



Appeal Decision

Site visit made on 11 December 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2019

Appeal Ref: APP/E2734/W/18/3209631 **Land fronting Hollins Lane, Hampsthwaite**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Marshall, Cruet Farm Investments Ltd against the decision of Harrogate Borough Council.
 - The application Ref 6.92.330.OUT, dated 14 November 2017, was refused by notice dated 20 February 2018.
 - The development proposed is the erection of 5no. detached dwellings including access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The appellant submitted a landscape and visual appraisal with the appeal. As the Council and all other parties have had the opportunity to comment on this document during the appeal process, I have considered it in my decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and Appearance

5. The appeal site comprises a modest sized field that forms a frontage onto Hollins Lane which is bounded by an established hedgerow. The site also abuts fields on two sides with the boundaries delineated by hedgerows, trees and a stream. It also borders housing associated with the redevelopment of the former Cruet Farm, now known as Cruet Fold, where there is also a field access to the site. On this side of Hollins Lane, built development is, though, of a limited nature as the majority of the land consists of fields or other land which is open. This is in contrast with the opposite side of the lane, where there is housing development of a continual nature well past the site.

6. More broadly, the area consists of land that is in pastoral use that rises up the valley sides from Hampsthwaite. Beyond the village, development generally consists of scattered farmsteads and individual houses that are found within appreciably attractive countryside surroundings. It is typical of the Lower Nidderdale Valley north west of Harrogate landscape character area (LCA) where the site is found under the Harrogate Borough Council, Harrogate District Landscape Character Assessment Supplementary Planning Guidance (2004) (SPG).
7. When the site's location on this side of Hollins Lane, its undeveloped form, and its proximity to open fields are considered together, its character is informed appreciably by the open countryside. This makes the site sensitive to change and these aspects of the site's character would be significantly reduced under the proposal as it would be given over to the proposed dwellings and the associated domestic infrastructure. Forming separate accesses to each proposed dwelling that would necessitate at least part removal of the established hedgerow would further add to this harm.
8. The defined boundaries of the site with the adjacent fields are simply reflective of how fields are commonly enclosed in this part of the LCA. They do not separate the character of the site from the rest of the countryside or mean it has a stronger relationship with the built form of the village. Nor does the small size of the field unduly diminish from its contribution to the LCA. In contrast, the proposal would represent a marked incursion into the countryside beyond the village and its contribution to the more open rural character would be unduly lost.
9. The adjacent housing at Cruet Fold has not altered the pattern of development along Hollins Lane to the extent that the prevailing character has been irreversibly changed. In contrast, the proposal would serve to consolidate development that would be at odds with the character. It would also represent a noticeable encroachment beyond these houses, which are clearly defined from the site by fencing. Therefore, it would not 'round off' this existing development even though the site was once land that was part of the former farm.
10. I have also had regard to the housing opposite the site, although Hollins Lane largely demarcates the extent of development to that side of the lane and this assists in protecting the countryside setting of the village. Hence, the intention for the proposal to reflect the development opposite and provide a similar streetscape would not address the harm.
11. How this loss of character would be apparent, in particular from Hollins Lane, is evident from the visualisations closest to the site in the landscape and visual appraisal where they show an indicative outline of the proposed dwellings, even though the wider visual impacts would be of a limited nature. Such impacts depend on the particular location of the site and the nature of the development, and so it would not be the case that the loss of any greenfield site to housing would produce a similar level of detrimental effect.
12. As regards mitigation, the retention of the boundary hedgerows and trees with the adjoining fields would not account for the loss of the land within the site as countryside. Details of further compensatory planting within the site are not before me as landscaping is a reserved matter although the new hedgerow, as it is shown on the indicative site plan, would not be continuous and so it would

be unlikely to have the same attractive visual appearance as the hedgerow along the front of the site. Minor alterations to the ground levels, restricting the height of the proposed dwellings and planting to the southern boundary would not address the harm that I have identified.

13. Whilst reference has also been made to the site as rough grassland as it is somewhat unkempt, this does not unduly detract from its contribution to the countryside or make it any more part of the built form of the village. With the concerns that I has set out, the involvement of the Council's Landscape Officer during the planning application is also not decisive.
14. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply with Policies SG4 and EQ2 of the Harrogate District Local Development Framework Core Strategy (2009) (CS) and with 'Saved' Policies C2 and HD20 of the Harrogate District Local Plan (2001) (LP) which, collectively, seek for development proposals to protect the character and appearance of their surroundings, including the landscape character.
15. The proposal would also not comply with the guidelines in the SPG, in particular concerning the aim to retain the landscape pattern and rural character between settlements. Nor would it repair the landscape pattern and it would be detrimental to the landscape sensitivity.
16. The effect on the character and appearance of the area remains an important planning consideration despite that the site is not in a valued landscape for the purposes of the National Planning Policy Framework (2018) (Framework) in the sense that it is not the subject of a designation, or shares undifferentiated attributes with such land. Paragraph 127 of the Framework confirms that planning decisions should ensure developments are sympathetic to local character, including landscape setting, amongst other considerations. The proposal would not accord with the Framework in this regard.

Planning Balance

17. The Council's updated position indicates that it has a 5 year housing land supply of deliverable sites for the purposes of the Framework, which stands at 5.02 years. The appellant has stated that the Council's figures are currently untested and this represents a marginal position. In any event, the Council accept that paragraph 11 of the Framework remains engaged. Accordingly, the development plan policies which are most important for determining the planning application are out of date. This does not mean they do not apply. However, the conflict with the policies attracts limited weight.
18. The proposal would have the benefit of contributing towards the housing land supply, and it would be located where it would be accessible to local services, public transport and recreation. Economic benefits would also arise in relation to the construction period, the spend of the future residents, Council Tax and the New Homes Bonus. In addition, it would support local services and the appellant has also stated there would be ecological benefits.
19. The proposal would not be unacceptable as regards the effects on highway safety, flood risk and drainage, heritage and in respect of other environmental and technical considerations. These matters carry neutral weight.

20. In respect of the various appeal and Council decisions I have been referred to, character and appearance considerations are largely dependent on the nature of individual proposals and the particular site circumstances. The weight that I have attributed to 'Saved' Policy C2 of the LP is consistent with these decisions, concerning the application of paragraph 11 of the Framework, as I have set out above. Matters in relation to the emerging Local Plan attract limited weight as it is yet to be subject of a full examination and I have been informed there are outstanding objections in relation to housing issues.
21. Concerning deliverability, and whilst the proposal would constitute the development of a small windfall site for the purposes of the Framework, it would not be in a suitable location for housing development due to the concerns relating to character and appearance. The Framework's economic, social and environmental objectives have also been drawn to my attention although the Framework is also now clear these are not criteria against which every decision can or should be judged. I have referred to the relevant matters they contain within my decision.
22. In relation to the adverse impacts, the harm that would arise with regard to the effect on the character and appearance of the area would be significant for the detailed reasons that I have set out. It would be contrary to Policies SG4 and EQ2 of the CS, 'Saved' Policies C2 and HD20 of the LP, as well as with the SPG and, in this regard, with the Framework. Set against this would be the contribution of the proposal to the supply of housing, although with the number of additional units that would result the weight to be attached to this benefit would be moderate. All other benefits carry limited weight.
23. Taking all of these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of the Framework does not indicate that permission should be granted.

Conclusion

24. Overall, the adverse impacts identified above would significantly and demonstrably outweigh the benefits. Consequently, the proposal would not accord with the presumption of sustainable development, as is set out in the Framework. Therefore, in the circumstances of this appeal, there are no material considerations to justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

Darren Hendley

INSPECTOR