

Appeal Decision

Site visit made on 20 November 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/U2750/W/23/3329991

Land at Street Lane, Pickering, North Yorkshire YO18 8LW

- 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 J Skaife against the decision of North Yorkshire Council.
 - The application Ref 23/00008/FUL, dated 3 January 2023, was refused by notice dated 22 June 2023.
 - The development is change of use of land to form self-storage compound and retention of associated shipping containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw on my site visit that the appeal site contains a number of shipping containers, as well as other structures including wooden sheds and a repurposed vehicle-body serving as a storage structure. Not all of the structures that I saw on the site are shown on the provided plans, or are currently located in accordance with the plans. Accordingly, I have determined that appeal on the basis of the submitted plans.
3. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework') that was published on 20 December 2023 but as it does not involve changes to national policy affecting the proposal, I have not sought the parties' comments upon it.

Main Issues

4. The main issues are:
 - whether the appeal site is an appropriate location for the development having regard to the local spatial strategy;
 - the effect of the development upon the character and appearance of the area;
 - the effect of the development upon the Visually Important Undeveloped Area, and;
 - whether the development preserves or enhances the significance of Keld Head Conservation Area ('the CA').

Reasons

Appropriate location

5. Although the appeal site is situated at a point of transition between open countryside and Pickering, and lies within easy access of the town, it lies outside the development limits of the settlement as set out in the Ryedale Local Plan ('RLP'). The appeal site is therefore within the open countryside for the purposes of RLP Policy SP1. This policy sets out a hierarchy for the delivery of employment land and development. It states that development in the open countryside will be restricted, apart from exceptions. The exception relevant to the appeal is that relating to development which is necessary to support a sustainable, vibrant and healthy rural economy and communities.
6. There is no substantive evidence before me in relation to the provision of similar facilities in the local area. Representations from interested parties in relation to the appeal highlight that the development appears to be meeting an otherwise unmet demand for residents and rural businesses within the local area for a self-storage facility, and that it is valued.
7. However, whilst the evidence indicates that the development is helping to support the rural economy and local communities, it does not demonstrate any degree of necessity, or that it would not be possible to locate the development on a sequentially preferable site having regard to the hierarchy for the delivery of employment land set out in RLP Policy SP1.
8. RLP Policy SP6 provides for the open countryside forming a source of new land and buildings for employment purposes, where it represents the small-scale conversion of existing buildings or the provision of new buildings to support appropriate rural economic activity in line with RLP Policy SP9. RLP Policy SP9 includes a number of developments relating to the land-based economy, and it has not been shown that the development would fall within the parameters of this list. Accordingly, the development derives no support from this part of the RLP Policy SP6.
9. RLP Policy SP6 also makes provision for the open countryside forming a source of new land and buildings for employment purposes, where it represents expansion land for existing major employers or established businesses.
10. The use of the agricultural-style building on land adjacent to the appeal site for self-storage purposes was granted planning permission in 2023. This building and the land around it are in the control of the appellant, and both this building and the appeal site are served by the same vehicular access. There is a business operating at the appeal site at present providing self-storage, which it is said, was established during the Covid-related periods of lockdown. It may therefore be the case that the use of the appeal site predates the planning permission granted for the use of the agricultural-style building. However, there is no evidence before me that confirms that any operation would have been operating lawfully at that time.
11. Furthermore, the evidence before me provides no indication whether this planning permission has been implemented, or whether the building is, or has been, operating as a self-storage facility in its own right. Consequently, it has not been shown that the development before me would represent the expansion of an existing business, and as a result, the development fails to

reflect the requirements for the open countryside forming a source of new land for employment purposes as set out in RLP Policy SP6.

12. Additionally, RLP Policy SP6 also states that proposals for new Use Class B8 on unallocated sites will be supported in line with the restrictions in relation to the relevant source, where they are of an appropriate scale to their surroundings having regard to their visual impact, are capable of being accessed commensurately with the nature of their use and without unacceptable impact, and where the provisions of RLP Policies SP12, SP17 and SP18 are satisfied. All of these requirements must be met in order to comply with the policy. The appeal site does not represent a suitable source for an unallocated employment site, as I have set out above. Therefore, the development does not derive any support from this policy.
13. It is suggested by the appellant that the development comprises a community facility, and therefore its retention would be in accordance with RLP Policy SP11. Even if I were to agree that the proposal could comprise a community facility, as there is no evidence before me in relation to its lawfulness, I afford only limited weight to any protection against its loss that the policy may provide. Furthermore, this policy makes provision for the establishment of new community facilities outside of development limits only where it is shown that they could not be located within development limits. As there is no evidence before me in relation to the availability or otherwise of alternative sites within development limits, it has not been shown that the proposal would draw support from this element of the policy.
14. I conclude that the appeal is not an appropriate location for the development having regard to the local spatial strategy. It would conflict with RLP Policies SP1, SP6 and SP9, the content of which I have set out above.

