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## Appeal Decision

Site visit made on 31 October 2016

**by Helen Cassini BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 November 2016**

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**Appeal Ref: APP/Y2736/W/16/3154175**

**Land to the rear of The Croft, Nawton Road, Wombledon, North Yorkshire YO62 7RJ**

- 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 Mr Timothy Steele against the decision of Ryedale District Council.
  - The application Ref 15/01415/FUL, dated 27 November 2015, was refused by notice dated 18 January 2016.
  - The development proposed is the erection of small stable complex to create service yard area with existing outbuilding. Conversion of existing equestrian access to mixed equestrian/agricultural use and improved designation between domestic and equestrian/agricultural areas.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of small stable complex to create service yard area with existing outbuilding. Conversion of existing equestrian access to mixed equestrian/agricultural use and improved designation between domestic and equestrian/agricultural areas at Land to the rear of The Croft, Nawton Road, Wombledon, North Yorkshire YO62 7RJ in accordance with the terms of the application, Ref 15/01415/FUL, dated 27 November 2015.

### Procedural Matters

2. Subject to conditions, the partial approval for the change of use of land to mixed use of agricultural/equestrian together with erection of stable block comprising of 4no. loose boxes for private domestic use to include temporary use as a lambing shed with formation of associated area of hard standing and the siting of children's play equipment within domestic curtilage was granted by the Council on 18 January 2016. However, the same decision also included a partial refusal relating to the retrospective erection of a shed for storage purposes.
3. Both parties are clear that the only matter in dispute is the retrospective erection of the shed for storage purposes. As such, the appeal only relates to this aspect and I shall therefore consider the appeal accordingly.

### Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of Marp House, with particular regard as to whether or not the shed represents an overbearing feature.
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## Reasons

5. The appeal site is located within the village of Wombleton and is sited with an Area of High Landscape Value (AHLV) and is also adjacent to the Wombleton Conservation Area (the CA). The appeal site forms part of a linear development of dwellings which front Nawton Road. A variety of architectural styles was apparent and I noted that the plot sizes of the dwellings varied considerably.
6. The appeal site has been the subject of a number of planning applications, with the most recent being made in 2015<sup>1</sup> for the erection of a stable block, although this was subsequently withdrawn.
7. The shed is located within the substantial rear garden of the appeal site which includes a mix of uses. At the time of my site visit, part of the site was being used as an informal garden associated with the main dwelling, part contained children's outdoor play equipment and the area to the north consisted of a stable block, paddock and an outbuilding. The shed is located adjacent to the low wooden fence which forms the boundary with both Marp House and Hillcrest. From the evidence submitted by the appellant, and also from my observations on site, I understand that the shed is used for the storage of hay, which is required to feed livestock during the winter months.
8. The Council states that, due to the scale and massing, the shed has an overbearing effect on the limited rear garden of Marp House. It considers that the proposal is therefore in conflict with Policy SP20 of the Ryedale District Council, Ryedale Plan – Local Plan Strategy 2013 (the LP) and also the National Planning Policy Framework (the Framework). Policy SP20 of the LP seeks to ensure that, amongst other things, development does not have a material adverse impact on the amenity of the occupants of neighbouring land or buildings. This policy accords with one of the core planning principles of the Framework as detailed in paragraph 17, which is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. The location of the shed is sited behind the existing shed located in the rear garden of Marp House. Due to the scale of the Marp House shed, approximately only 1.75 metres of the rear elevation of the shed is visible from either the rear windows or garden area of Marp House. I accept that the appellant did not submit details in their application confirming that a shed had previously been sited in the same location. However this information was subsequently provided within the appeal documentation. There is no evidence before me which leads me to doubt that the information supplied by Holden Survey Ltd on behalf of the appellant is not accurate. As such, whilst the shed which is the subject of this appeal appears to be larger than the previous shed, it occupies the same location as a previous structure.
10. I accept that the rear garden of Marp House is modest. However due to the orientation of the fenestration and the lack of substantial and solid boundary treatments, the occupants of Marp House are afforded extensive views over both the rear garden of the appeal site and also of the open fields beyond.
11. I acknowledge that an element of the shed would be visible as it has a greater width than the Marp House shed. However, the shed is located approximately

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<sup>1</sup> Council reference 15/00378/FUL

- 11 metres from Marp House and is also seen in context with the existing shed. Furthermore, the location windows of the main habitable rooms at the rear of Marp House do not look directly onto either of the sheds, with the closest windows being those of the garage.
12. The appellant has drawn my attention to the fact that Marp House is currently vacant. They further state that the dwelling has been unoccupied for at least 3 years and question the validity of the objection received. Whilst this may be the case, consideration must be given to both current and any future occupants.
13. Nevertheless, I consider that the shed appears subordinate to the main dwelling and sits well in its location adjacent to the Marp House shed. As such, the shed does not appear overly conspicuous or incongruous and fits well into the domestic residential setting. Marp House does have a considerably smaller rear garden than that of the appeal dwelling. However, I do not find that the shed represents an overly-dominant and visually imposing feature due to its relatively modest scale, massing and location in close proximity to the Marp House shed and shared garden boundary. Furthermore, the shed does not intrude into otherwise open views or appear intrusive or over-dominant.
14. In their submitted evidence the Council suggests that more suitable locations for the shed exist within the appeal site and in particular, that the shed could have been located closer to the stable block to minimise impact on neighbouring occupants. However from the appellant's submitted evidence, I note that the application which was made in 2015, and subsequently withdrawn, consisted of a larger stable block which also included storage for animal feed. Following discussions with the Council the appellant contends that they were advised to reduce the scale of the stable block to lessen the impact on neighbouring occupants and relocate the proposal away from the Hillcrest dwelling. The reduction in scale of the stable block resulted in need for additional storage for the animal feed. I also acknowledge that a constraint in respect of ensuring vehicle and footpath access also exists on the site.
15. Given the available space, I acknowledge that there may be the potential for the appellant to find an alternative location on the appeal site for the shed. However in the absence of a defined alternative location, a comparison is of limited relevance in this instance. Accordingly, I have considered the appeal before me on its individual planning merits.
16. For the reasons given, I consider that the shed does not represent an overbearing presence in the rear garden of Marp House and would not therefore adversely affect the level of amenity enjoyed by any current or future occupants. It therefore does not compromise the protection of amenity objectives of Policy SP20 of the LP or paragraph 17 of the Framework.
17. I have noted the suggested condition provided by the Council in light of guidance within the Framework and Planning Policy Guidance. However, as I have found that the shed complies with the development plan, and as it is already in place, I do not consider that conditions are required in this instance.

### **Other Matters**

18. The appeal site is immediately adjacent to, but not within, the CA and also within an AHLV. The proposed development would be largely concealed from

view from public areas and is modest in scale compared to the overall size of the CA and the AHLV. Therefore, I am of the opinion that the development would not cause harm to the character and appearance of either the CA or the AHLV. I further note that the Council has not raised any objections to the proposal in respect of the CA or the AHLV.

**Conclusion**

19. I therefore conclude that, having had regard to all other matters raised, the appeal should be allowed.

*Helen Cassini*

INSPECTOR