

Square Feet Ltd And Antela Developments
Ltd
c/o I D Planning
Mr Richard Irving
9 York Place
Leeds
LS1 2DS
UK

Our ref: 22/02233/OUTMAJ
Your ref: PP-11297906
Date: 18 November 2022

NOTICE OF DECISION ON PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: yes Outline planning application, with access considered, for the development of 35 residential dwellings (14 affordable, 7 first homes and 14 self or custom build dwelling plots)
LOCATION: Almsford Bank Stables Leeds Road Harrogate North Yorkshire HG2 8AA
APPLICANT: Square Feet Ltd And Antela Developments Ltd

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 6 June 2022 for Outline Planning Permission, as described above, have resolved to

REFUSE PLANNING PERMISSION.

The reasons for the decision are as follows:

- 1 The application site is located outside the development limit for Harrogate and is not on land allocated for development in the Harrogate District Local Plan 2014-2035 (the Local Plan). Consequently, and as the Council is able to demonstrate a deliverable supply of housing land in excess of 5 years, the proposed development would undermine the Council's growth strategy as set out in the Local Plan, and is considered inappropriate in this location and contrary to Policies GS1, GS2 and GS3 of the Local Plan.
- 2 The proposed development would result in harm to the character and appearance of its surroundings, including the Crimple Valley Special Landscape Area, through the loss of open fields and woodland and the introduction of unacceptable and incongruous (sub)urban development into an area of high landscape value, important to the setting of Harrogate and the grade II* listed Crimple Valley Viaduct. The proposal would therefore fail to protect local distinctiveness or landscape character, and would be contrary to

Policies HP3, NE4 and NE5 of the Local Plan, to the guidance in the Harrogate District Landscape Character Assessment, and to the NPPF.

- 3 The proposed development would urbanise and erode the distinctive rural character of the Crimple Valley landscape, and would thus cause harm to the setting of the grade II* listed building, Crimple Valley Viaduct, and to the wider historic environment. The public benefits of the proposed development are not considered to outweigh the harm arising to the setting of the designated heritage asset, which would be less than substantial. The proposed development would therefore be contrary to Policies HP2 and NE4 of the Local Plan, to the guidance within the Harrogate District Landscape Character Assessment, and to the NPPF.
- 4 The removal of a relatively large number of mature trees, including trees protected by a tree preservation order, would result in the fragmentation of mature woodland and the loss of mature planting, to the significant detriment of the character and appearance of the site and the wider landscape. The proposals would also be likely to cause further tree loss, through potential disruptions to hydrology and/or nutrient pathways, and construction works unacceptably close to mature trees including ancient and/or veteran trees. Such losses would further harm landscape character. The submitted re-planting scheme underestimates likely tree loss as it does not take into account those likely indirect effects and it relies on works to transplant existing trees which are not considered practical or feasible. It would thus fail to compensate for the losses and harm arising from the proposed development. The benefits of the scheme do not outweigh the harm arising, nor do they represent wholly exceptional reasons for the likely deterioration of irreplaceable habitat including ancient and/or veteran trees. The development would therefore be contrary to Policies HP3, NE4 and NE7 of the Local Plan, to the guidance in the Harrogate District Landscape Character Assessment, and to the NPPF.
- 5 The introduction of residential development onto the site and the re-routing of the public right of way (a public bridleway) within the site, as indicated, would significantly change and erode the distinctive rural character of the existing public right of way. The proposed development would therefore fail to protect the recreational and amenity value of the public right of way. It would therefore be contrary to Policy HP5 of the Local Plan and to the NPPF.
- 6 On the basis of the information submitted, it has not been demonstrated that the proposed reduction in speed limit could be achieved in practice, or that the proposals would make safe and satisfactory provision for cycle infrastructure, with reference to relevant guidance. It has therefore not been demonstrated that the proposed development would provide a safe and suitable access to the site for all users, or that it would not have an unacceptable impact on highway safety. The proposed development would therefore be contrary to the NPPF.
- 7 The proposed development would result in the removal of mature trees and would also involve development unacceptably close to trees considered to be ancient and/or veteran trees. As a result, the proposed development would have an unacceptable adverse effect on biodiversity and would result in the loss or deterioration of irreplaceable habitats including ancient and veteran trees. No wholly exceptional reasons exist with regard to any public benefit that would clearly outweigh the loss or deterioration of those irreplaceable

habitats. Therefore the proposed development is contrary to Policy NE3 of the Local Plan, to the guidance in the Providing Net Gain for Biodiversity SPD and to the NPPF.

- 8 On the basis of the submitted information, it has not been demonstrated that the proposed development would be satisfactorily drained, or that it would not result in flood risk elsewhere as a result of additional surface water runoff. The proposals would therefore conflict with Policy CC1 of the Local Plan and with the NPPF.
- 9 The application does not include an Energy Statement to demonstrate how the energy hierarchy set out in Local Plan Policy CC4 has been applied to make the fullest contribution to reducing greenhouse gas emissions. Consequently, it has not been demonstrated that the proposed development would be designed to reduce the extent and impacts of climate change or reduce carbon dioxide emissions as set out in the energy hierarchy, and the scheme therefore does not comply with Policy CC4 of the Local Plan.
- 10 No mechanism has been provided by which to secure necessary planning obligations via S106 legal agreement. Therefore the proposals would fail to mitigate the impacts of the development in terms of education and off-site public open space provision as well as secure on-site affordable housing, open space and biodiversity enhancements and their long-term management. Consequently, the proposal is contrary to the requirements of Policies TI4, HS2 and HP7 of the Local Plan and to the guidance in the Affordable Housing SPD and Provision of Open Space and Village Halls SPD.

You can see the officer's report on the application at www.harrogate.gov.uk/publicaccess. Alternatively, you can contact Customer Services Tel No: 01423 500600 or e-mail customerservices@harrogate.gov.uk.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In dealing with this planning application Harrogate Borough Council as the Local Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application service for planning proposals and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, the documents that form the Development Plan, and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption, and are referred to in this notice of decision. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed through seeking solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

Signed:



John Worthington
Chief Planner

Date of Decision: 18 November 2022

Date of Issue: 18 November 2022

NOTE TO APPLICANT/AGENT: The Borough Council posted a site notice publicising this application. If it is still on display, please remove it.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES SET OUT OVERLEAF.

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Otherwise, if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).