



Appeal Decision

Site visit made on 24 April 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/U2750/W/23/3336062

West Garth, Sinderby to Pickhill Station, Sinderby YO7 4JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 David Barley against the decision of North Yorkshire Council.
 - The application Ref 21/01033/REM sought approval of details pursuant to condition No 2 of planning permission Ref 20/02343/OUT, granted on 1 February 2021.
 - The application was refused by notice dated 23 June 2023.
 - The development proposed is the construction of a farm workers dwelling.
 - The details for which approval is sought are: appearance and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance and scale details submitted in pursuance of condition No 2 attached to planning permission Ref 20/02343/OUT dated 1 February 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Plan – Drawing Number 200604-02 Rev B; Location Plan – Drawing Number 200604-03 Rev A; Floor Plans – Drawing Number 200604-09 Rev C; Elevations – Drawing Number 200604-10 Rev C.

Preliminary Matter

2. On 1 April 2023 Hambleton District Council merged with a number of other Councils to form a new Unitary Authority of North Yorkshire Council. This appeal decision however refers to the name of the Council shown on the decision notice which is the subject of the appeal, that being North Yorkshire Council. Development plans for the merged Councils remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced.

Main Issues

3. The main issues are 1) the effect of the scale and appearance of the development on the character and appearance of the area, and 2) whether or not the size of the dwelling and its associated construction costs are justified having regard to the matters of scale and appearance and the relevant development plan policy.

Background

4. Outline planning permission was granted on 1 February 2021 for the construction of a farm workers dwelling. This was subject to a number of conditions. Condition 2 requires the approval of details of appearance and scale of the development (the reserved matters). The outline planning permission had approved details of access, layout and landscaping.

Reasons

Character and appearance

5. The appeal site is located in an area of open countryside adjacent to existing large farm buildings. Beyond the appeal site is an existing large, detached two-storey dwelling and more large farm buildings.
6. The layout was approved at outline stage with the plan showing 'new house' and 'garage'. The Planning Practice Guidance defines layout as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
7. In terms of scale, this is defined as the height, width and length of each building proposed within the development in relation to its surroundings. The plans show a two-storey detached dwelling with attached garage and accommodation above. It is consistent with the layout approved at outline stage.
8. I acknowledge that scale was not considered by the Council at the outline stage, however, having approved the layout the Council approved the dwelling on that basis. Although there is no condition on the outline application limiting the number of storeys, it would appear to me that a two-storey dwelling is not something completely unusual or something that could not have been envisaged may come forward at a later stage. Having approved the layout, had the Council considered that only a dwelling of less than two storeys would be acceptable, a condition could have been imposed to that effect. There is nothing requiring the dwelling to be single storey.
9. Having regard to the scale before me, it is consistent with the existing dwelling at West Garth, that being a large detached two-storey dwelling. When viewed in conjunction with the large agricultural buildings I do not consider it would cause harm. It is also pertinent that there is a slight downward slope on the appeal site from the roadway that would alleviate its scale when viewed from here.
10. The Council have referred to the dwelling as not providing an appropriate functional relationship to the farm buildings for which the justification for a 24-hours a day presence rests. This matter is not however directly related to the consideration of scale and appearance. The position of the dwelling is fixed by the approved layout and the dwelling is in close proximity to the farm buildings. The fact that there is not direct overlooking does not lead me to conclude there is not an appropriate functional relationship given the closeness to the farm buildings, and the monitoring of the farm buildings is not solely reliant on views from windows of the dwelling.

11. Appearance is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
12. The dwelling has an established appearance with brick walls, slate roof and an oak framed porch. On the front elevation, the openings are well ordered with brick detailed soldier courses. The projecting two-storey gable, along with the oak-framed porch breaks up the continuity of the frontage, providing interest and relief. The garage to the side, whilst having a higher than typical eaves level, is nevertheless subordinate to the main body of the dwelling and set reasonably well back from the frontage.
13. The rear elevation is less well ordered; however, it would have very limited views from the roadway and is not unacceptable. The roofline is book-ended by chimneys at either end which would provide an important breakage in the continuation of its form. The appearance of the dwelling would draw on the design and form of the existing dwelling at West Garth and I also observed similar styles to dwellings in the nearby village.
14. I therefore find that the scale and appearance of the dwelling would not have an unacceptable impact on the character and appearance of the area. It would comply with Policies S5, E1 and E7 of the Hambleton Local Plan (2022) which require, amongst other things, that developments recognise the intrinsic beauty, character and distinctiveness of the countryside, are of high-quality design which respects and contributes positively to the local character and landscape.

Size and construction costs

15. The Council also refused the application as they considered that the size of the dwelling was not commensurate with the needs of the business or the expressed needs of the occupier to fulfil the role in the effective operation of the adjoining agricultural business. The Council also referred to an absence of evidence to demonstrate the costs associated with the construction of the dwelling are within the financial viability of the pig rearing farm business at West Garth Farm.
16. Policy HG4 of the Hambleton Local Plan (2022) sets out the circumstances where proposals for new dwellings to meet the essential needs for a rural worker will be supported where, amongst other things, the rural enterprise has been operational for a minimum period of three years and is demonstrated to be commercially viable, and has clear prospects for remaining so; and that the new dwelling is of a size which is commensurate with the established functional requirement of the enterprise.
17. The Planning Practice Guidance (PPG) (Housing needs of different groups) outlines that one of the considerations that it may be relevant to take into account when applying paragraph 84a of the National Planning Policy Framework (2023) (the Framework) could include the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
18. Planning permission has already been granted at the outline stage for the dwelling. An application for approval of reserved matters is not an application for planning permission. I am only able to consider the acceptability of the

reserved matters which are before me. There is no scope to reconsider matters which were dealt with, or should have been dealt with, at the outline stage. There are no conditions on the outline planning permission limiting the size of the dwelling or placing a requirement for the appellant to justify its size or construction costs.

19. The Council's reason for refusal on this matter relates to the 'size' of the dwelling. The size of the dwelling inherently derives from its layout which, along with the garage, has been approved. Whilst the scale is subject to reserved matters approval, I have found that it would not have been inconceivable that a two-storey dwelling would follow from the approved layout.
20. In terms of considering whether or not the size is commensurate, the appellant's evidence provides a rational explanation in terms of the proposed size of the dwelling both in terms of their family requirements and those of the agricultural enterprise. This includes the development accommodating a farm office. The Council refer to the fact that the dwelling would exceed the Nationally Described Space Standards. These standards are, however, a minimum amount that is required and I am not aware of a policy requirement that would prevent them being exceeded as is the case.
21. I recognise that the dwelling is indeed large, and I agree with the Council that it could be described as 'generous'. It is not however excessive and could be reasonably described as forming a large family sized dwelling intended to provide living accommodation for an agricultural worker(s) and their dependants. The property also includes a farm office and garage. I consider it to be acceptable.
22. In terms of financial viability, the policy highlights this in relation to the existing enterprise. Whilst it may arguably follow, it does not tie this directly to the construction costs. In terms of the construction costs, the appellant has set out how the construction would be funded. It would seem reasonable to me that whilst the dwelling is for an agricultural worker, and there would be a fundamental link with the finances of the farming business in terms of construction and future maintenance, that funds may be also drawn from sources such as retained earnings and the sale of an existing property as has been set out.
23. The evidence shows that the agricultural enterprise was being undertaken in 2018 and that it has been in the ownership of the applicant's family since 1982. Although there is limited detailed financial analysis, the financial evidence that has been provided, combined with the longevity of the business, presents a rational case to demonstrate commercial viability of the enterprise with clear prospects for remaining so. There is nothing to suggest that the business is not viable now or will not remain viable in the future.
24. Having regard to the PPG the Council will also have considered the degree to which there is confidence that the enterprise will remain viable for the foreseeable future when it granted planning permission for the dwelling at the outline stage.
25. Therefore, having regard to the development plan policy set out above, and the matters of scale and appearance, as they relate to the size of the dwelling and

its associated construction costs, I find the proposed development to comply with Policy HG4 as outlined above.

Other Matters

26. The Council consider that should the business fail it is likely that the proposed dwelling would, due to its size, be unaffordable to other rural workers and would result in pressure placed upon them to remove the agricultural occupancy condition.
27. There is no substantive evidence to demonstrate that the business would not remain financially viable for the foreseeable future, or that the dwelling would be unaffordable to rural workers. When considering affordability of the property, it will be pertinent that it is restricted to occupancy by a rural worker, something which the Council have secured and would be able to retain.

Conditions

28. I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interest of certainty.
29. The Council have recommended I impose a condition requiring the development to begin within two years of the date of this consent. The required time limit condition has been imposed on the outline planning permission and is therefore not necessary.
30. The Council have recommended I impose a condition requiring the submission of a landscaping and biodiversity net gain scheme. Such matters are however outside the scope of the reserved matters before me. Furthermore, landscaping was approved at the outline stage.
31. A condition requiring detailed cross sections and floor levels to be submitted is not necessary as this is a condition on the outline planning permission.

Conclusion

32. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR