



Appeal Decision

Site visit made on 16 December 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Appeal Ref: APP/C9499/W/20/3259152

Seat House Farm, Winterburn Lane, Eshton, Skipton BD23 3QL

- 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 James Wellock against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/27/18N, dated 18 May 2020, was refused by notice dated 6 August 2020.
 - The development proposed is described on the application form as 'Proposed Change of Use of Land from an Agricultural Field to Mixed Use of Agricultural and Dog Exercising Field at Seat House Farm, Eshton'. (sic)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Yorkshire Dales National Park (YDNP) and its landscape.

Reasons

3. The appeal site is a relatively flat and open agricultural field currently used for cattle grazing. It is located near an existing farm and caravan business within the YDNP. The fact that the appeal site is located within a National Park means that the landscape in this area is afforded the highest level of protection due to its nationally significant status and high vulnerability to change. Consequently, being mindful of paragraph 172 of the National Planning Policy Framework (the Framework) I have attached great weight to the conservation and enhancement of the National Park and its landscape.
4. Policy SP1 of the adopted YDNP Local Plan (YDLP) allows sustainable development within the national park provided that it conserves or enhances its landscape character, improves biodiversity and improves public access to, and enjoyment of the national park's special qualities, amongst other considerations. Policy SP2 of the YDLP, supports development that furthers the two statutory purposes of the national park: to conserve and enhance its natural beauty, wildlife and cultural heritage; and to promote opportunities for the understanding of its special qualities by the public.
5. Policy SP3 states that new development will be located within or adjacent to identified settlements unless there are justifiable reasons why another location would be more sustainable, including, amongst other criteria, where it would be necessary for a land-based function or ancillary to an existing use at the site.

6. Policy SP4 sets specific criteria that development proposals should conform to in relation to their quality including one stipulating that their design should be informed by, and respond positively to the site, its surrounding context and landscape setting.
7. Policy BE2 supports new rural land-based development provided that it is necessary to serve the needs of the enterprise in that location and if diversifying, that it assists the viability and supports the beneficial aspects of land management whilst meeting the criteria set out in Policy SP4. Consequently, the proposal would need to comply with the requirements of policies SP1, SP2, SP3, SP4 and BE2 for it to be acceptable in principle.
8. The appeal site is within the Upper Aire Valley which according to the Yorkshire Dales Landscape Character Appraisal 2020 (LCA) is characterised by '*gently undulating hills, many of which are glacial drumlins, areas of ancient woodland and winding water courses*'. The LCA also identifies the perceptual assessment of the area as '*a richly varied mosaic of pasture and arable fields, woodlands and hedgerows trees and together with occasional long views across the lowlands to the south*'. As a result, I consider the appeal site to have a pastoral landscape character.
9. The proposal would introduce a dog exercise use into an open agricultural field that is currently used for cattle grazing. It would not introduce any new buildings, structures or boundary treatments to the field. While I acknowledge that the proposal would not introduce any built development as such to the field, it would introduce an element of new human activity to the landscape where there presently is none. Accordingly, even though the proposed use would not be intensive, it would have an impact on the landscape in this regard, nonetheless. Furthermore, while this impact would not initially seem to be a visual one, the fact that dogs and their walkers would be traversing the field means that over time well-worn paths would likely emerge within it which could potentially have a cumulative future adverse effect that would harm its pastoral landscape character in this regard, even so.
10. Moreover, given the low height of the current stone boundary wall and wire fence at certain points, it would be difficult for a dog-owner to control or stop their pet from potentially jumping over these onto Winterburn Lane. This, in turn, would likely give rise to requests from customers for the business to erect higher fencing or make the wall higher to prevent this. Therefore, should the proposal be approved, it would likely make it more difficult for the local planning authority to refuse any potential future planning application for such higher boundary treatments. Additionally, it would also then be feasible for the business owners to erect other small pieces of development under permitted development rights, such as benches, that could, along with any new higher boundary treatments, also potentially add to the harmful cumulative visual impact on the landscape.
11. The proposal is also for a mixture of agricultural (cattle grazing) and dog-exercising use. However, these two uses would appear to be incompatible given that grazing cattle would likely be disturbed by dogs and their owners and vice versa. In addition, it would also not likely be desirable for a dog and their owner to walk in a field with cow dung strewn about it nor for cattle to graze within a field with some dog faeces potentially within it either. Consequently, I find that the proposal would potentially represent a challenging use of the appeal site in this regard. Indeed, in the appellant's statement one of the potential benefits of the proposal is highlighted as being the fact that dog walkers and their pets would be safer within the appeal site where they would not be near any herds of cows. However, I fail to see how this could be the case given the mix of uses proposed.

12. I acknowledge that the appellant has outlined a grassland management plan for the appeal site in their statement of case and that this could potentially remove the use of artificial fertilizer and chemical spraying from the site to allow the re-establishment of native plant species and emergence of a more traditional grassland. However, any potential benefit this may bring to the pastoral landscape character of the appeal site would be eroded by the potential visual harm I have already identified that the proposal would likely cause to which I must attach great weight.
13. In support of the appeal scheme the appellant has argued that the proposal would potentially help achieve the second statutory purpose of the YDNP to promote opportunities for the understanding of its special qualities by the public. However, for the reasons set out above the proposal would potentially have a harmful impact on those special qualities meaning that it would therefore not help to achieve this purpose. In any event, according to the Sandford principle, the first purpose of National Parks takes precedence over the second.
14. I therefore conclude that the proposed development would fail to conserve or enhance the landscape and scenic beauty of the YDNP thereby materially harming the character and appearance of the area. As such, it would fail to meet the requirements of policies SP1, SP2, SP3, SP4 and BE2 of the YDLP. It would also conflict with paragraph 172 of the Framework which aims to conserve and enhance landscape and scenic beauty within National Parks. The proposal would therefore also not accord with the first statutory purpose of National Parks to conserve and enhance their natural beauty, wildlife and cultural heritage.

Other Matters

15. I note the appellant's point that the proposal would potentially represent sustainable development as it would aid farm diversification and be ancillary to the existing business. However, given the isolated location of the appeal site it would be likely that customers would travel there by private car and from the evidence before me there are little or no public transport links nearby. In any case, given the harm I have identified above the proposal would not be classed as sustainable development by Policy SP1 in any event.
16. I also acknowledge that the proposal would potentially improve the biodiversity of the appeal site given the intention to plant a new hedgerow and new trees on the site. However, this is not of sufficient weight to outweigh the substantial harm to the landscape that I have identified.
17. In support of the proposal the appellant has also stated that it would provide employment for a family member and a new business within the YDNP in accordance with the statutory duty to foster the economic wellbeing of the local community. However, no substantive evidence has been provided by the appellant to demonstrate this. In any event, any economic benefit that the proposal may provide would not be of sufficient weight to outweigh the greatly weighted harm to the character and appearance of the National Park and its landscape that I have identified above.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR