



Appeal Decision

Site visit made on 5 August 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/W9500/W/19/3228181

Agricultural field off Carr Lane, Kilburn, North Yorkshire (X451186, Y480054)

- 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 Susan Jane Soley against the decision of North York Moors National Park.
 - The application Ref NYM/2019/0083/FL, dated 8 February 2019, was refused by notice dated 5 April 2019.
 - The development is the erection of an agricultural storage building (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of the development set out above, which is taken from the application form, the appellant's appeal statement confirms that the main use of the building is as a stable for the appellant's horses. All parties have had the opportunity to comment and as such are not prejudiced by my dealing with the appeal on this basis.
3. The main parties have confirmed that measurements on the Existing Site Layout Plan were inaccurate but have agreed the correct measurements. In any event the building has been erected and therefore I am considering this appeal retrospectively.
4. The site is in a National Park, and an EIA Screening Opinion has been issued by the Authority, concluding that an Environmental Statement is not necessary in this instance. Based on the details before me, I have no reason to disagree with that conclusion.

Main Issue

5. The main issue is the effect of the building on the character and appearance of the North York Moors National Park.

Reasons

6. The appeal site lies in an open field adjacent to a lane leaving Kilburn toward the white horse figure, which is cut into the hillside, and dominates the landscape in this part of the National Park (NP). The appeal site is separated from the nearest property by a field and is enclosed by hedges and isolated

- trees. The built development in Kilburn dissipates gradually from the central core along Carr Lane to the north, opening up to the undeveloped countryside and views of the largely wooded hillside containing the white horse figure.
7. Development Policy 12 of the North York Moors National Park Authority Local Development Framework Core Strategy and Development Plan Document (adopted in 2008) (CS) referred to in the reason for refusal relates to agricultural buildings. However, as the primary use of the building has been confirmed as a stable for the appellant's horses for recreational purposes, this policy is not therefore relevant to the appeal proposal.
 8. Development Policy 19 of the CS is now referred to by the main parties which relates to householder development. The policy supporting text advises that in order to avoid stable buildings and associated fences and jumps in isolated rural locations, permission for new buildings associated with the keeping of horses for recreational purposes will only be supported where they are closely associated with the domestic curtilage.
 9. The stable building is positioned in a dip in the undulating landform. Kilburn village, where the appellant's property is located, is relatively close to the appeal site. However, in my view, the building does not visually relate to the village due to the field in between and curvature of the road. Instead it appears as an isolated structure, unrelated to any other building group.
 10. The building is visible from the adjacent lane in gaps in and views over the hedgerow. I also observed that the building can also be seen to varying degrees from the public footpath to the west of Carr Lane and in more distant views to and from the white horse figure.
 11. The isolated location is contrary to the aims of Development Policy 19 and the presence of the building adds visual clutter to the rural landscape by introducing built form into a location that was previously free from development and visually unrelated to any other buildings or settlement. Even though it is small in scale and does not add greatly to new development in the NP, in my view the building undermines the landscape character and erodes the natural scenic beauty of this part of the NP.
 12. I accept that the colour treatment of the building and existing hedgerow along the boundary help to reduce the building's prominence. I am also mindful that the Parish Council did not object but suggested planting which the appellant agrees to. Additional planting would provide further screening, although this would take time to establish. Furthermore, during the winter months, the effectiveness of the existing hedgerow and additional planting as screening would be reduced. Overall, I do not consider that this would be sufficient to overcome the harmful effects of the building and the erosion of the open countryside.
 13. I understand that the appellant's property does not have space to accommodate a stable building. I am also mindful that the appellant owns this field and no other in the area and the appellant's horses graze the field. Whilst I note those circumstances, I do not consider that they justify the addition of a new building and the associated harm identified.
 14. In support of the appeal, my attention has been drawn to other stable buildings in the area and others in the wider NP that have been granted by the Authority

or at appeal. The Authority has advised that some of the buildings around Kilburn do not have consent. Although I note that there are other divorced stable buildings that have been granted or allowed at appeal under the same policy framework. However, my concerns relate not to the principle of a stable building, but to the specific location of this building and the associated harm to the character and appearance of the landscape.

15. For the reasons given above, I conclude that the stable building has a harmful effect on the character and appearance of this part of the NP. The building therefore conflicts with Core Policy A and Development Policy 19 of the CS. Amongst other things, these require that development, respects and conserves the landscape and other valued characteristics of the area. The building also conflicts with the National Planning Policy Framework, which requires the protection of valued landscapes, and states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
16. In arriving at these conclusions, I have had regard to the conservation of cultural heritage of the North York Moors National Park alongside the other purposes for which the National Park is designated, in accordance with s.11 of the National Parks and Access to the Countryside Act 1949 (as amended).
17. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR