



Appeal Decision

Site visit made on 20 August 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/E2734/W/19/3228519

Land to the east of Littlethorpe Road, Ripon HG4 1TZ

- 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 S Harrison Developments Ltd against the decision of Harrogate Borough Council.
 - The application ref 18/04475/FULMAJ, dated 24 October 2018, was refused by notice dated 25 March 2019.
 - The development proposed is the demolition of a dwelling and erection of 36 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the proposed number of dwellings was reduced by one. The description of the proposal in the banner heading above reflects this change.
3. The Council has submitted an addendum to their Appeal Statement which suggests that their emerging Local Plan¹ has more weight now than at the time the planning decision was taken. The emerging Local Plan has been through public examination and modifications have been made and are the subject of further public consultation. Spatial Policies GS2 and GS3 of the emerging Local Plan set the development boundaries of Ripon and are relevant to this appeal. The appellant suggests that as they were not cited within the Decision Notice they have limited weight. An appeal decision² has been cited to support this view. However, in this example the emerging policies were not before the Inspector and it was concluded that the emerging plan should therefore carry only limited weight. Appeals must be determined within the context of the most up to date policy which is what I have done. Although the plan is relatively well advanced, it has not yet been adopted and would not carry full weight. However, due to its level of progress I give the policies less than moderate weight within this decision.

Main Issues

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

¹ Harrogate District Local Plan Publication Draft 2018.

² Reference APP/E2734/W/19/3224226.

Reasons

5. This part of Littlethorpe Road consists of a ribbon of development comprising detached bungalows and two storey houses. There is little incursion into the fields to the east other than a caravan park. The area has a rural character having low density housing with views of open fields evident between the properties. The appeal site is a field to the rear of one of the bungalows, Kilburn. The field is currently accessed via a grass track which runs along the side of Kilburn and the bungalow would be demolished to create the development access.
6. The sloping site is bounded to the west by the rear boundary fences of properties on Littlethorpe Road. There is a hedge with mature trees, along the remaining boundary. To the north of the site is a caravan park, with open fields to the remaining sides. Further to the south, and separated from the site by an arable field, is the Ripon Canal. The Ripon Rowel Walk Public Right of Way (PRoW), which is a 50 mile long circular route which circumnavigates Ripon runs along the side of the canal. When viewed from the canal and PRoW the site is seen in an elevated position.
7. A Landscape and Visual Impact Assessment (LVIA) has been submitted. This concluded that from more distant views, including those from the Ripon Racecourse, the proposal's landscape impact would be less significant, and I concur with this view. The local impact has been assessed as moderate and the proposal would be seen from the canal; the Prow; surrounding fields; the caravan park and from within and between nearby residential properties. Demolition of the bungalow and creation of an access route would also open further views from Littlethorpe Road.
8. Within the LVIA, viewpoints 1-5 which I observed during my site visit, were taken from the PRoW. Currently, the PRoW has a rural character with distant views of houses on Littlethorpe Road across fields and along the ridge of the shallow valley. The proposal would move this built urban character closer to the canal. During my visit, albeit a snapshot in time, the route was busy with people walking, running, fishing and those in boats. The LVIA classifies the impact of the development from the PRoW as moderate, and when considered in its entirety I concur with this view. However, although views from viewpoints 1 and 2 are screened by bankside vegetation this is not the case between viewpoints 3 and 5 where the site can be clearly seen, and the impact would be high. Views from within the caravan park would also be affected with a loss of the open southern aspect having a high impact. The development would bring the urban fringe closer to the canal and PRoW which would harm the character of the canal and the setting for the recreational activities it supports.
9. The proposals include soft landscaping along the eastern boundary including improvements to the existing hedge and tree planting within the rear gardens. The LVIA states that due to proposed landscaping this would represent a better integration between the countryside and the urban fringe supporting this view with visualisations. No detailed landscape proposals have been submitted and I have no certainty that the size of tree species required to mitigate this proposal could be accommodated within the garden size proposed. Additionally, this belt of trees would sit to the east and south east of the properties and would be within private gardens, rather than a public landscape buffer. Due to the aspect of unit numbers 20-28 (shown on drawing 005) there would be potential

pressure to remove trees to increase levels of light and sunlight into the properties and gardens. I therefore have no certainty that the intention of the tree planting could be realised and retained.

10. The development would visually and spatially extend the built form of Ripon into what is currently open countryside by extending the short ribbon of development along the hillside ridge. This would have an urbanising effect upon the area which would be evident from the PRoW, from nearby houses, the caravan park and from Littlethorpe Road. Although some views would still be possible the current open views across fields towards the existing houses and the views south from the caravan park, would be constrained due to the presence and proximity of the proposal which would therefore diminish and harm the countryside character of the area.
11. Due to the harm the proposal would cause to the character and appearance of the area it would conflict with Saved Policies HD20 and C2 of the Harrogate District Local Plan 2001 and Policy SG4 of the Harrogate District Core Strategy³. These policies, together and amongst other matters, seek that new development respects and makes a strong contribution to the visual and spatial quality and character of the area. Specifically, due to the harm to the PRoW the proposal would also conflict with Policy R11 of the Core Strategy and Policy G2 of the Ripon Neighbourhood Plan⁴ which together and amongst other matters seeks that the character of the PRoW is maintained. Although full weight cannot be attributed to the emerging policies, the appeal site falls outwith the development boundary of Ripon and would conflict with Policies GS2 and GS3 of the emerging Local Plan.

Planning balance and conclusion

12. The emerging local plan has not been finally adopted and the parties disagree on whether there is a demonstrable five year and ongoing housing land supply (5YHLS). Irrespective of the 5YHLS position there is conflict with Policies GS2 and GS3 of the emerging Local Plan but these do not yet carry full weight. Policies SG1 and SG2 of the Core Strategy relating to allocation of land for housing which are most important in determination of this appeal are out of date as they specify development limits of Ripon. Paragraph 11 of the Framework is therefore engaged. This requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies of the Framework when taken as a whole.
13. National policy set out in the Framework does not preclude development of sites such as this one and the key consideration is the ability of the site to accommodate development of the scale and quantity proposed without compromising the quality of the local environment. The government is seeking to significantly boost the supply of housing and I acknowledge that the proposal would deliver up to 36 dwellings including a proportion of affordable homes and I afford this benefit moderate weight. Other benefits, some of which are secured through a submitted Unilateral Undertaking, including construction of a footway, short term construction jobs, contributions to education provision, attraction of New Homes Bonus and an ongoing social and economic contribution to the area when taken together also attract moderate weight.

³ Harrogate District Local Development Framework Core Strategy. Adopted February 2009.

⁴ Ripon Neighbourhood Plan to 2030. Adopted April 2019.

14. I however, afford substantial weight within my decision to the harm to the character and appearance of the area. Having regard to Paragraph 11(d)(i) and the conflict with the Local Plan I have identified; the proposal would significantly and demonstrably outweigh the public benefits derived from 36 dwellings on this particular site. As such it would not be sustainable development.
15. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that in this particular case the appeal should be dismissed.

E Symmons

INSPECTOR

Richborough Estates