS6 of the Local Plan permits the conversion and/or-reuse of existing buildings to residential use outside of development limits, subject to several criteria. The Council found that the proposed conversion of the existing building would comply with this policy, and there is no compelling reason before me to conclude otherwise. Nevertheless, this does not outweigh the policy conflict identified above, arising from the erection of a new, larger detached dwelling.
27. Taken as a whole, the proposal would therefore fail to provide a suitable location for housing with respect to the Council's spatial strategy and accessibility. It would be contrary to Policies GS2, GS3 of the Local Plan, and Paragraphs 83, 84 and 109 of the Framework. These policies, among other provisions, seek to avoid the development of isolated homes in the countryside and focus growth on existing settlements which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and by locating housing where it will enhance or maintain the vitality of rural communities.
28. I have not identified any direct conflict with Policy GS1 of the Local Plan, which seeks to secure the provision of new homes, gypsy and traveller pitches and employment land over the plan period.

Highway safety

29. The existing access to the appeal site would be retained as part of the proposal. The Technical Note submitted by the appellant as part of this appeal includes speed survey data. This concluded that the recommended visibility splays, based on both Manual for Streets and the Design Manual for Roads and Bridges, are available from the site access.
30. The Local Highway Authority has responded through the appeal process and has confirmed that it is now satisfied that the appropriate visibility splays can be achieved, thus removing its recommendation of refusal. There is no compelling reason before me to conclude otherwise.
31. I therefore conclude that the effect of the proposal on highway safety would be acceptable. I have not identified any conflict with Policy TI1 of the Local Plan, or Paragraphs 114 or 115 of the Framework. These policies, among other provisions, seek to promote a sustainable and improved transport system, ensure that safe and suitable access to the site can be achieved, and prevent development that would have an unacceptable impact on highway safety.

Other considerations

32. The proposal would provide some economic benefits, including in terms of direct and indirect jobs during the construction period, spending within the construction industry supply chain and spending by future residents in the area. The proposal would also contribute to the supply of 3 and 4-bed houses in this area, albeit at the expense of smaller units. Given the scale and context of the development, these benefits would be relatively modest.
33. The proposed new dwelling would incorporate sustainable design features. This could provide environmental benefits. However, the extent to which these would provide an enhancement in terms of energy use and efficiency over and

above the existing use of the site, rather than simply mitigate the effects of the proposal, is not clear from the evidence, and so attracts only limited weight.

34. Additional soft landscaping and the provision of a green roof in place of existing hard surfaces would likely provide a biodiversity net gain. However, the scale of any biodiversity net gain has not been clearly demonstrated in the evidence.
35. The appellant has set out a comparison between the previously approved scheme³ and the appeal proposal. While the approved scheme is indicated to be larger in terms of floorspace, footprint and volume, its form and relationship to the existing buildings would be markedly different to the appeal proposal, and similar to the existing development. Although it would feature a detached garage, this would be of a different nature to a new detached dwelling, and appreciably smaller. It has not been demonstrated that the effects of the approved scheme would be similar to, or more harmful than, the appeal proposal. This therefore carries limited weight as a fallback position.
36. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

37. While the effect of the proposal on highway safety would be acceptable, it would have a greater impact on the openness of the Green Belt than the existing development. It would therefore be inappropriate development that would be harmful to the Green Belt. I give this harm substantial weight as required by the Framework. The proposal would also harm the character and appearance of the area and would fail to provide a suitable location for housing with respect to the Council's spatial strategy and accessibility.
38. I have considered the matters put before me in favour of the scheme. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm and the other harm arising from the proposal. Accordingly, the very special circumstances necessary to justify the development do not exist.
39. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR

³ Council Ref: 21/04036/FUL