



Appeal Decision

Site visit made on 22 March 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/C9499/W/21/3284867

Barn north of Old Gayle Lane, Hawes DL8 3NU

- 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 GTEC Property Holdings Limited against the decision of Yorkshire Dales National Park Authority.
 - The application Ref R/56/518, dated 7 April 2021, was refused by notice dated 18 August 2021.
 - The development proposed is conversion of a barn into a 4 no. bed (local occupancy/short term holiday let) along with formalisation of the existing access and associated development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by GTEC Property Holdings Limited against Yorkshire Dales National Park Authority. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the appeal site and wider area, with particular regard to the landscape setting of the Yorkshire Dales National Park.

Reasons

4. The appeal site is set above the valley bottom of this part of the Yorkshire Dales National Park and the rural settlement of Hawes. It comprises a stone built barn of a form, design and scale that is traditional to the area. This type of building is very prevalent within this National Park. It positively defines the important rustic character and appearance of what is an extensive, open pastoral landscape of this part of this national designation. The barn is set back off Old Gayle Lane within a field used for grazing. The extent of this field is physically contained by strongly defined boundaries and extends well beyond the planning application site boundary. Overall, it reflects the surrounding field pattern which is a defining positive characteristic of this part of the National Park. Access to the barn from Old Gayle Lane is from an existing field gate entrance, along a rough track which cuts across this field. The colour and type of material and the random manner in which it has been laid means that this track conveys an informal, visually discreet appearance within its important landscape setting.

5. The appeal proposal meets the definition of a high intensity use contained within footnote 30 of Policy L2 of the Yorkshire Dales National Park Local Plan 2015-2030 ("the Local Plan"). The submitted evidence does not demonstrate that this is a former dwelling which is located within an existing settlement or building group. Therefore, to attain support through Policy L2 it must represent another suitable roadside location with the capacity to accommodate the intensity of the new use proposed and its impacts.
6. From long distance vantage points the appeal site is read within the context of other traditional rural buildings that are scattered across this exposed countryside landscape, as well as the nearby farmers auction mart and tourism development at the Bainbridge Ings. However, when viewed at short and medium distances, on approach in either direction along Old Gayle Lane, the appeal site sits in relative solitude within an elevated open countryside landscape backdrop given the sloping topography.
7. With the exception of new fenestration and doors, the appeal proposal would result in limited physical changes to the external appearance of the existing building. Consequently, subject to appropriate fenestration and door detailing and materials, which could be necessarily managed through an appropriately worded planning condition, the barn's own important rustic character and appearance would be maintained so as not to conflict with Policy L1 of the Plan.
8. However, the appeal proposal places demands for an improved means of access across the existing field, car parking provision and some outdoor amenity space. Given the barn's set back from Old Gayle Lane, the appeal proposal would result in the subdivision of the field within which it stands to accommodate these components. The appellant argues that the defined planning application site boundary line respects the landscape sensitivity of the site. Although the proposed boundary treatment could be necessarily controlled by a planning condition, it remains that the proposed boundary line which reflects the extent of the planning application site does not follow any existing physical features. Moreover, although the fallback position in respect to the subdivision of the field is recognised, it remains that the extension of residential gardens into the open countryside to the extent that would result in this case is not a typical characteristic of this particular area. Therefore, it carries limited favourable weight.
9. The main parties dispute the landscape effects that would arise as a consequence of the particular appeal proposal. In policy terms, I have already established that the intensity of the proposed use falls within the definition of 'high'. The exposed pastoral disposition of the appeal site and its wider surroundings means that it does not have the capacity to adequately absorb the visual effects that would arise from the laying out and formalisation of an appropriate access track, parking area and amount of garden area falling within the red line boundary sought.
10. I have found that a planning condition would not be a suitable means to manage these landscape visual effects. This is because the submitted evidence does not demonstrate to me with sufficient certainty that a hard and soft landscaping scheme or smaller garden area could be reasonably secured which fully mitigates these effects in a manner which would be appropriate to the open rustic character and appearance of the area. The appellant is agreeable to accepting a suitably worded condition to remove permitted development rights.

However, such a measure would only reinforce that the extent of the surrounding land to be associated with the residential occupation of the barn is inappropriate in the first instance. Otherwise, it would be unreasonable to place such restrictions on the site. For this reason, such a measure would not meet the tests for planning conditions.

11. My attention has been brought to other Decisions for similar proposals on other sites. However, even if I were to conclude that the appeal proposal has the credentials which mean that it meets the definition of a roadside location for the purposes of Policy L2, I find that the proposed external works which are required to service the proposed residential occupancy would result in substantial change to the character and appearance of the appeal site. The particular appeal proposal would represent a significant level of domestication which would unduly erode the site's tranquil agricultural character and appearance. In turn, given the appeal site's exposed, open setting this effect would translate to the wider important rural landscape setting of this part of the National Park, particularly in terms of medium and close up views.
12. For these reasons, the appeal proposal would be harmful to the character and appearance of the appeal site and wider area, with particular regard to the landscape setting of the Yorkshire Dales National Park.
13. Policy SP1 of the Local Plan supports sustainable development which conserves or enhances the landscape character of the National Park and deems development as unsustainable where it reduces the quality and local distinctiveness of this natural and cultural landscape. Policy SP2 of that Plan states that development will be permitted that furthers the statutory National Park purposes of conserving and enhancing natural beauty, unless it can be demonstrated that there is an overriding need and the harm can be mitigated, or as a last resort compensatory measures can be agreed. Policy SP4 of the Local Plan sets out design criteria that all developments should conform to. Amongst other things, this includes the conservation or enhancement of the appearance of the site and its setting. Policy L3 of the Local Plan states that conversions of traditional buildings to new uses must demonstrate that the creation of any new curtilage and access roads and other associated infrastructure are the minimum necessary, are sensitive to the traditional character and appearance of the building and do not adversely affect the immediate or wider landscape setting of the building.
14. Whether or not the appeal proposal fulfils the locational criteria set out in Policy L2 of the Local Plan does not undermine the need to assess the appeal proposal's landscape effects and conformity with those other development plan policies in that regard. In view of the identified harm, the particular appeal proposal conflicts with Policies SP1 and SP4 in these regards.

Conclusion

15. For the reasons given above the appeal proposal conflicts with the development plan when taken as a whole. There are no material considerations before me that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

C Dillon

INSPECTOR