



Appeal Decision

Site visit made on 15 March 2024

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 May 2024

Appeal Ref: APP/U2750/W/23/3334096

Oak Stile Farm, Foulgate Nook Lane, Grewelthorpe, Ripon, North Yorkshire HG4 3DP

- 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 & Mrs T Easby against the decision of North Yorkshire Council.
 - The application Ref 23/01157/FUL, dated 22 March 2023, was refused by notice dated 8 June 2023.
 - The development proposed is the conversion of agricultural barn to create a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of agricultural barn to create a dwelling at Oak Stile Farm, Foulgate Nook Lane, Grewelthorpe, Ripon, North Yorkshire HG4 3DP in accordance with the terms of the application, Ref 23/01157/FUL, dated 22 March 2023, subject to the conditions set out in the schedule attached to this decision letter.

Preliminary Matter

2. Areas of Outstanding Natural Beauty (AONBs), including Nidderdale, are now all known as National Landscapes. Given how recently the name change for such areas was made, local and national policy still refer to AONBs, but for precision I have used their new title in this decision letter.

Main Issue

3. The main issue raised by this appeal is the effect the development would have on the character and appearance of the area, including the landscape and scenic beauty of the Nidderdale National Landscape.

Reasons

4. The isolated field barn is set in attractive rolling countryside which has a pastoral appearance. This landscape is in part characterised by dispersed agricultural buildings built of traditional natural materials. Apart from one gable elevation its stone walls have been largely enveloped by later agricultural buildings with a utilitarian and somewhat ramshackle appearance. The conversion proposal would remove these additions. The stone walls of the large structure to the front would be exposed by the removal of the metal framed shed above, and lowered but retained to create an enclosed garden. Two lean-to extensions would be added, one to the gable and one to the rear elevation.

5. The proposed treatment of the older barn would be sympathetic to its vernacular architecture, making use of existing openings including the distinctive slit windows and the large barn door. This would largely retain its character as an historic barn and retain features that contribute positively to the character of the building and its surroundings. The removal of the extensive extensions to the side, rear and to the front would both remove unsympathetic additions and better reveal the older part of the building, enhancing its immediate setting.
6. The proposed lean-to gable extension would occupy a similar foot print to the existing extension at that point. Whilst its ridge would be at a similar height to its predecessor, its eaves would be considerably lower. Features would include a slight set back to reveal the quoins on the older building, and a more solid appearance than the two open sides of the present structure. These elements would make the extension appear as a subservient addition. This would be considerably more sympathetic to the architecture of the older building and its countryside setting than the present arrangement.
7. The rear extension would occupy a considerably smaller footprint than the remainder of the current structure. It would also appear as a subservient feature with its proposed elevational treatment of profiled sheeting reflecting an influence from more incidental agricultural extensions present in the wider area. Together this would mean the alterations would be in keeping with their surroundings, local building styles and materials. As a result it would avoid an adverse effect on the character of the local landscape or its setting. It would not be as visually prominent as the existing arrangement and would not appear as a discordant feature within the landscape.
8. Amongst other criteria, Harrogate District Local Plan, 2020 (HDLP) Policy HS6 supports the conversion of rural buildings for housing subject to a range of criteria, including that the building is capable of conversion without the need for substantial extension. Substantial in this context is not quantified. Notwithstanding the existing footprint of the complex which is considerably larger than that proposed, the two extensions would occupy a relatively large footprint compared to that of the retained part of the older barn.
9. However, their set-in and set-down configuration relative to the older building's corners and eaves along with their depths being less than that of the host building would mean that in visual terms at least they would not appear as substantial. Although the Council advise that the buildings they would partially replace are not capable of conversion, factoring in the existing configuration of the building complex, considered overall the extensions would not be substantial.
10. The removal of the existing taller and more extensive structures, and replacement with smaller ones, in particular the roofed in area to the front, would make the overall bulk and extent of the structure less prominent in the landscape. This would be particularly from Foulgate Nook Lane from where long distance glimpses of the complex are afforded, as well as at slightly closer quarters from the public footpath which traverses a field nearby. This, combined with the sensitive treatment of openings, would mean that the resulting dwelling would be of a high quality design and would not harm the landscape character of the area.

11. The enclosed garden area to the front, and parking area tucked away between the sides of the proposed extensions would go a considerable way to ensuring that the outward signs of domestic activity and its accompanying paraphernalia would be largely hidden from view. Along with the sensitive conversion and extension design, proposed materials, and the treatment of the access track, this would avoid the development having an urbanising effect on the countryside during daylight hours.
12. Whilst there would be three large windows serving the resulting dwelling, most openings would be modest and there would be no rooflights. This proposed configuration along with the sensitive approach to external lighting set out in the Design and Access Statement would limit light pollution and help avoid an overly intrusive effect after dark in what is a Dark Skies area.
13. There is no suggestion that the surfacing of the track would adversely affect the useability of that part of the public right of way which runs along its route. Users of the public right of way would see a repaired and altered building and, for the above reasons, signs of domestic use both inside and outside would be limited in how much they would be discerned. Overall, the building would be of a reduced mass and bulk compared to its current configuration as seen from the right of way. This change from a partly dilapidated building to one in use would not have a harmful effect on the enjoyment of those using the right of way nor hence its recreational or amenity value.
14. The development would accord with HDLP Policy HS6's requirements for residential conversions. As the development would enhance its immediate setting, it would also accord with one of the National Planning Policy Framework's (The Framework) concessions where isolated dwellings in the countryside would be acceptable. It is of note that the prominence or otherwise of such buildings is not a factor in determining their acceptability for conversion in either development plan or national policies. For the above reasons it would also accord with HDLP Policy HP5's requirements to protect public rights of way.
15. I have had regard to the purposes for which the Nidderdale National Landscape is designated and given great weight to conserving and enhancing its landscape and scenic beauty. Having done so, the proposal would not have a harmful effect on the landscape qualities of the National Landscape, and its natural beauty would be conserved along with the local distinctiveness of the area, in accordance with HDLP Policies NE3, NE5 and HP4. The design would follow the good design, and avoid the bad design, illustrations in the Council's Design Guide¹.
16. The Council refer to an appeal at Timble². However, this was considered under the policies of a previous development plan such that I cannot be certain that the same criteria for conversions applied. More fundamentally, in that case the Inspector found that the domestic appearance of the alterations and vehicle movements associated with a twelve-bed holiday let would cause harm. These were different circumstances to the proposal before me. Further, that decision does not refer to the effect of the relative size of extensions. That appeal decision does not, consequently, lead me to a different conclusion.

¹ Harrogate Borough Council - Farm Buildings Design Guide, 2020.

² APP/E2734/W/19/3227281.

Conditions

17. Specifying the approved plans and specifications gives certainty to all parties, will ensure the habitats and protected species requirements are implemented and that any effects on Dark Skies are minimised. Specifying more versatile 'swift bricks' will maximise the potential for providing suitable replacement or additional bird nesting. Requiring appropriate visibility splays at the road junction and that the highway verge crossing accords with the appropriate standard is necessary to protect the safety of all road users.
18. It is necessary to assess the risk of any contamination and, if required, that this is remediated in the interests of the health of future occupiers. The scale of development means that a more concise form of condition than that suggested would suffice. In order to be effective this needs to be a pre-commencement condition.
19. As an important aspect of the acceptability of the proposal will be the quality of materials, doors, windows, detailing and craftsmanship, it is necessary that details and a sample panel are approved. Requiring approval of details of interventions such as flues, vents and rainwater goods will avoid the potential of such features to harm an otherwise sensitive scheme, if poorly detailed or sited. Requiring approval of details of any air source heat pump would be a more straightforward way for the Council to exercise control over the siting and appearance of such plant should it be intended to install it prior to occupation.
20. Given the sensitive situation of the property, the quality of the older part of the building and the importance of the extent of extensions to the acceptability of the proposal, it is exceptionally necessary to remove permitted development rights to ensure that the Council can exercise control over future external alterations and extensions to the property. It is necessary to provide the infrastructure so that occupiers will be able to have the benefit of high-speed fibre broadband, as it is available, to accord with HDLP Policy TI5
21. It is not necessary to require an EV charging point as this is now a requirement of the Building Regulations. Although the Council would prefer a condition setting out detailed standards, such a specification would go beyond the requirements of HDLP Policy TI3 and paragraph 6.21.

Conclusion

22. For the above reasons the development would not harm the character and appearance of the area including that of the landscape and scenic beauty of the Nidderdale National Landscape. The proposal would accord with the development plan considered as a whole, the Framework and Council guidance. The appeal is therefore allowed.

Geoff Underwood

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 and specifications:
- a) Drawing Nos: PL04, Site Location Plan; PL06 revision C, Site Plan - As Proposed; PL20 revision A, Proposed – Ground Floor Plan; PL21 revision A, Proposed – First Floor Plan; PL22 revision A, Proposed – Roof Plan; PL25 revision A, Proposed – Elevations, and; PL26 revision A, Proposed – Elevations.
 - b) Design and Access Statement by architecture:ab - 'Energy use' and 'Lightning design' sections.
 - c) Bat and Barn Owl Surveys report (ref 1414 revision 04, dated 13 September 2022) by Quants Environmental - habitats (4.2.1), Bats (4.2.2), Barn Owl (4.2.3), Other bird species (4.2.4) and Great Crested Newts sections, except in respect of the house sparrow integral boxes specified at paragraph 4.2.4.2
- 3) Notwithstanding condition 2)c), two integral swift bricks shall be provided otherwise in accordance with paragraph 4.2.4.2 of Bat and Barn Owl Surveys report (ref 1414 revision 04, dated 13 September 2022) by Quants Environmental, instead of two house sparrow integral boxes.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175:2011+A2:2017, Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land Contamination Risk Management guides (or equivalent British Standard and guides if replaced), have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority prior to the dwelling being first occupied.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and not recommence until additional measures for its remediation have been submitted to and approved in writing by the local planning authority.

The remediation of the site shall incorporate any approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority prior to the dwelling being first occupied.

- 5) Prior to their installation, samples of all external materials to be used in the repair of the existing structure and the construction of new structures, including a sample panel of the pointing material and technique to be employed in the repair of the existing and construction of new masonry on site, are to be made available to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved samples and sample panel. The

sample panel shall not be removed from the site until completion of the external surfaces of the development.

- 6) Prior to their installation, full details of all windows and doors, including materials, final finish, sections, details of glazing bars, frames, sills and depths of reveals, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to their installation, full details of all rainwater goods and means of affixing them to the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to any installation, full details of any air source heat pump and its situation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No external extracts, flues, vents, heating or cooling equipment, sensors or lighting, or similar paraphernalia shall be installed unless and until full details, including their illustration on drawings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 10) No vehicular access associated with the construction or occupation of the dwelling hereby permitted shall take place until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained thereafter.
- 11) The dwelling hereby permitted shall not be first occupied until infrastructure for the provision for Fibre to the Premises broadband has been implemented and made available for use.
- 12) The dwelling hereby permitted shall not be first occupied until the crossing of the highway verge has been constructed in accordance with Standard Detail number E20 of the local highway authority and the following requirements:
 - a) that part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:10;
 - b) provision to prevent surface water from the site discharging onto the existing highway must be constructed and maintained thereafter to prevent such discharges, and;
 - c) the final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing highway.

The highway verge crossing arrangements shall be retained in accordance with the specified details thereafter.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development permitted by Schedule 2, Parts 1 and 2 of that Order shall be carried out.

*** End of Schedule of Conditions ***