Character and appearance

15. The appeal site is an irregular shaped area of land, accessed from Street Lane and is located at the western extent of Pickering. The northern part of the site includes an access point which serves the appeal site, as well as an adjacent field and a building of agricultural design. The southern part of the site comprises an enclosed area of land with a loose surface dressing. At the time of my site visit, I saw that the northern part of the site hosted three shipping containers and a former truck-body that was serving as a machinery and wood store. The southern part of the site also contained a number of shipping containers, as well as wooden sheds. This part of the site, in contrast to the northern area, is screened by mature hedgerows on all boundaries, apart from the western, which is instead screened by the adjacent building.
16. The northern part of the site is relatively open, is experienced mainly from Street Lane, and has both a functional and visual association with the adjacent field to the west, and agricultural-style building that is within it. The provided plans indicate that no containers would be located within this area, which primarily provides a means of vehicular access to the main compound.
17. The use of the southern part of the appeal site as a self-storage compound has involved the location of shipping containers within the site. However, this area of the appeal site is enclosed in character and is not easily perceived from public viewpoints, with intervening land, buildings and trees and hedgerows providing varying, but generally extensive visual screening. Accordingly, and

due to their size, the shipping containers are not widely visible from outside of the site, including from the Public Right of Way which runs to the south of the appeal site. Only small elements of the topmost part of the containers are visible above the substantial mature hedgerows and other landscape features, and their dark colour treatment further softens their appearance. Overall, the development assimilates well with its surroundings and does not harm the character and appearance of the area.

18. With regard to this main issue, I conclude that the development does not harm the character and appearance of the area. It therefore accords with RLP Policies SP12, SP13, SP16 and SP20. Together, and amongst other factors, these policies state that development should contribute to the protection and enhancement of landscape character including the distribution and form of settlements, the character of individual settlements, integrate well with their surrounds, and reflect the character and context of the immediate locality. It also accords with Chapter 12 of the National Planning Policy Framework ('the Framework') which states that developments should be sympathetic to local character and landscape setting.

Visually Important Undeveloped Area

19. The southern part of the appeal site is within a Visually Important Undeveloped Area ('VIUA') as defined in the RLP.
20. The VIUA includes land on the western side of the A170 and includes Keld Head Pond ('the pond'), as well as land to the north and west of it. However, the area is not wholly undeveloped, and includes residential properties and a caravan site located to the north of the pond. I understand that the caravan site to the east of the appeal site has not been granted planning permission, but nevertheless also contributes to the developed nature of much of the surroundings of this part of the appeal site, as a matter of fact.
21. Absent of development, the part of the appeal site which is within the VIUA, would make a minor contribution in terms of maintaining the open character of the wider area.
22. The development has led to the loss of a small amount of VIUA, and to some erosion of the sense of openness and separation that the VIUA affords. However, given the minor contribution of the appeal site to the overall VIUA and limited extent to which the development is visible, this harm is of a very low level.
23. RLP Policy SP16 states that development proposals on land designated as a VIUA will only be permitted where the benefits of the development significantly outweigh the loss or damage to the character of the settlement.
24. The proposal has led to some benefits, including contributing to the rural economy, providing a facility that appears to be valued by the local community and is meeting an unmet need, and securing employment for the appellant. Given the small scale of the development, I afford these benefits minor weight. However, as I have identified that the level of harm to the VIUA would be of a very low level, these minor benefits are sufficient to significantly outweigh this harm.

25. With regard to this main issue, I conclude that the development does not result in unacceptable harm to the VIUA. It therefore accords with RLP Policy SP16, the requirements of which I have set out above.

Conservation Area

26. The eastern boundary of the appeal site is adjacent to the western extent of the CA and the appeal site therefore forms part of its setting.
27. The significance of the CA, insofar as it relates to this appeal, is derived from the historic relationship between the pond and the vernacular buildings which are close to it. Together these elements are evidential of the rural character of Keld Head, which I understand was historically a separate hamlet, but now effectively forms the western gateway to Pickering.
28. As the storage compound is screened from views from the west by an existing building, the appeal site does not appear in foreground views of the CA. Although it would form part of the backdrop of the CA and the pond, when viewed from within the CA, the relationship between the buildings to the north of the A170 and the pond would remain, and the location of the appeal site to the west of the pond does not have a material effect on the interpretation of any historic separation of the CA from the wider Pickering settlement located to the south-east. In this context, the effect of the development upon the setting of the CA is neutral, and accordingly, its significance is preserved.
29. The development therefore accords with RLP Policy SP12 which, amongst other factors, states that designated heritage assets and their setting will be conserved, and where appropriate, enhanced. It would also accord with Chapter 16 of the Framework which states that great weight should be given to the conservation of the significance of a designated heritage asset.

Other Matters

30. The appellant has stated that the development does not harm biodiversity, highway safety or increase flood risk. Interested parties have stated that the development does not have an unacceptable effect upon the living conditions of the occupiers of nearby properties. I have no reason to disagree with these conclusions, but these are neutral factors that do not weigh in favour of the development.
31. I have had regard to the level of support provided to the appellant by interested parties, as well as the representation received from a family member. Although I acknowledge the appellant's circumstances and evident standing in the community, I am required to consider the appeal on its own merits.

Conclusion

32. Although I have found that the development would not harm the character and appearance of the area, would preserve the character or appearance of the CA, and would not cause unacceptable harm to the VIUA, I have also found that the appeals site is not an appropriate location for the development having regard to the local spatial strategy. The development conflicts with the development plan when read as a whole.

33. There are no other considerations, including the framework, which would indicate that a decision should be taken other than in accordance with the development plan.
34. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR