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## Appeal Decision

Site visit made on 26 June 2018

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 06 July 2018**

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**Appeal Ref: APP/E2734/W/18/3198401**

**Kendall Bank, Kirkby Moor Road to Carlesmoor House Farm, Kirkby  
Malzeard HG4 3QS**

- 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 Mrs Emma Fountain-Hewitt against the decision of Harrogate Borough Council.
  - The application Ref 6.24.202.B.FUL, dated 6 July 2017, was refused by notice dated 19 October 2017.
  - The development proposed is described as 'Diversification; Static caravan for use as store/office, packing room and class room for online wool and felting business.'
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council has stated that the proposed caravan which is subject of the appeal is different from what was considered under the associated planning application, as it now comprises of a timber clad flat roof structure with access ramps. The size measurements are also stated to be different. The Council and interested parties have, though, had the opportunity to comment on the details of the proposed caravan submitted with the appeal, and so I have considered it in my decision. This accords with the Wheatcroft Principles<sup>1</sup>, including the issue of fairness to the Council and interested parties.

### Main Issue

3. The main issue is whether the proposed caravan would conserve and enhance the natural beauty of the Nidderdale Area of Outstanding Natural Beauty (AONB), and, if harm arises, whether this is outweighed by economic and other considerations.

### Reasons

#### *Nidderdale AONB*

4. The part of the appeal site where the proposed caravan would be sited comprises of a small area in between a timber clad barn structure and where the land sharply falls away across a field towards a minor road and a watercourse. There are extensive views over this land to an undulating

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE and Another [1982] JPL page 37.

landscape of pasture and areas of woodland, with only isolated signs of development within this noticeably rural setting. The associated farmhouse building with the appeal site is found to the east, with a car parking area in between. There are existing caravans, sited next to the barn and down by the road. The site is accessed from the minor road by a rough track, which also is a Public Right of Way (PROW), and is largely bounded by vegetation. A further PROW is found in the field to the north of the site and beyond the access track.

5. The Council's Harrogate District Landscape Character Assessment Supplementary Planning Guidance (2004) sets out that the character area where the site is found is a generally open and remote landscape. It recognises that agricultural businesses are likely to be the main forces for changes in this area, and that new building must respect local landform and landscape character.
6. It was evident from my site visit that the proposed caravan would involve a form of development that is not typical of this part of the AONB, despite of the isolated caravans on parts of the holding. Hence, it would not be in keeping with the limited forms of development there are in the area and so it would not relate favourably to its rural and open countryside surroundings.
7. Moreover, the proposed caravan would be sited in a prominent location, with its elevated positioning compared to the road and the landscape it would face in this direction. There are gaps in the hedgerow along the road, near to where it crosses the watercourse where the proposed caravan would be in view, even though that it would be well set back by the field. There is also no assurance that recent, or further, planting in the gap would be effective in time, in lessening the detrimental visual effects. This would also not address the broader impacts on the landscape. It would, as a consequence, markedly appear as a discordant feature in this location that would not accord with the prevailing character and so it would cause the AONB considerable harm.
8. The use of Yorkshire boarding as cladding would not be a typical material finish for such a structure and it would, in my view, be more likely to draw the eye to the proposed caravan as an uncomfortable addition to its surroundings. The barn is clad in a similar way although, unlike the proposed caravan, this is a typical rural building. I have considered the associated photomontages that the appellant has submitted but I am not persuaded that the cladding would be effective in adequately addressing the adverse visual effects. There would be limited visibility of the proposed caravan from the PROWs but this would not address the harm that would arise as it would be an incongruous feature in this area.
9. Having regard to the above, I conclude that the proposed caravan would not comply with the statutory duty under Section 85 of the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of AONBs. This harm weighs considerably against the proposal.
10. I also conclude that it would not comply with 'Saved' Policy C1 of the Harrogate Borough Council, Harrogate District Local Plan (2001) (LP) which states that development which would have a significant adverse impact on the landscape in the AONB will not be permitted and where development is permitted, the highest standards of design will be required which should reflect the local distinctiveness of the area. It would also not comply with 'Saved' Policies HD20 and E8 of the LP, and with Policies SG3, SG4 and EQ2 of the Harrogate District

Local Development Framework Core Strategy (2009) (CS), which collectively seek to protect the character and appearance of an area, including landscape character.

11. The proposed caravan would also be in conflict with paragraph 115 of the National Planning Policy Framework (Framework) which states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

### *Planning Balance*

12. The proposed caravan would enable the existing rural artist and crafts business that is currently run from the limitations of the farmhouse to expand. It would undoubtedly support the rural economy with the predicted growth in turnover and employment, as well as through supporting other artists in the area, and suppliers. Local services would also be supported with members of the public attending classes. As the business concerns fibre arts, there is a linkage to its rural surroundings. It would be supporting the rural and agricultural economy and its diversification, and so it would accord with economic sectors that are to be supported under Policy JB1 of the CS.
13. The evidence the appellant has submitted also shows there are social benefits. It is evident that the way in which the business operates benefits health, social and cultural well-being. This is also ably demonstrated by the letters of support which have been provided, and by the potential for education benefits. I have also had regard to the medical reasons why the farmhouse is unsuited to operate the business from. When these economic and social benefits are combined, they attract significant weight.
14. However, this needs to be balanced against the considerable harm that would arise to the AONB and the great weight that is afforded to its protection, as a nationally designated area for its natural beauty. Although Government does support farm diversification, this is not uncaveated. For AONBs, this is demonstrated by paragraph 115 of the Framework. 'Saved' Policy E8 of the LP, whilst permitting new business development in the open countryside also does so on the basis that it would not have a significant adverse effect on the character, appearance or general amenity of the area. The associated explanatory text of Policy JB1 of the CS also states that support for the agricultural sector has to be balanced with the need to retain the essential rural character and environment of the area. I am aware that the proposed caravan represents a cost effective option for the business, but this has to be countered against the effect on the character of its surroundings. As such, I find that the benefits would not outweigh the harm to the AONB.

### **Conclusion**

15. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR