
Appeal Decision

Hearing Held on 5 November 2020

Site visit made on 6 November 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/C2708/W/19/3243137

**New Laithe Barn, Newton Grange Farm, Newton Hall to Tempest Farm,
East Marton, Skipton BD23 3NT**

- 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 John Howard against the decision of Craven District Council.
 - The application Ref 2018/19919/FUL, dated 13 November 2018, was refused by notice dated 14 June 2019.
 - The development proposed is a 'building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool).'
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Decision

1. The appeal is allowed and planning permission is granted for a building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool), at New Laithe Barn, Newton Grange Farm, Newton Hall to Tempest Farm, East Marton, Skipton BD23 3NT, in accordance with the terms of the application Ref 2018/19919/FUL, dated 13 November 2018, and the plans numbered P1572/003; SAA.2995.01.RevA and SAA.2995.02.RevA, subject to the conditions set out in the attached Schedule.

Application for Costs

2. At the Hearing an application for a full award of costs was made by Mr John Howard against Craven District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the Council's determination of the application, it has adopted the Craven Local Plan (CLP) in November 2019, replacing the Craven District (Outside the Yorkshire Dales National Park) Local Plan (July 1999). Accordingly, I have not had regard to the policies of the 1999 plan referred to in the Council's decision notice, but have based my decision on the policies of the CLP identified as relevant in the agreed Statement of Common Ground.

Background and Main Issue

4. The appeal is made on a retrospective basis to retain a stone built agricultural building within open countryside. The appeal site has a considerable history of applications in recent years, two of which proceeded to appeal. The first, an

enforcement appeal dismissed in 2016¹, established that a new structure had been built on the site which was not designed for agricultural purposes and should be demolished.

5. The second decision in October 2017² allowed an agricultural building subject to a condition that two lean-to projections were removed within six months of the decision. The evidence indicates that works were not undertaken within this timescale and the permission fell away. A further application to effectively reinstate this permission was supported by the Council's planning committee in December 2019, subject to a Section 106 agreement which has not yet been completed.
6. It is common ground that demolition of the lean-to elements took place between November 2018 and January 2019, but that this work did not remove the walls completely. The appellant argues that this was to ensure structural stability and to minimise the extent of overall demolition and rebuilding required, as the walls were stitched into the overall structure. At a later date, the remaining pieces of the walls have been partially rebuilt and capped to form buttresses on either side of the structure. It is solely these buttresses that distinguish the proposal before me from the scheme allowed at appeal in 2017.
7. The application was submitted initially with plans showing a rectangular building without buttresses, but was subsequently amended to show the buttresses being retained. It is this proposal which was ultimately determined by the Council and is the basis on which I consider the appeal.
8. With this background in mind, the **main issue** is the effect of the proposal on the landscape character and appearance of the area.

Reasons

9. The appeal relates to a tall, stone barn built in a vernacular style and it was clear to me upon seeing the building that it has been constructed with a high standard of workmanship and materials. The Council describes the buttresses as 'substantial' and states that their inclusion results in the building losing the 'simplicity' of the rectangular barn approved on appeal in 2017. As a result, the Council argues that the building lacks the 'authenticity' of a genuine barn.
10. The barn stands within a rolling 'drumlin' landscape of irregularly shaped pastoral fields and small woodlands. Agricultural buildings and a few dwellings are dotted across the landscape, many freestanding in otherwise expansive surroundings and visible from the appeal building.
11. The evidence before me indicates that the barn is larger and bulkier than the structure which previously stood on the site, and is described as having a more domestic appearance given the number of window and door openings. However, on site, I saw the window openings to be modest in size, and set in an irregular pattern not inconsistent with historic stone barns. With the stone walls, pitched roof and large barn door, I find that the barn exhibits a rural and agricultural appearance.
12. The buttresses are the only point of contention between the main parties. They are a somewhat atypical feature, but they are shallow in depth and seen

¹ Appeal Ref APP/C2708/W/15/3016579

² Appeal Ref APP/C2708/W/17/3168417

- against the main building they have limited massing and prominence, even when viewed at close range. There are also no close public vantage points where the barn would be viewed in side profile where the shape of the buttresses could most easily be discerned. On viewing the building from all sides, it was clear to me that the buttresses are not 'substantial structures' as argued by the Council, but ancillary features which do not demonstrably enlarge the building or alter its predominantly rectangular form.
13. Views of the barn would be most commonly had from the route of the Pennine Way public footpath which passes some 200 metres to the west of the site. From here, the intervening distance diminishes the perception of detail on the building, and its orientation is such that the buttresses fade into the massing of the building almost imperceptibly and have little to no effect on the overall shape of what appears a a traditionally designed, rectangular barn characteristic of the surrounding agricultural landscape. Consequently, the buttresses do not result in a demonstrably 'bulkier' building as argued by the Council, nor is there any noticeable loss of openness to the expansive surrounding landscape, as the barn sits in a relatively low-lying area where it does not pierce the skyline and is not prominent in longer distance views.
 14. In contrast, the substantial, modern agricultural buildings of Souber Dairy are clustered in a highly visible group which stands conspicuously on higher ground. I also observed Souber Laithe, another stone barn a short distance to the other side of the Pennine Way, which has a prominent, tall porch extrusion around the main barn door, which was clearly discernible from the Pennine Way and departs from the simple, rectangular form sought by the Council for the appeal building.
 15. My attention was also drawn by the appellant to the Council's 2009 Supplementary Planning Guidance on The Conversion of Rural Buildings to Live/Work Units. The Council indicates this document has been withdrawn, but the pertinent point is that several of the example photographs and plans of traditional barns show non-rectangular structures of various shapes and sizes. The Council conceded at the Hearing that there is no policy prescription for the design of barns being rectangular. Together, these factors significantly undermine the Council's position that it is the perceived loss of the rectangular shape, and thus 'authenticity', that is harmful to landscape character.
 16. The Council's reasoning in its statement of case and at the Hearing focused heavily on the planning history and the acceptability of the rectangular form allowed at appeal in 2017. I acknowledge that the Inspector required the removal of the lean-to elements in their entirety. However, that was the proposal put to the Inspector and the condition was required to ensure the development on site accorded with the permission. On my reading of the decision, the Inspector did not establish a rectangular footprint as the only acceptable option for a building on the site. The scheme before me differs from that in 2017 and whilst I have had regard to the Inspector's findings, I am not bound by them and the physical differences in the two schemes means I have reached my own view on the proposal.
 17. Aside from the focus on the planning history, the Council's reasoning fails to articulate what way the proposal would harm the surrounding landscape, which is described in the CLP as influenced and defined by natural and human activity, including a long tradition of farming and small scale urban

