



Appeal Decision

Site visit made on 14 November 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/G2713/W/23/3319449

OS Field 3557, Low Worsall, Yarm, TS15 9PJ

(Grid Ref Easting: 439342, Grid Ref Northing: 508596)

- 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 Tyers against the decision of Hambleton District Council.
 - The application Ref 22/01697/FUL, dated 22 July 2022, was refused by notice dated 30 September 2022.
 - The development proposed is a stable block.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed stable block at OS Field 3557, Low Worsall, Yarm TS15 9PJ in accordance with the terms of the application, Ref 22/01697/FUL, dated 22 July 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. 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 Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site relates to a large agricultural field, which lies adjacent to the B1264, at its widest part, with two field access gates at either end of the site. The field forms a broadly triangular shape, which is at its narrowest where the proposed building would be located. The former route of the main road remains a feature of the appeal site, forming a loop from the B1264 via the field gates at either end of the appeal site. The surrounding area is rural in character, with the village of Low Worsall located approximately 0.5 miles to the north.
5. Along the existing boundary of the site, close to the B1264, is a tall, mature hedge, with further tall hedgerows interspersed with trees enclosing the remaining edges of site. The height of these hedges is different to the surrounding fields, which have typically low boundaries, allowing for views of the wider landscape.

6. The proposed development would comprise a detached stable block, located in the north-western corner of the field. The proposed building would be dark timber clad, with a dark green sheeting roof. The proposal also includes a small area of hardstanding and the planting of a new, arched hedgerow in front of the building. The proposed building would be a small scale, linear building, containing four stables, with a maximum ridge height of 3.8 metres.
7. It is not disputed that the equestrian use of the building is an appropriate type of use for an open countryside location. However, it is disputed as to whether the appeal site is a suitable location for the proposed development having regard to its character and appearance.
8. Policy S5 of the Hambleton Local Plan 2022 (HLP) relates to development within the open countryside, and requires new development to recognise the intrinsic beauty, character, and distinctiveness of the countryside. It also states that development will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance, and environmental qualities of the area in which it is located.
9. I acknowledge that the nature of the surrounding area is such that the presence of buildings is few and far between and that the wider area has a pleasant, open, rural landscape. However, the appeal site and the field in which it sits, is somewhat at odds with this open character. I observed during my site visit that the appeal site is heavily enclosed on all sides by mature hedgerow and trees, meaning that any views into or out of the site are largely obscured, unlike the surrounding open fields. There is also a notable difference in the character and use of the field, which is for grazing and which also contrasts with the surrounding arable, heavily farmed landscape observed in the surrounding area. So, whilst the appeal site is mostly surrounded by open farmland, it does not exhibit these same characteristics.
10. I have had regard to the previous appeal decision¹ on the site, which is different to the current scheme in so far as the previous application sought permission for a significantly larger development of buildings, including a L-shaped stable block, as well as a substantial storage building. The scale, and massing of the proposed stable block, has been significantly reduced in the current proposal and the storage building has been removed. The appeal schemes also differ in relation to the position of the proposed buildings, with the previous application proposing a cluster of buildings located closer to the road. Therefore, whilst the previous appeal decision is a material consideration, I am satisfied that the schemes are materially different.
11. Policy S5 of the HLP is largely silent on the erection of new buildings in the countryside. However, whilst I recognise that there are very few buildings in close proximity to the appeal site, except for Toll Bar Cottage, the proposed building would not be of a scale, siting or design that would cause an unacceptable degree of harm to the character and appearance of the area. It would also not result in the introduction of an incongruous form of development into the wider rural landscape.
12. Furthermore, the appeal is supported by a Unilateral Undertaking which would require the appellant and any successors in title, to maintain the established

¹ Appeal Ref: APP/G2713/W/21/3272388

hedge at the front of the site adjacent to the highway to not less than 3.5m in height and to make sure that any hedge plants that might over time die, are replaced by others of a similar species and allowed to reach the same height. Whilst I accept that this does not fully address the concerns of the Council and the previous inspector, it would address their concerns in respect of future changes to the appearance of the site, and potential for changes to the landscape impact of the proposed development.

13. I consider that the measures in the Undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the NPPF. I am therefore satisfied that there is an effective mechanism to ensure the existing mature hedgerow is retained.
14. However, in respect of the landscaping proposals which are shown on the proposed plan, I find that the introduction of a semi-circular willow hedgerow, with hardstanding and further unspecified planting, would introduce an incongruous feature to the site. In the context of the appeal site, which is already an enclosed site, this would not be an appropriate form of landscaping. The proposal is also supported by a limited amount of detail in relation to the landscaping scheme. On this basis, I find that the proposals would not be acceptable, and I have therefore considered whether these concerns could be overcome by imposition of a suitably worded planning condition. A planning condition which requires the submission of and approval of an alternative scheme of hard and soft landscaping which seeks to retain the existing character and appearance of the site and maintains the existing enclosed landscape character would overcome these concerns.
15. Consequently, I therefore find that subject to the imposition of a condition requiring the submission and implementation of an appropriate landscaping scheme, the proposed stable block would not cause harm to the character and appearance of the area. It would not therefore conflict with Policy S5 of the LP, which requires, amongst other things, development to not harm the character, appearance, and environmental qualities of the area in which it is located.

Other Matters

16. The appellant has referred to the site as partly brownfield, recognising that the former route of the B1264 lies to the outer edges of the field. Whilst I acknowledge that the former road is still a visible feature, the remainder of the appeal site has a natural and undeveloped appearance. Nevertheless, whether or not the appeal site is partly brownfield or not does not alter my findings above.

Conditions

17. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
18. I have imposed standard conditions concerning commencement and compliance with the submitted plans. It is necessary that the development be carried out in accordance with the approved plans and submitted details of the

materials to be used for the avoidance of doubt and in the interests of certainty.

19. However, notwithstanding the details shown on the submitted plans, a pre-commencement condition requiring the submission and approval of a detailed landscaping scheme is required, in the interests of certainty and to protect the character and appearance of the area. I have also imposed a further condition in relation to the submission and approval of further information in relation to the access arrangements, which is necessary in the interests of highway safety.

Conclusion

20. For the above reasons, the proposed development would accord with the development plan taken as a whole and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - HN/22/001/003 (Proposed Site Plan)
 - HN/22/001/004 (Proposed Floor Plans & Elevations)
- 3) Notwithstanding the details landscaping details shown on the proposed site plan, no development shall commence until, a scheme of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.

The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 4) Prior to the development being brought into use, the crossing of the highway verge at the southern access to the B1264 shall be improved in accordance with 'Standard Detail Number E 10' and the following requirements:
 - Any gates or barriers must be erected a minimum of 14 metres back from the carriageway of the existing highway and must not be able to swing over the exiting highway.
 - Provision to prevent surface water from the site discharging onto the existing highway must be constructed and maintained thereafter.
 - The final surfacing of any private access must not contain any material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

End of Schedule