
Appeal Decision

Site visit made on 7 June 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/Y2736/W/22/3294793

Land West of Long Hill, Helperthorpe, Malton, North Yorkshire

- 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 Mrs Jenny Driver against the decision of Ryedale District Council.
 - The application Ref: 21/00741/FUL, dated 6 May 2021, was refused by notice dated 20 December 2021.
 - The development proposed was originally described as 'the erection of a replacement agricultural building.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building at Land West of Long Hill, Helperthorpe, Malton, North Yorkshire in accordance with the terms of the application, Ref: 21/00741/FUL, dated 6 May 2021, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form, excluding the superfluous element. The Planning Officer Report notes that the existing buildings on the site do not have the benefit of planning permission. There is not substantive evidence to the contrary. Accordingly, I have considered the appeal on this basis and this is reflected in the description in my decision paragraph. This excludes the term 'replacement'.

Main Issue

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

Reasons

4. The appeal site comprises a paddock area that at the time of my site visit was being used for the grazing of a Shetland pony. There are two modest sized timber stable-like structures on the site. There is a gated access onto an adjoining lane in the north-east corner and an associated area of loose stone. The site is enclosed by a hedgerow on its frontage and by trees close to its north and west boundaries. To the south, the site is more open, where it abuts a driveway.

5. The site lies on rising land beyond the main built form of the village. In between, there is a further paddock/small field. To the west of the site, there is a vicarage and a former coach house and stables that are found amongst trees, and then the Church of St. Peter. Beyond the church, there are farm buildings. Otherwise, the village is set out in a linear fashion along the valley bottom. The surroundings to the village are noticeably countryside in character, consisting of a tranquil rolling agricultural landscape traversed by narrow lanes and with few forms of built development. The site lies in the Wolds Area of High Landscape Value.
6. The grouping of ecclesiastical buildings to the west of the site are distinct from the village in the valley bottom in as far as they are separated by small areas of open land in between. This separation is much less apparent though beyond the church due to the presence of the farm buildings. Nevertheless, the separation is reinforced by the rising land away from the valley bottom and so it does form part of the character of the village.
7. The proposal would not be harmful to this aspect of the local character. As it would be sited on land to the side of this grouping of ecclesiastical buildings, it would not lessen the separation with the built form of the village in the valley bottom. The land in between would remain open, as would much of the land within the paddock where the proposal itself would be located. The immediate physical and visual sense of separation would remain between the grouping of the buildings and much of the rest of the village.
8. The site's contribution to the landscape character relates to its open pastoral-like form. The size of the paddock is however considerably less than that of the vast majority of the fields in this agricultural landscape and it is also substantially greater enclosed. As such, it shares more in character with the smaller areas of open land in and immediately around the village, rather than with the greater rolling agricultural landscape of large fields.
9. Within the context of this wider landscape, the proposal would not be an isolated feature. It would still be appreciably closer to the built form of the village, in particular the ecclesiastical grouping. Consequently, that there is largely an absence of buildings in the open countryside and away from the village would not count against the proposal in landscape character terms.
10. The proposal would also be of a moderate scale in terms of footprint size and with its single storey height, and it would leave much of the land within the paddock undeveloped. It would not therefore either appear disproportionate or unduly break the skyline. With the screening that is afforded by the boundary hedgerows and trees towards the open fields outside of the village, it would have a diminutive presence, even at times of leaf fall. This large and open landscape can ably accommodate such a building on the edge of the village. The landscape setting of the village would thus also be protected, as would the visual, or scenic, quality of the area.
11. The design would be not untypical for such a building, being constructed of low concrete panels with Yorkshire boarding, and a profile sheet roof with a low angled central pitch. One elevation would be open and gated. Whether or not it would be considered utilitarian, it would simply reflect its function as an agricultural building which themselves are part of the form of the village. This is evidenced by other and what are generally larger agricultural buildings.

12. With regard to whether the visual qualities of the site would be changed through the associated machinery and equipment, the proposal is itself intended to have a storage function in part. Nor is the maintenance of land to be used for agriculture unusual in these surroundings, given the predominance of such land. Maintenance is a facet of such a landscape and so it is not reasonable to expect such land to be devoid of some activity. The likely associated noise and activity related to the intensity of the use of what would be a moderate sized proposal would not unduly detract from the tranquil attribute of the landscape character.
13. I have been made aware that the Yorkshire Wolds is currently being considered as an Area of Outstanding Natural Beauty (AONB). Natural England has not though issued an order to designate the AONB and so this has a limited bearing on my decision. I would though not disagree that the site is in a location that can be considered to be a valued landscape, but for the reasons that I have set out above, it would not detract from its landscape and scenic quality, and tranquillity.
14. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Hence, it would comply with Policy SP13 of the Council's The Ryedale Plan – Local Plan Strategy (2013) (LPS) where it concerns the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including the distribution and form of settlements and buildings in their landscape setting; the character of individual settlements; the pattern and presence of distinctive landscape features and elements; and, visually sensitive skylines, hill and valley sides, amidst other matters. It would also comply with Policy SP13 where it concerns tranquillity and affords protection to the Wolds Area of High Landscape Value for its natural beauty and scenic qualities.
15. The proposal would also comply with Policy SP20 of the LPS where it sets out that development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features, and for uses and activities to be compatible with the existing ambience of the immediate locality and area. It would also accord with Section 15 of the National Planning Policy Framework where it concerns the natural environment, including protecting and enhancing valued landscapes.

Other Matters

16. The Vicarage, the coach house and stables, the Church of St. Peter and the associated churchyard wall and gates are all Grade II listed buildings. The paddock has an historical association with this grouping of designated heritage assets and falls within their setting. Its contribution to the significance of the setting is most evident in relation to the Vicarage because of this building's proximity and presence in relation to the site. With the moderate scale of the proposal and its distance off the common boundary, such an effect would not though be harmful. The proposal would also be set well away from the driveway access to the south of the site and as the paddock is now effectively self-contained, this further limits the effect on the significance.
17. The church itself is not domineering in view from where the proposal would be sited because of the trees and the Vicarage. In terms of views between this church and the Church of St. Andrew in the next village of Weaverthorpe, the

proposal would be barely perceptible in what is an expansive landscape in between. It would not disrupt the relationship between the churches, and nor thus a church trail that I have been referred to.

18. The proposal would therefore preserve the setting of the designated heritage assets, both in their own right and as a grouping. Therefore, it would comply with the statutory duty that is set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
19. Matters have been raised in relation to whether there is a need for the proposal and the weight that can be attributed to the benefit to such an enterprise. However, as there would not be a harmful impact and the proposal would accord with the development plan policies, there is not cause for me to consider such matters further. The proposal has also been applied for as an agricultural development, and so has to be considered on this basis. Such a use can be ably controlled through the imposition of a planning condition.
20. The moderate agricultural nature of the proposal for seasonal lambing and storage would not have an unacceptable effect on the living conditions of the occupiers of the nearest residential properties, nor in highway safety and access terms. The requirement for associated services would be likely limited given its proposed usage and, in relation to security, the site would be well-enclosed and gated. In addition, land adjacent to the more open southern boundary is proposed to be the subject of planting.
21. There is no substantive evidence that suggests unacceptable impacts on biodiversity or archaeology. The proposal would also not meet thresholds, or is located in relation to protected areas, for it to be considered as an Environmental Impact Assessment development. Covenants on the use of the land operate outside of the planning system and so are not for my consideration.

Conditions

22. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purpose of certainty. A condition is also imposed in relation to the proposed use in the interests of protecting living conditions and highway safety.
23. In order to protect the character and appearance of the area, a condition is imposed concerning the proposed external materials as shown in the relevant planning application submission documents. External lighting (if any) and landscaping conditions are applied for the same reason. The landscaping details required concern the proposed planting along the southern boundary. Where I have altered the wording of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall intention.

Conclusion

24. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

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 permitted shall be carried out in accordance with the following approved plans: IP/JD/01 Location Plan A3, IP/JD/02 Site Plan A1, IP/JD/03 Elevations A1 and Floor Plan.
- 3) The development hereby permitted shall be used only for general purpose agricultural storage and seasonal lambing and for no other purpose.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials included in the Planning Application Form and the 'Appearance' section of the submitted Design and Access Statement.
- 5) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and be thereafter maintained.
- 6) No above ground construction work shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include proposed planting for the southern perimeter of the site, including details of species, sizes and quantities of new planting, and indicate the positions of existing trees and planting at the site. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the use or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.