development. Instead, for the reasons set out, I have found no justification for the Council's insistence on a rectangular building or its stance that the buttresses are of such a scale and form as to be significantly harmful to the surrounding landscape character.

18. For these reasons, I find that the building does not harm the character and appearance of the surrounding landscape, and so accords with Policies ENV1 and ENV3 of the CLP, which expect development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area; to use high quality materials and to enhance local distinctiveness through maintaining good aspects of the local environment. The proposal also accords with the National Planning Policy Framework's recognition of the intrinsic character and beauty of the countryside.

Other Matters

19. It is common ground that the appellant has demonstrated a functional need for an agricultural building at the appeal site, and I saw it was being so used at my visit for storage of hay. The proposal therefore accords with the requirements of Policy EC3 of the CLP which supports the sustainable growth of Craven's rural economy.
20. Evidence has been put to me in respect of role of the buttresses in the structural integrity of the building. However, in light of my findings on the main issue, this is not a determinative matter.
21. No other concerns were raised by the Council and nothing else put to me in evidence leads me to conclude there would be other harms arising from the development.

Conditions

22. The Council recommended two conditions, seeking the removal of permitted development (PD) rights relating to the use of the building and potential extension and alterations to the building. The Planning Practice Guidance (PPG) advises that conditions restricting the future use of PD rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), so that it is clear exactly which rights have been limited or withdrawn.
23. At the Hearing, it was confirmed that the PD rights of concern to the Council were those set out under Classes Q, R and S of Schedule 2, Part 3 of the GPDO, which respectively relate to the changes of use of an agricultural building to a dwellinghouse, flexible commercial use and state funded school or nursery, and Schedule 2, Part 6 relating to extensions to agricultural buildings.
24. The appellant argues that these PD rights represent a more flexible approach by the government to development in the countryside, and the majority of existing agricultural buildings across Craven enjoy these rights, including the nearby Souber Dairy development. The Council states that the isolated location of the appeal site means uses other than agricultural would not be supported under the development plan, and control is therefore needed to assess any future change of use. I am also mindful that the recent planning history of the site included a proposal for a leisure use, and that in 2017 the Inspector

imposed a condition to restrict changes of use to Classes C and D of the Town and Country Planning (Use Classes Order) 1987.

25. The Framework makes it clear that isolated homes in the countryside should be avoided unless exceptional circumstances apply, and Policy SD2 of the CLP proposes new development in locations which reduce greenhouse gas emissions. In addition, the use of the building for commercial uses, or as a school, would potentially generate greater levels of activity, traffic and noise which may have an effect on the tranquil rural character of the area, and whilst there is support for the rural economy under Policy EC3, this is subject to proposals according with all relevant local plan policies and helping to achieve sustainable development. Given this, I am satisfied that to accord with the provisions of the development plan, a condition is necessary to restrict changes of use under Classes Q, R and S being undertaken without planning permission.
26. In respect of PD rights to extend the building, I am mindful that the Inspector in 2017 did not impose a restrictive condition. However, the Inspector in 2015 found a larger structure to have a harmful visual impact. The PD right in question would allow for potentially significant extensions which could result in a building larger even than that found to be unacceptable in 2015. Therefore, I find the recommended condition is necessary in the interests of preserving landscape character.

Conclusion

27. For the reasons set out, I conclude that the proposal accords with the development plan taken as a whole, and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

K. Savage

INSPECTOR

Schedule – Conditions

- 1) Notwithstanding the provisions of Classes Q, R and S of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order, the building shall be used for agricultural purposes only and for no other purpose without planning permission first being obtained from the local planning authority.
- 2) Notwithstanding the provisions of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order, the agricultural building hereby permitted shall not be extended or altered without planning permission first being obtained from the local planning authority.

APPEARANCES

For the Appellant

Mr John Howard	Appellant
Mrs Racheal Berry	Daughter of the Appellant
Mr Alastair Skelton	Planning Agent, Steven Abbott Associates LLP

For the Local Planning Authority

Neville Watson	Planning Manager, Craven District Council
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Interested Parties

Councillor Richard Pringle	Local councillor
Councillor Linda Brockbank	Local councillor
Kathleen Garner	Local resident

Evidence submitted at the Hearing

- 1) Copy of appellant's application for an award of costs
- 2) Copy of appellant's Planning Statement (November 2018) plus Appendices 1, 2 and 3