



Appeal Decision

Site visit made on 4 August 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/C9499/W/22/3295776

**Leylands Barn, Kettlewell Bridge to Cam Gill Road, Kettlewell, Skipton
BD23 5RN**

- 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 T Welsh against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/46/208C, dated 31 August 2021, was refused by notice dated 27 October 2021.
 - The development is described as change of use of agricultural land to create an enlarged residential curtilage, including the retention of an existing shed, greenhouse and bield.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural land to create an enlarged residential curtilage, including the retention of an existing shed, greenhouse and bield at Leylands Barn, Kettlewell Bridge to Cam Gill Road, Kettlewell, Skipton BD23 5RN in accordance with the terms of the application, Ref C/46/208C, dated 31 August 2021, and the plans submitted with it (1:1250 scale location plan, 1:500 scale site plan, bield enclosure, greenhouse + shed), subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2 Part 1 Classes E, F and H, Schedule 2 Part 2 Classes A, C and F and Schedule 2 Part 14 Classes A, B, C, D and G of that Order, other than that expressly authorised by this permission, shall take place without express planning permission having first been granted by the Local Planning Authority.
 - 2) No external lighting shall be erected/installed until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The external lighting scheme shall include the following details:
 - full details of the number, size, design, location and appearance of the external lights
 - levels of luminosity/illumination and details of whether it would be static or intermittent

Thereafter, the external lighting shall be erected/installed in accordance with the approved scheme and thereafter maintained as such.

Preliminary Matters

2. The development description on the application form includes reference to the development being retrospective. I have removed this wording as this is not an act of development.
3. The shed, greenhouse and a partially enclosed and paved external seating area described as a bield are built. The shed and seating area on site appear to match that shown on the plans. There is some disparity between the constructed greenhouse and that shown on the plans. The greenhouse on site has some additional, decorative, finial features. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

4. The main issue is the effect of the development upon the character and appearance of the area having particular regard to the setting of the Kettlewell Conservation Area (CA) and the designated landscape of the Yorkshire Dales National Park.

Reasons

5. Kettlewell and the immediate surrounds exhibit distinctive qualities typical of the Yorkshire Dales National Park (NP). The important role that agriculture has played upon the landscape is evidenced through the presence of stone barns and a network of drystone walls. Kettlewell is situated deep within a dale from which the land then rises steeply to the fells that surround. In turn the village is quite compact with the built form generally straddling the River Wharfe and Kettlewell Beck and on the whole encroaching little into the surrounding countryside.
6. There is a predominant use of local stone within Kettlewell which unifies the architecture. I found the amount of open green space with mature trees alongside the beck noticeable. These features and the historic agricultural setting contribute to the character and appearance of Kettlewell Conservation Area (CA) and its significance. Leylands Barn is a former agricultural building, previously converted to form a house. To its rear, land rises steeply towards Cam Gill Road.
7. The site is within the NP. Sections 5 and 11A of the National Parks and Access to the Countryside Act 1949 (as amended) place a statutory duty upon relevant authorities exercising their functions to have regard to the purposes for which National Parks are designated, including conserving and enhancing their natural beauty and cultural heritage. The site is partially within the CA, where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
8. The land subject to the change of use comprises of two parcels. Much of the larger parcel to the side of the house, and within which the external seating area is located is within the CA. The other smaller parcel is to the rear and contains the shed and greenhouse. This land is not within the CA though is close to it.
9. Within the larger parcel, the external seating area comprises of stone paving and is partly enclosed by a drystone wall which is reflective of the character of

the area. The remains of this land includes saplings, mown and rough grass, mature trees that are subject to a tree preservation order, and stone boundary walling. The seating area is a modest feature, built into a hillside. The grass and trees act to screen and soften its appearance. While a pond may have been filled in and earthworks carried out to form the seating area, there is no substantive evidence that these were important landscape features. The National Park Authority raises no particular objection to the seating area and, with regard to the above, I have no reason to disagree.

10. The other parcel of land forms a small part of further sloping land which climbs to meet a stone boundary wall. This further land is bound in a blue line on the submitted site location plan. Though the authorised use of this overall sloping land parcel may be agricultural, it currently has a more manicured appearance than the adjoining farmland owing to areas of planting and mown grass. While they may have previously existed, there are no longer any, physical boundaries and there is nothing about its appearance that clearly distinguish the relatively small appeal site from the wider land parcel. Land with an agricultural appearance, that contributes positively to the setting of the CA and the wider characteristics of the NP, commences on adjacent land beyond defined stone wall boundaries.
11. The greenhouse and shed are sited some distance from the house itself and there is no dispute that, for this reason, they project into the countryside. Nevertheless, both are set within the larger quite deliberately managed parcel of land rather than that with the important agricultural characteristics that contribute to the setting and significance of the CA.
12. Owing to the height of the boundary wall next to the highway, when walking along the carriageway of Cam Gill Road I found views were often obstructed. More readily available views can be obtained from a public bridleway accessed off Cam Gill Road. In these views I found the presence of stone walls to both the foreground and background noticeable. The shed is painted grey, similar to the colour to the stone walling, which helps assimilate it into the area.
13. As a largely glazed structure with a degree of transparency, the backdrop of the wall to the rear lessens the visual prominence of the greenhouse. The flagstones upon which both structures are set were not noticeable. The walls which can be seen to the front of the shed and greenhouse help to maintain that distinction between the agricultural land and countryside beyond the village, and the more managed land to the rear of Leylands Barn that reads as part of the settlement. The planting undertaken may, over time, screen the development more effectively, but I cannot rely on it reaching maturity, and I give little weight to its presence.
14. The greenhouse in particular, may well be visible in some views from the road and footpath on the opposite side of the village. However, the distances involved are quite considerable and whilst I accept the greenhouse does have a degree of reflectivity it is nevertheless a very modestly scaled structure. In these views the entirety of the village is before the viewer, both the buildings and the quite considerable tree coverage. Therefore, whilst the greenhouse can be seen, it forms one feature in and amongst the remaining built-up and wooded areas of the village. The greenhouse does not appear disconnected or remote from the village. Therefore, I find that the shed acceptably assimilates into the village and does not appear unduly prominent in these views.

15. Consequently, I find that the development has not resulted in the loss of any land with important agricultural characteristics or which, in turn, contributes positively to the character or appearance of the CA, its setting or the wider characteristics of the NP. I also find that the features presently on site are not harmful as they do not appear overtly prominent or incongruous in this context. Other features on the site, or on neighbouring land that may be in the same ownership, may in the future be sought. A condition can be imposed removing permitted development rights on this site which would provide some control in this regard. I am mindful, though, that not all structures, and paraphernalia sought may constitute development. However, I find that the site does not contribute to the rural setting of the village, is read as a part of the village rather than as being divorced from it and is not particularly visible. As a result even if such structures and paraphernalia appeared that may not require planning permission, they would not detract from the character and appearance of the area.
16. I note that the National Park Authority may generally advise that domestic type structures are sited as close as possible to the house and that pre-application advice was provided along such lines. However, for the reasons given, I find that no demonstrable harm would arise in this case.
17. Accordingly, I find that the development preserves the character and appearance of the CA. The development results in no harm to its setting or significance and conserves the landscape and scenic beauty of the NP as required by the National Planning Policy Framework. It follows that the development accords with Policies SP1, SP2, SP4 and L1 of the Yorkshire Dales National Park Local Plan 2016 and advice within the Yorkshire Dales National Park Design Guide. In summary, and amongst other things, those policies and provisions seek to ensure that development conserves or enhances landscape character and the historic environment, furthers the statutory purposes of the NP and contributes positively to the built environment exhibiting high quality design.

Other Matters

18. I have no substantive evidence before me that the development has negatively affected biodiversity. A valid appeal was received within 6 months of the date on the National Park Authority's decision notice.

Conditions

19. As the development has taken place there is no need for the standard commencement condition or a plans condition though, for clarity, the plans are listed in my Decision. I have imposed a condition removing certain permitted development rights. In doing so I have had particular regard to the advice contained within the Planning Practice Guidance. This condition would mean that express planning permission would be required for a range of development incidental to the purposes of the enjoyment of the dwellinghouse including certain domestic renewable energy installations. Given the particular location of the site where further development may have significant effects on both the CA and scenery of the NP, this condition is necessary. Due to the sensitivity of the area to the potentially harmful effects of intrusive lighting, I have also imposed a condition which restricts the installation of any external lighting unless a scheme has first been agreed with the local planning authority. In the interests

of precision or clarity I have made some amendments to the wording suggested by the National Park Authority.

Conclusion

20. For the reasons set out above, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR