
Appeal Decision

Site visit made on 20 June 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/N2739/W/17/3171406

Turnhead Gate Cottage, York Road, Barlby, YO8 5JZ

- 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 P Fox against the decision of Selby District Council.
 - The application Ref 2016/1333/FUL, dated 7 November 2016, was refused by notice dated 4 January 2017.
 - The development proposed is alterations to the existing dwelling, change of use of land to HGV yard, erection of an outbuilding and the erection of a security fence with landscaping at Turnhead Gate Cottage, Barlby, YO8 5JZ.
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Decision

1. The appeal is dismissed.

Background

2. The proposal is a re-submission of a previous planning application¹ which was refused by the Council. The Council confirms that the appeal scheme addresses the previously imposed reasons for refusal relating to noise and disturbance and flood risk/drainage. I have seen no evidence to dispute these findings and accordingly, this background has led to my identification of the main issue below.

Main Issue

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

Reasons

4. The appeal site comprises a dwelling (Turnhead Gate Cottage) and its triangular shaped residential curtilage where there is a detached garage and other outbuildings. It is bounded by the A19 to the east and York Road to the west. On the other side of York Road opposite the site are Newgrove Farm and Mount Pleasant Farm. There are open fields surrounding the appeal site and the two farms on all sides. The appeal site is outside the development limits for Barlby and within the open countryside in planning policy terms. The character of the immediately surrounding area is overwhelmingly rural.
5. The appellant operates a haulage business. He would live in the dwelling and seeks the change of use of the former domestic garden land to an HGV yard.

¹ 2016/0283/FUL

6. Paragraph 28 of the National Planning Policy Framework (the Framework) advises that in order to promote a strong rural economy support should be given to the expansion of all types of businesses and enterprises in rural areas through the conversion of existing buildings and well-designed new buildings.
7. Policy SP2 (A)(c) of the Selby Core Strategy (Core Strategy) indicates that development in the countryside (outside development limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13.
8. Core Strategy Policy SP13 (C) advises that in rural areas sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported. In all cases development should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity (D).
9. The proposal includes the demolition of the existing dilapidated outbuildings and garage along with the demolition of the existing porch and conservatory and the erection of two new porches as well as external alterations to the dwelling. The Council raises no objections to these elements of the scheme and I also consider them to be acceptable. However, a detached building which is described on the plans as a shed for the dwelling is also proposed.
10. This would measure around 14.5 metres by 9 metres, with a height of 7.2 metres to the ridge of the roof as estimated by the Council. It would be constructed in metal cladding with 5 metre high vehicle doors on the east elevation and a pedestrian door on the north elevation. The appellant advises that it is intended for the storage of cars associated with the host dwelling and would be ancillary to it. Even so, it would be of a considerable size and height and, despite being painted dark green, would have a functional and industrial appearance rather than a domestic one. The proposed building would be sited close to the position of the existing garage building by the site entrance and adjacent to York Road.
11. Additionally the open area towards the southern end of the site would be used for the parking of HGVs. The appellant indicates that the proposal would allow 4 HGVs to operate from the site, although he also advises that he has a Vehicle Operations License for up to 6 HGVs (which are shown on the submitted swept path analysis drawings). The appellant's expectation is that the vehicles would be off-site more than on-site, since when they are being stored on-site they are they are not providing an income. Nevertheless, the parking of HGVs on the site forms part of the proposal and in my view could not be reasonably controlled in terms of its frequency.
12. There are existing hedgerows and trees surrounding the site. A 2.5 metre high acoustic fence is proposed to part of its eastern boundary adjacent to the dwelling where it abuts the A19, and to the south and west site boundaries. The rest of the site would be enclosed by security fencing. A landscaping scheme would be provided which shows the addition of native trees and hedgerows on the western boundary, southern boundary and part of the eastern boundary.

13. However, the proposed shed building would be open to view and visible on approach to the site when travelling southwards along the A19. The large agricultural barns at adjacent Newgrove Farm to the north west of the site are a strong feature close to the roadside. I accept that the proposed building would be seen in longer range views beyond the barns and in the context of those prominent structures. Even so, the existing barns are agricultural in appearance and typical of the rural area. In contrast, the proposed shed would be industrial in appearance. It would be evident just behind and to the side of Turnhead Gate Cottage and would be almost as tall as the two storey dwelling. It would also be visible from York Road including in views through the site entrance.
14. In terms of the HGVs themselves, I appreciate that these are not permanent structures and would not always be on the site. I also acknowledge that views of the HGVs would be largely obscured by the dwelling and proposed shed when approaching the site from the north. However, some views of the HGVs within the site would be possible through the site entrance on York Road.
15. Moreover, given the size of the proposed shed and the number of large commercial HGVs concerned, I am not persuaded that it would be possible for the existing and proposed boundary treatments and landscaping to comprehensively screen the site. This would be so particularly during the winter months when the native trees and hedgerows would not be in leaf. It seems to me that some partial and glimpsed views of the HGVs and the shed building would be possible through the planting from both the A19 and York Road on approach from the south, and from the surrounding countryside.
16. Taking into account all these factors, due to the considerable size and industrial appearance of the shed, alongside the use of the site by large HGVs, I consider that the commercial use of the site would be evident. It would appear at odds with the rural character of the area and detract unduly from the appearance of the surrounding countryside. As a consequence, I do not regard the proposal to be appropriate in scale and type to its location.
17. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the surrounding area. That the Council has approved the use of the site for an HGV Operator's Licence with no objections from the planning department does not alter my view.
18. This would be contrary to Core Strategy Policy SP1 which sets out the Council's approach to the presumption in favour of sustainable development. It would conflict with Core Strategy Policy SP2 (A)(c) and Core Strategy Policy SP13 as set out above. It would be at odds with Core Strategy Policy SP18 which concerns protecting and enhancing the environment and seeks to safeguard and where possible enhance the natural environment. It would also fail to support Core Strategy Policy SP19 which is not referred to on the Council's decision notice, but expects high quality design that has regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.

19. Although Core Strategy Policy SP15 concerning sustainable development and climate change is included in the reason for refusal, the officer's report confirms that the proposal would raise no adverse issues with regard to this policy. Nor have I seen anything to suggest that the proposal would fail to align with Core Strategy Policy SP16 which regards improving resource efficiency and is also cited in the reason for refusal.
20. The proposal would also be contrary Policy ENV1 (4) of the Selby District Local Plan (Local Plan) which expects proposals to take account of the standard of layout, design, and materials in relation to the site and its surroundings and associated landscaping. However, I see no conflict with Local Plan Policy ENV2 which is also included in the reason for refusal but relates to noise, nuisance and contamination or other environmental pollution. Nor do I see any particular conflict with Local Plan Policy EMP2 which identifies the broad distribution of employment land allocations.

Other matters

21. The Framework seeks to promote a strong rural economy and supports the expansion of all types of businesses and enterprises in rural areas. Core Strategy Policies SP2 and SP13 also aim to improve the local economy, enhance the vitality of rural communities and support sustainable economic growth. Local Plan Policy EMP2 sets out the provision for the location of future economic development and states that encouragement will be given to proposals for small scale development in villages and rural areas in support of the rural economy. The appellant intends to re-locate his haulage business, which employs three full time and one part time staff members, from two existing locations. These are described as being at Gowdall and Hensall, but reference is also made to two locations at Fields Lane in Gowdall and Weeland Road in Eggborough (which are indicated to be in the open countryside). I understand that the appeal proposal would provide a central base from which the business would operate more effectively and benefit from 24 hour on-site security. These are benefits of the scheme which count in its favour.
22. However, the proposal concerns the re-location and consolidation of an existing business. It is not argued that it would allow the business to grow or expand. Nor does it involve the conversion of an existing building and I have found that the proposed new shed would cause harm to the character and appearance of the area and so cannot be considered to be well-designed. This being so, notwithstanding the support for the rural economy afforded by national and local planning policy, the weight I attribute to these benefits is limited and insufficient to outweigh the harm I have identified in relation to the main issue.
23. The appellant considers that the proposed acoustic fence would also defend neighbouring dwellings from noise. No further details are given with regard to this argument, but it seems to me that the two adjacent farm houses are set well back from the A19 on the other side of York Road and are separated from it by the appeal site. This being so, I have seen nothing to demonstrate that there would be any material public benefit arising from the proposed fence in this regard. I am also conscious that any reduction in noise from the A19 arising from the proposed fence, would in any case be offset to some extent by the noise that would be generated by the comings and goings of the HGVs to the appeal site associated with the appeal proposal. Consequently, this matter adds no weight in favour of the appeal scheme.

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR