



Appeal Decision

Site visit made on 2 May 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023.

Appeal Ref: APP/G2713/W/23/3314912

Land at OS Field Number 3255, Ings Lane, Tollerton YO61 1QY

- 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 Louise Barker and Kevin Akwe against the decision of Hambleton District Council.
 - The application Ref 22/01622/FUL, dated 8 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is erection of stables for private use.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Louise Barker and Kevin Akwe against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. Hambleton District Council has merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effects of the proposal on the character and appearance of the area; and
 - whether or not it has been satisfactorily demonstrated that the proposal would have an acceptable effect on biodiversity, with regard to biodiversity net gain.

Reasons

Character and Appearance

5. The appeal site comprises a field around 500 metres to the south of Tollerton. The proposal would comprise an L shaped building. One wing would include a stable block, tack room and horse wash and the other a storage building and dry store. There would also be a sizeable permeable surfaced area described as

a courtyard which would be used for vehicles and the exercising of horses when ground conditions are poor.

6. The site lies within the Tholthorpe Moors character area in the 2016 Hambleton Landscape Character Assessment and Sensitivity Study (the LCA). In summary, the character area is described as an open and flat to gently undulating landscape, with mainly intensive arable cultivation, but with several areas of intact small scale field patterns and low narrow fields with parallel lines of hedgerows. It is an open landscape with few long views due to trees and woodland cover but occasional longer views across large flat arable fields and from slightly elevated vantage points are available. It has an overall rural character and because of this is identified as being generally sensitive to built development. Key sensitivities include the tranquil, rural character, away from main roads and larger settlements.
7. The site is a sloping field with hedgerows along some of its boundaries. While there are a number of properties on Ings Lane, these are relatively close to its junction with York Bridge Road and appear more related to Tollerton than the surrounding countryside. The site is further along Ings Lane and is spatially separate from these properties. The site also appears as visually separate given the nature of the landform, which starts to slope downwards near to the site. For these reasons, when at the site, there is a sense of a tranquil open rural landscape. The site therefore appears more closely associated with the countryside rather than the settlement and the built form on its edges. Accordingly, the site displays several of the key landscape characteristics, and so contributes positively to the character and appearance of the area.
8. The proposal would be located in part of the field near to Ings Lane. It would not be unduly prominent from vantage points along York Bridge Road due in part to the separation distance. The lower part of the building and courtyard would be screened to an extent from certain vantage points at the start of Ings Lane when approaching from its junction with York Bridge Road due to the downward sloping nature of the topography and vegetation. The proposal would be much more prominent in closer vantage points, and when travelling in the other direction along Ings Lane. It would also be prominent from the Public Right of Way that links into the lane at its south west point. This prominence would be exacerbated by the upward slope of the landform when viewed from these vantage points and the positioning of the building adjacent to Ings Lane in an elevated position above it. The proposal would therefore be clearly visible from public vantage points.
9. The stable block wing would be single storey with a monopitch roof including a substantial canopy. The storage wing would be higher, at around five metres to ridge. Notwithstanding that the building would have a timber clad finish and a green roof on the stable block wing, by reason of its size and appearance, its insertion into what is a generally open rural landscape would result in an incongruous feature in a landscape that appears otherwise relatively devoid of buildings. The extensive area of hard surface would, by its nature, have an urbanising effect that would be inharmonious in this location which is a rural landscape characterised by soft surfaces and vegetation.
10. It is not clear from the submissions what lighting may be proposed at the site, with the appellant only stating that "*no lighting is proposed that would require planning permission*". I appreciate that the LCA does not identify dark skies as

a sensitive characteristic of the character area. Nevertheless, if illumination was to be installed, this would further add to the encroaching urbanising effect of the proposal which would be markedly at odds with the site as it is at present, and with the open rural character of the area in which it is seen, thus adding to the proposal's discordant nature.

11. The site is not in a designated landscape, and the LCA has not specifically identified the character area as being sensitive to equestrian development. Nevertheless, this does not mean that I should not fully assess the appeal proposal in the interest of the character and appearance of the area, and it does not alter my conclusion on the harm caused.
12. For these reasons, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. Accordingly, it would conflict with the requirements of Policies S5 and E7 of the 2022 adopted Hambleton Local Plan (the LP). Amongst other matters these policies seek to ensure that development in the countryside recognises the intrinsic beauty, character and distinctiveness and does not harm the character, appearance and environmental qualities of the area; and that the distinctive landscapes are protected. There would also be conflict with paragraph 174 of the National Planning Policy Framework which requires decisions to recognise the intrinsic character and beauty of the countryside.

Biodiversity

13. Policy E3 of the LP requires all proposals to demonstrate a net gain for biodiversity. The appellant submitted a Biodiversity Net Gain Assessment (BNG Assessment) as part of the appeal. This demonstrates that the proposal would provide improvements for biodiversity through a 59.77% gain in hedgerow units but there would be a loss of 3.48% in habitats units. The Council identifies that the BNG would be less than the 10% minimum set out in the Environment Act, although this is not yet enacted. There is no specific quantification of the BNG requirement in LP Policy E3.
14. When factoring in the nature and extent of the anticipated habitat gains and losses, I am satisfied that a measurable BNG would be achievable that would be a proportionate response to the aims of the policy and the scale of the proposal. The measures identified in the BNG Assessment could be secured by a condition.
15. I therefore conclude that it has been satisfactorily demonstrated that the proposal would have an acceptable effect on biodiversity with regard to BNG. Accordingly, the proposal would accord with the requirements of LP Policy E3.

Conclusion

16. The proposal would be acceptable in terms of its effect on biodiversity, with regard to BNG. However, I have found unacceptable harm would be caused to the character and appearance of the area. To this extent, there would be conflict with the development plan when considered as a whole as well as the Framework. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR