



Appeal Decision

Site visit made on 4 April 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/W9500/W/21/3284073

Thornhill Farm, Thornhill, Goathland, Whitby YO22 5NW

- 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 Charles Wordsworth against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2021/0027/FL, dated 18 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed was originally described as conversion of building to 1 no. holiday letting cottage (revised scheme (with changes) to NYM/2019/0738/FL).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the appellant against the local planning authority. This application is attached as a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would be an appropriate form of development in this location, having regard to local planning policy; and
 - The effect of the proposed development on the dark night skies above the National Park.

Reasons

Location

4. Policy CO12 of the North York Moore National Park Authority Local Plan (2020) (LP) sets out that the conversion of existing buildings in the open countryside will only be permitted where it complies with a listed criteria. The policy aims to ensure the retention of the most desirable and significant buildings which, without conversion to alternative uses, would deteriorate and be lost to the National Park landscape.
5. The old house and attached barn, at Thornhill Farm, is a Grade II listed building. The appeal building is unlisted and is located towards the east of the main farmstead group. The appeal building is a traditional, simple barn structure. It has stone walls with large openings to the front elevation, facing

away from the farmstead, with a metal sheeted roof. The appellant has provided extracts from Ordnance Survey maps to demonstrate that the building has been present for over 150 years and has drawn my attention to Historic England guidance relating to farm buildings.

6. The building currently makes a neutral contribution to the landscape due to its character and appearance. Even though the building has been present for many years and previously used for agricultural purposes associated with the steading, there is no clear information before me to demonstrate that it has architectural or historic interest. For these reasons, based on the evidence submitted and having regard to Policy CO12 of the LP, the existing building is not of architectural or historic interest and does not make a positive contribution to the landscape and special qualities of the National Park.
7. The buildings within the main farmstead group have a close physical and visual relationship with each other. They are situated around a courtyard area and are primarily accessed by Thornhill Farm's main access road. The appeal building is not remote or isolated from the farmstead group and would have formed part of Thornhill's working farm buildings.
8. However, there is a clear gap between the appeal building and the farmstead which appears to have never been developed. The appeal building faces away from the steading and is accessed by a track off Thornhill Farm's main access road. This results in the building appearing separate to the other buildings situated around the courtyard area. It is divorced physically and visually from the farmstead group due to a combination of its distance from the steading, access and orientation. The building is seen as an independent building rather than forming part of the core farmstead. Having regard to Policy CO12 of the LP, the building therefore is not located within an existing group of buildings that have a close physical and visual relationship to each other.
9. It is proposed that vehicles would be parked within the existing guest car park and visitors would walk from there to the holiday letting. There is limited information relating to this matter. The proposed accommodation could include guests using wheelchairs given the intended use of the building, which is discussed in more detail within the other matters section below. Based on the information submitted, the access would be unsuitable, particularly when the ground is wet. It is likely that a more formal access would be required, which is likely to detract from the landscape.
10. The proposed design would respect the existing building and the proposed roof material would provide a visual link with the steading. Nonetheless, for the reasons given above, the proposed development would not respect and reinforce the character of the local landscape and the built and historic environment.
11. Therefore, the proposal would not be an appropriate form of development in this location, having regard to local planning policy. Consequently, it would conflict with Strategic Policy A and Policy CO12 of the LP. These policies state, amongst other matters, that conversions of existing buildings in the open countryside will only be permitted where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park and the building is located within an existing group of buildings that have a close physical and visual relationship to each other. Furthermore, they seek to ensure that development is of a high quality

design and scale which respects and reinforces the character of the local landscape and the built and historic environment.

Dark night skies

12. The proposed development includes large glazed windows set back within the openings which would face away from the farmstead. I observed on my site visit that the glazing would be visible from distant views from surrounding roads, including the A169. The appellant has proposed a range of measures to deal with lighting. These include blackout curtains as well as warm, low wattage lighting directed away from the windows and has planted two trees in front of the barn. Furthermore, the development would be seen in the context of other buildings and associated lighting, such as Thornhill Farm and RAF Flyingdales.
13. To mitigate the proposed development's impact on the dark night skies, a planning condition, could be attached to ensure that details of measures to reduce light spill, such as the use of tinted glazing or solar control film, are submitted and approved. Thus, having regard to the scale of the development, context of the area, appropriately worded condition and the dark skies advisor consultation response, the proposed development would not have an unacceptable impact on the surrounding setting and the dark night skies above the National Park.
14. Consequently, the proposed development would comply with Strategic Policy 1 and Policy ENV4 of the LP. These policies seek, amongst other matters, to ensure development minimises light spillage through good design and lighting management.

Other matters

15. The appellant proposes to provide a free weekend every month to cancer patients and staff from the Haematology Department at the James Cook Hospital. I understand from my personal experiences the benefits of the scheme. Whilst I do not doubt the appellant's intentions, there are no clear appropriate mechanisms before me to ensure that this would be secured. I have also considered point 10 of Strategic Policy C as well as relevant sections of local planning policy and the National Planning Policy Framework (the Framework). I recognise that developing other buildings within the farmstead would be unsuitable. I also acknowledge that the proposed development would support a rural diversification scheme and provide economic benefits. Based on the information presented, I give these considerations limited weight.
16. The appellant refers to the Disability Discrimination Act 1995 which has been replaced by the Equality Act 2010. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I find that dismissing this appeal would not amount to unlawful discrimination.
17. I have considered in detail the other matters raised by the appellant and within the support comments. These include that the proposed development complies with various parts of the Framework and local planning policies as well as that

it would support the re-use of an underused building, there have been no public objections, Class Q permitted development rights, the NYM Management Plan, biodiversity and procedural issues. However, these are neutral considerations which do not weigh in favour of the appeal and do not outweigh the harm identified.

18. As set out above, the old house and attached barn, at Thornhill Farm, is a Grade II listed building. The local planning authority raise no concerns in respect of the effect of the development on the setting of the listed building, and I have no substantive reason to consider otherwise. Given the distance between the appeal site and the listed building as well as the intervening built development, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is a neutral consideration and does not weigh in favour of the appeal.

Conclusion

19. As set out above, the proposed development would not have an unacceptable impact on the dark night skies above the National Park. However, the proposed development would not be an appropriate form of development in this location, having regard to local planning policy. The proposal would therefore be contrary to the development plan, which is the starting point for decision-making.
20. The development would provide benefits to cancer patients and hospital staff. In addition, it would provide economic benefits and support a rural diversification scheme. Although, I give the benefits weight, they do not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
21. For the reasons given above, the appeal does not succeed.

L M Wilson

INSPECTOR