
Appeal Decision

Site visit made on 10 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Appeal Ref: APP/W9500/W/19/3238113

Whorlton House Farm, Whorlton Lane, Whorlton, North Yorkshire DL6 3HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr J Martin against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2019/0062/AGRP, dated 15 November 2018, was refused by notice dated 27 March 2019.
 - The development proposed is a livestock building and handling area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal relates to works for the erection of a building within an agricultural unit in excess of 5 hectares. Sub-paragraph 2 of paragraph A.2-Conditions, requires amongst other things, the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. In this case the evidence does not indicate that there is disagreement in relation to design or external appearance.

Main Issue

3. The main issue therefore is the visual impact of the proposed development on the surrounding area having regard to its siting.

Reasons

4. The site sits within the North York Moors National Park. The building would be relatively large in size measuring approximately 30m in length, 12m in breadth and 3.65m in height, constructed from concrete panels with Yorkshire boarding with a corrugated fibre cement sheet roof. It would be set a significant distance to the north east of and isolated from the existing farm steading, within an open countryside setting.
5. The site is on elevated ground and the building would be clearly visible from some points on the public right of way which runs to the south east of the proposed site. The landscape is largely devoid of any buildings, other than what appear to be very occasional, relatively small and inobtrusive agricultural structures. The proposal would therefore, because of its siting, be intrusive and

- dominant when taking into account the prevailing characteristics of the local landscape. For this reason, prior approval should not be granted.
6. Development plan policies may be relevant in prior approval cases but only insofar as they relate to the matters under consideration. In relation to this case, the development plan contains material that is relevant to the planning judgement to be made, and consequently I have taken it into account as a form of evidence in relation to the prior approval matters.
 7. The development plan comprises the North York Moors National Park Authority Local Development Framework Core Strategy and Development Policies (2008) (LDFCSDP). Policy 12 relates to proposals for new agricultural buildings. Amongst other requirements it details that their siting shall be physically related to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location. Amongst other aims, Core Policy A of the LDFCSDP states that priority will be given to conserving and enhancing the landscape of the National Park. Such objectives align with the requirement of the National Planning Policy Framework to afford great weight to conserving and enhancing landscape and scenic beauty in National Parks. The policy background is not therefore supportive of the proposal.
 8. Various concerns have been raised by the appellant in relation to the keeping of livestock at the existing building on the steading, including issues relating to surface water flooding and the proximity of residential accommodation not associated with the steading. I do not doubt that these problems exist, however the evidence presented is relatively limited. On the basis of that before me I am not persuaded that there are no means by which any current issues on the steading could not be addressed or that the issues identified would represent circumstances which would justify the proposal in such a remote location in light of the harm that I have identified arising from the siting of the building.

Other Matters

9. Concern has been raised as to the handling of the matter by the Council although the evidence supplied is limited and the process appears to have been handled within the required timescales. The Council has confirmed that concern relating to disturbance to bat foraging habitat if the building was lit at night did not form part of the reason for refusal. Given that the appeal is dismissed there is no reason to consider matters relating to biodiversity further within this decision.

Conclusion

10. For the reasons above, prior approval should not be granted.

T J Burnham

INSPECTOR