
Appeal Decision

Site visit made on 2 October 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/C9499/W/23/3316643

Land East of Oughtershaw Hall, Oughtershaw Road to Bank Bottom, Oughtershaw, North Yorkshire, Skipton BD23 5JR

- 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 C Sykes against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/13/201B, dated 29 July 2022, was refused by notice dated 1 December 2022.
 - The development proposed is Improvements to existing site access point and the construction of track on the land to the east of to Oughtershaw Hall, Oughtershaw, North Yorkshire, BD23 5JR.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. For the purposes of my decision, that on the application form is sufficient to describe the proposal.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second is whether there is an agricultural justification for the track. The third is the effect of the proposal on highway safety with regard to highways visibility and whether the wider network could accommodate the traffic generated. The fourth is whether the proposal would or could provide any ecological enhancement.

Reasons

Character and appearance

4. The field within which the track would be constructed sits to the north-east of the Oughtershaw Road which also supports the route of the inter-regional Dales Way walk.
5. A robust dry stone wall separates the land to which the appeal relates from the adjacent road. The land at first slopes steeply but then plateaus behind further partial stone walls. It would therefore be likely that the upper part of the track which would occupy a higher part of the site would have limited visibility from nearby vantage points.

6. However, that would not be the case for the lower section of the track which would climb away from the road to meet the higher part of the site. This would be visible from Oughtershaw Road adjacent to the site itself, as well as from points further to the north-west on Oughtershaw Road. Visibility from this direction would be even greater when trees along the north-western boundary of the site were not in leaf.
7. Whereas the existing partial and informal grass track sits quietly within the landscape, the gravelled track would appear as an overly engineered, much more formal and harsher feature, especially if retaining features were to be required. This aspect of the proposals would be at odds with the largely undeveloped nature of the area within a remote part of the Yorkshire Dales.
8. The evidence indicates that a 2.4x2.8m junction visibility would be provided. Although not fully clear from the plans, this would appear to require some limited removal of the existing dry stone walling either side of the existing gated opening. It was clear from my site visit that drystone walls form a key landscape component and they are detailed within the assessment on Local Landscape Character¹. There would therefore be harm arising, albeit on a limited scale from any partial loss at the site.
9. Whilst I note that this is an attempt to overcome problems with a previously refused scheme, the proposal would subsequently have an adverse impact on the character and appearance of the area. The proposal would therefore conflict with Policies SP1, SP2 and SP4 of the Yorkshire Dales National Park Local Plan (2016) (YDNPLP) which amongst other things require proposals to conserve or enhance the natural beauty of the area and incorporate a design which is informed by and responds positively to a site, its surrounding context and landscape setting.

Agricultural justification

10. The track would run up to serve an existing but rather dilapidated field barn at the site. I am advised that the barn will be used to house sheep over the winter and during lambing time.
11. However, there is nothing compelling within the evidence that convinces me that such an access is required from the road to serve such a purpose. Firstly, the barn is not large in size and therefore the amount of stock that could be accommodated would be limited in number.
12. There is no detailed information on where the site would be serviced from, potentially meaning that anyone requiring to tend animals at the site would have to travel to the site through any poor weather in any event. It would seem possible to service the site appropriately from Oughtershaw Road and the existing track including vet visits which could be made on foot from the road if necessary.
13. To conclude on this matter therefore, I do not consider that there is any agricultural justification which could potentially be a benefit to weigh against the harm above. The proposal would not therefore gain support from Policy BE2 of the YDNPLP which seeks to necessary agricultural development under some circumstances.

¹ Oughtershaw Hall, Oughtershaw Landscape Commentary July 2022, P8.

Highways safety

14. Whilst the immediate road network around the site is limited due to the isolated, rural location, there is nothing compelling before me to suggest that it could not accommodate what would in any event likely be limited additional movements associated with the construction of the track.
15. The evidence indicates that a 2.4mx2.8m visibility splay would be provided where the track would join Oughtershaw Road. The Council appear to indicate that a much wider splay of 2mx45m should be provided.
16. However, even the more limited visibility splay suggested by the appellant would appear in doubt, given that splay on the north-western side of the access is drawn through a tree close to the existing gate.
17. The provision of the track and widened entrance to Oughtershaw Road would be likely to intensify its use. Whilst traffic levels do appear to be low and whilst only a snap-shot in time I was able to observe a variety of vehicles using the road including large delivery vans. The limited visibility splay that would be provided on an access, the use of which would be intensified would increase any risk of collisions.
18. Any increase in the visibility splay would likely see more extensive dry stone wall removal or reduction in height, which would have a further adverse impact on the character and appearance of the area and a condition requiring such actions would not subsequently be reasonable.
19. There would therefore be conflict with Policy SP4 of the YDNPLP which amongst other things requires that development proposals should not prejudice highway safety.

Ecology enhancements

20. The submitted ecology report appears to accept that a net gain in biodiversity should be provided as part of the proposals. Whilst there would be ecological impacts at the site as a result of the proposal, it notes that the development would provide an opportunity for varied ecological benefits.
21. There is nothing before me to suggest that measures to improve biodiversity at the site could not be secured via condition, an approach not ruled out within the YDNPLP, particularly bearing in mind the size and nature of the scheme.
22. There would subsequently be no conflict with Policy W2 of the YDNPLP, which amongst other matters states that new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement.

Planning Balance and Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which indicate that a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR