



Appeal Decision

Site visit made on 26 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/U2750/W/23/3323704

The Airfield, Bagby, North Yorkshire YO7 2PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Scott against the decision of North Yorkshire Council.
 - The application Ref 21/00081/DCN, dated 8 March 2023, sought approval of details pursuant to condition No 2 of planning permission Ref 21/00081/FUL, granted on 7 June 2021.
 - The application was refused by notice dated 17 May 2023.
 - The development proposed is retrospective application for an access road off Bagby lane to provide access to the airfield.
 - The details for which approval is sought is condition 2 (gates or barriers).
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Decision

1. The appeal is allowed, and the details submitted pursuant to condition No 2 attached to planning permission Ref 21/00081/FUL granted on 7 June 2021 in accordance with the application dated 8 March 2023 and the details submitted with it are approved.

Procedural Matters

2. It is undisputed that the gate in question has already been installed at the appeal site. I have therefore assessed the appeal on a retrospective basis.
3. The decision notice does not cite any development plan policies and I note that the policies referred to in the original planning permission have now been superseded and replaced by new policies. I have therefore had regard to those listed in the Council's statement of case and the provisions of the National Planning Policy Framework (The Framework) on this matter. The appellant has also had regard to these policies, and I have been provided with a copy of these.

Background and Main Issue

4. Consent was granted under ref 21/00081/FUL for Retrospective application for an access road off Bagby lane to provide access to the airfield. Condition 2 states, *'Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. No gate shall be installed other than in accordance with a scheme previously approved in writing by the Local Planning Authority which shall include gate colour finish to be submitted to the Local Planning Authority within 2 months of the date of this decision. The approved scheme shall be implemented within one month thereafter and retained in accordance with the approved details'*.

5. The reason for the condition is in accordance with Local Development Framework Policies CP1 and DP1 and in the interests of highway safety. Consequently, I consider the main issue in this case is whether sufficient details have been provided in respect of condition 2 and the effect of the installed gate on the character and appearance of the area.

Reasons

6. The appeal site relates to the entrance of Bagby Airfield which is located to the south of the village of Bagby with access taken from Bagby Lane. The site is surrounded by a number of agricultural fields and associated hedgerows. To this end, a hedgerow is located either side of Bagby Lane which separates the surrounding land uses including the airfield. The hedgerows are occasionally interrupted by access points and gated entrances which vary in terms of their overall size, appearance and style and grey galvanised gates can be seen in the surrounding area including a large grey galvanised gate which is located directly opposite the appeal site.
7. An access road off Bagby Lane has been installed at the site along with a gated entrance. The gate that has been installed is set back from Bagby Lane and the officer's report explains that the gate is a sliding gate and is set back in excess of 15 metres from the carriageway of the existing highway and will not swing over the existing highway. This element of the condition is therefore met and not disputed by the parties.
8. In terms of the gate colour finish, the appellant submitted details confirming that the gate has a light grey galvanised finish along with images showing the gate in situ. Based on the information supplied, I cannot agree that no colour finish has been provided and thus would not require a Section 73 application to retain the galvanised steel finish.
9. I was able to see the installed gate on my site visit and noted that the colour finish is reflective of its commercial use as an airfield and is not uncommon in such a setting. It also mirrors other notable associated features beyond the gate such as the aircraft hangers and CCTV infrastructure. This, together with the limited height, depth and width of the gate does not appear overly prominent in this particular context.
10. Additionally, the gate is located a good distance back from the main road and the hedgerow that runs along Bagby Lane helps to screen the gate from views on approaching the site along Bagby Lane. Views of the gate are only apparent when viewed from the direct west of the site. As a result, the gate has a very limited effect upon the street scene and does not appear discordant when viewed in context of the diverse appearance of other gates nearby which front the main road and are more visible within the street scene. I have also had due regard to matters relating to corrosion and maintenance and agree that the gate finish will have increased durability in comparison to a paint-only alternative and thus will prevent degradation overtime.
11. I appreciate that committee members were clear that the finish of the gate required what they considered a more suitable colour to be provided and I note the Council's comments regarding dark green to match the existing mesh fencing or dark grey. However, the condition does not specifically require a paint to be applied or a specific colour. I have therefore determined the appeal based on its own merits and evidence before me.

12. For the reasons given above, I conclude that the submitted details meets the requirements of condition 2 and does not unacceptably affect the character and appearance of the area. It therefore accords with Policies S1 and E1 of the Hambleton Local Plan, 2022 which together, amongst other matters, supports proposals which respect and contributes positively to local character, identity and distinctiveness. For the same reasons, it also accords with the aspirations of the Framework relating to achieving well designed places.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

N Teasdale

INSPECTOR