
Appeal Decision

Site Visit made on 16 November 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/W9500/W/21/3278291

Land North of Brooklands Farm, Harward Dale, YO13 0DT

- 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 Simpson against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2021/0200/FL, dated 15 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is erection of general-purpose agricultural building and creation of a hardstanding and access track.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of general-purpose agricultural building and creation of a hardstanding and access track at Land North of Brooklands Farm, Harward Dale, YO13 0DT in accordance with the terms of the application, Ref NYM/2021/0200/FL, dated 15 March 2021, subject to the conditions in the Schedule attached to this Decision.

Main Issue

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

Reasons

3. Policy BL5 of the North York Moors National Park Authority Local Plan, July 2020 (the Local Plan), allows for agricultural buildings subject to a number of criteria. The fifth criteria requires that the building be related physically and functionally to existing buildings associated with the business unless there is an exceptional agricultural need for a more isolated location. The Authority's decision on the application relates largely to this, the siting of the barn, as well as the visual effects and appearance of the proposal.
4. The site for the proposed building is well screened from the road, with well-established trees and hedging close to the site, as well as other well-established screening closer to the road which would block views from the east, and substantially filter views when travelling along the road from the south. In addition, the relative ground level of the site compared to the road and the immediate surroundings would also limit views of the proposal from public viewpoints.
5. A public right of way lies to the north, linking to another to the north-west of the site. However, from the public right of way to the north, any views would

be limited by the well-established intervening screening. Such views would not have a materially different effect on the landscape or understanding of the landscape than the buildings associated with Brooklands Farm, or indeed, the stables to the east. The public right of way to the north-west lies within a fairly deep, steep-sided valley, and the appeal proposal is unlikely to be visible from it.

6. Whilst views of the proposal may be visible, given the character of the context of the setting, being farmhouses, farm buildings either in active or historic agricultural use, as well as other structures associated with and connected to the rural location of the site, I do not find that these fleeting views would be unacceptable.
7. For the same reasons, I do not consider that the site or the proposal would appear remote from any associated farmstead, appear sporadic or isolated. Despite my conclusions above concerning the visibility of the proposal and its effect on the landscape, neither do I consider that the building would appear isolated from the public highway; the link between the building and the highway, whilst not direct, is taken from a clearly well-used and established access and is an obvious connection between the site and the highway.
8. In any case, criteria 5 of Policy BL5 allows for agricultural buildings in a more isolated location where there is an exceptional agricultural need. Although I accept the proposal would not be within a typical farm grouping with a house, barns and other associated agricultural buildings, owing to its particular location, it is not isolated. The appellant has justified their choice of this location over any other. I note the criticisms by the Authority of this justification. However, I am satisfied that the explanation of the appellant, that the pandemic has led to them being forced to sell their previous buildings, and as such, the appeal proposal is necessary in order to continue to farm the land in the environmentally sensitive way that they currently do, represents the exceptional need required by the policy.
9. I note the reference by the Authority to a previous prior approval notification for this building, which pre-dated the pandemic. However, I do not consider that a previous prior approval application is itself evidence of the exceptional circumstances not existing now. Indeed, it is plain from the evidence that it is the passage of time, subsequent events and the consequences of the pandemic which have led to the current exceptional circumstances and a context which is plainly different to that which existed previously.
10. The Authority refers to the statutory purposes of the National Park (NP), as well as the great weight which the National Planning Policy Framework (the Framework) says should be given to conserving landscape and scenic beauty within them. Policy BL5 also supports these aims and in its criteria specifically references the landscape and special qualities of the NP. For the reasons given above, I am satisfied that the proposal is consistent with the statutory purposes of the NP.
11. In addition to my conclusions on the effect of the proposal on the NP, its landscape and scenic beauty, I also note the supporting text to Policy BL5. In it, the Authority makes clear that farming has one of the biggest influences on the way the NP looks and functions and highlights that agriculture in the area is characterised by small agricultural farmsteads settled into the landscape, typically clustered in small groups. It does not however seek to suggest that

this is the only way agricultural buildings can be acceptable. I do not find that the proposal is contrary to any of this; as I have noted above, the site is not so far from other buildings as to appear wholly or unacceptably isolated, and the specific landscape characteristics of the site and its surroundings limit any wider effects.

12. I am therefore satisfied that the proposal would not harm the character and appearance of the area as a result of being sporadic development in the open countryside, otherwise harmful to the landscape character and appearance of this part of the NP. I do not consider the site to be isolated, nor do I consider it would have a harmful impact on this landscape. As such, the proposal would comply with Policy BL5 of the Local Plan, and the criteria within it, which seek, amongst other things, to ensure that agricultural development is appropriate to its setting and will not have an adverse impact on the landscape and special qualities of the NP, relates to a functional need and is not isolated.
13. In reaching this conclusion, I have given great weight to conserving and enhancing landscape and scenic beauty in NPs and considered the statutory purpose of the NP. I find that the proposal would, for the reasons set out above, conserve the natural, landscape and scenic beauty of the NP.

Conditions

14. The Authority has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). Conditions 3, 4, 5 and 9 are necessary to ensure the satisfactory appearance of the completed development. Conditions 6 and 7 are necessary to ensure that the proposal is used appropriately and removed once its agricultural use ceases. Condition 8 is necessary to ensure that the site can be accessed safely.
15. I have removed tailpieces from the suggested conditions as they are inappropriate and can bypass other statutory processes. I have also removed the unnecessary commentary in condition 3. Suggested condition 9 did not require imposing as a condition, but the information it provided is included as a coda to condition 8.
16. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

17. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved ('Location Plan', 'Site Plan A1' and 'Elevations and Plan View A1', all dated 'Mar 21').
- 3) No external lighting shall be installed in the development hereby permitted.
- 4) The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity.
- 5) The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding as shown on the approved plans and shall thereafter be so maintained.
- 6) If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless planning permission for change of use of the building to a purpose other than agriculture has been approved.
- 7) The building hereby approved shall not be used for the keeping of livestock (other than for the purposes of lambing).
- 8) The development must not be brought into use until the access to the site at land north of Brooklands Farm Harwood Dale has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with Standard Detail number E20 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 14 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway. The final surfacing of any private access within 8 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out.

- 9) The proposed hedgerow shall be planted no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority and shall be comprised of at least 6 native shrub species, planted at a density of 6 (total) stems per metre in double staggered rows and shall be maintained in perpetuity.

End of schedule of conditions.