
Appeal Decision

Site visit made on 27 March 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/W9500/D/22/3311623

Bilsdale House, Clay Bank to Seave Green, Chop Gate, North Yorkshire TS9 7HZ

- 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 D McDonnell against the decision of North York Moors National Park.
 - The application Ref NYM/2022/0547, dated 18 July 2022, was refused by notice dated 28 October 2022.
 - The development proposed is a replacement domestic outbuilding.
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Decision

1. The appeal is allowed. Planning permission is granted for a replacement domestic outbuilding at Bilsdale House, Clay Bank to Seave Green, Chop Gate, North Yorkshire TS9 7HZ in accordance with the terms of the application Ref NYM/2022/0547 dated 18 July 2022 subject to the conditions within the attached schedule.

Procedural Matters

2. The description on the National Park decision notice differs from that on the application form. However, that on the application form adequately describes the proposal.

Main Issues

3. The main issue is the effect of the domestic outbuilding on the setting of the closely adjacent grade II listed Holme Farm House (LB1), Farm Buildings to the west of Holme Farm House (LB2) and Stable/Pigsty to the East of Holme Farm House (LB3).

Reasons

4. The proposed domestic outbuilding would replace an existing building, a former barn, of partial timber and metal framed construction with partial corrugated sheet walls and corrugated roof.
5. The evidence indicates that the building is lawful for domestic storage, domestic parking of vehicles and domestic recreational activity. It is a building of utilitarian appearance likely born out of the requirements of its original use.
6. A replacement building of similar proportions and profile is proposed, although this would be fully enclosed by walls and access doors and finished in horizontal square edge timber boarding and a corrugated metal roof.

Nonetheless, the building would have a broadly agricultural appearance as does that existing.

7. In considering whether to grant planning permission for development which affects a listed building or its setting, I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. LB's 1-3 are attractive C18 buildings, constructed in sandstone and have visual characteristics which make positive contributions to their significance. The former use of the buildings as part of a farmstead are functional and historical characteristics which also make a positive contribution to the significance of the listed buildings.
9. However, the rear elevations of LB1 and LB2 immediately adjacent to the site of the proposed building are limited in detail and are largely obscured by the existing building from viewpoints on this side of the site. That is not the case with the south-west facing elevations which are varied and detailed with open facing aspects.
10. Therefore, the visual aspects of the significance of LB1 and LB2 are best experienced from the opposite side of the buildings to the development site. The north-east side of the building, in part due to the presence of the existing building as an evolution of the site, makes a limited contribution to the settings of LB1 and LB2.
11. The replacement of the existing building with another essentially barn like structure of similar size and appearance would not undermine the functional or historical significance of the listed buildings as part of a former farmstead.
12. It therefore follows that the proposed building would have a neutral impact on the significance of the heritage assets and would preserve the setting of LB1 and LB2. The same would also be the case for LB3, which is set further along the cluster of buildings, well away from the development site.
13. There would therefore be no conflict with Policy ENV11 and Strategic policies C & I of the North York Moors National Park Authority Local Plan (2020) (LP) which amongst other things require well designed proposals that at a minimum conserve elements which contribute to the significance of heritage assets or their setting. Further, there would be no conflict with the aims of the Framework¹ with regard to heritage assets, including paragraph 206.
14. Given my conclusions on the matters above, it is also the case that the proposal would conserve the landscape and scenic beauty of the National Park.

Other Matters

15. I note that there does not appear to be agreement over what works could be undertaken to the existing barn without the need for planning permission. There are limitations on permitted development rights under the General Permitted Development Order.
16. Nonetheless, I consider it likely that in any event, the existing building would remain on the site for a considerable period of time, and I afford this matter significant weight in my consideration of the appeal.

¹ National Planning Policy Framework 2021.

17. I accept that the size and scale of the building means that it is not possible for me to conclude that the proposed building would be clearly subservient to the main dwelling. There is therefore some conflict with the requirements of Policy CO17 of the LP and the Design Guide² relating to such matters.
18. However, I afford significant weight to the presence of the existing building on the site such that it outweighs the conflict with Policy CO17 and the Design Guide.

Conditions

19. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
20. Condition numbers 3-7 are necessary to preserve the setting of the listed buildings and in the interests of the character and appearance of the area.
21. The outbuilding appears to be proposed for incidental use. If that were to change, it is likely that further planning permission would be required. The suggested condition in relation to this matter is therefore not necessary.

Conclusion and Planning Balance

22. I have identified conflict with the development plan. However, considerations indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 21.025 ZZ-SI-A-9000, Proposed Floor Plans, Elevations & Section Rev B.
- 3) No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the local planning authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 4) No work shall commence on the construction of the walls of the development hereby permitted until details of the external materials, colour, texture and finish, including samples, if required, by the local planning authority, to be used for the external surfaces of the development including for walling and

² North York Moors National Park Authority Local Development Framework Design Guide Part 2: Extensions and Alterations to Dwellings Supplementary Planning Document Sections 2 & 3.7.

dressings have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity.

- 5) 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.
- 6) All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
- 7) No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the local planning authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.