



Appeal Decision

Site visit made on 3 June 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2024

Appeal Ref: APP/W9500/W/24/3338100

Land East of Pasture Road, Lockton, Pickering YO18 7NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Eddon on behalf of FHJA & MA Eddon against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2023/0791, dated 21 November 2023 was refused by notice dated 15 January 2024.
 - The development proposed is erection of a general purpose agricultural building.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a general purpose agricultural building at Land East of Pasture Road, Lockton, Pickering YO18 7NU, in accordance with the terms of the application, Ref NYM/2023/0791, dated 21 November 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:

Proposed Works – ME011123

Landscape Sections – ME021123
 - 3) No external lighting shall be installed in the development hereby permitted.
 - 4) The external surface of the roof of the building hereby permitted shall be coloured dark grey and shall be maintained in that condition in perpetuity.
 - 5) If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place.

Main Issue

2. The main issue is the effect of the proposal upon the character and special qualities of the North York Moors National Park ('the NP').

Reasons

3. As the appeal site is located within the NP, I am mindful of the requirement to seek to further the purposes of it, which includes conserving its natural beauty

and cultural heritage. Paragraph 182 of the National Planning Policy Framework ('the Framework') states that NPs have the highest status of protection, and that great weight should be given to conserving and enhancing their landscape and scenic beauty. The NP is characterised, amongst other things, by the variety and quality of its landscapes, the distinctive character of its settlements and the way in which these factors interact.

4. The supporting text to North York Moors National Park Authority Local Plan (July 2020) ('the LP') Policy BL5 highlights that farming has a large influence on how the NP looks and functions, and can affect the qualities upon which other economic activity is reliant. It also identifies that farm buildings in the NP are traditionally small in scale, built from stone, have pantile roofs and that farmsteads are usually small and clustered.
5. LP Policy BL5 itself states that new agricultural buildings and structures will only be permitted subject to a number of criteria. These include, but are not limited to, that the form, height and bulk of the development is appropriate to its setting and will not have an adverse impact on the landscape and special qualities of the NP, that there are no suitable buildings available, and that the site is related physically and functionally to existing buildings associated with the business unless there is an exceptional agricultural need for a more isolated location.
6. The appeal site comprises an area of agricultural field adjacent to Pasture Road. The road serves a number of sporadically located agricultural and residential properties, but in effect forms a dead-end. The appellant operates a farm business at High House Farm located several hundred metres to the north-west and also accessed from Pasture Road.
7. The field within which the proposal would be located forms part of a gully which falls from north to south between higher landforms. As a result, the site is visually contained, and the proposal would be well screened in longer views by this local topography. Well-established field hedgerows would also provide screening from the road and would substantially filter views, other than when in close proximity and looking towards the building.
8. Furthermore, the road is of a narrow and rural character, serving only a limited number of houses and farms. Given the nature of the area it serves, it is unlikely to be subject to heavy use, other than by farm traffic. Moreover, glimpsed views of a number of buildings, both residential and agricultural and in some cases not obviously part of larger groups, are possible at various points along its length, and in this context, localised views of the proposal would not appear as jarring or unexpected.
9. There are a pair of silos located adjacent to the road and appeal site, which I understand are disused, however the local topography means that these structures are themselves not widely visible. Given these structures are taller than the proposal would be, this give some indication that it would be equally, if not better screened. I have not been directed to any specific public rights of way in the area from where the proposal would be likely to be visible. Taking all of these factors together, despite the design of the proposal not wholly reflecting traditional agricultural buildings found in the NP, it would not appear prominent or unacceptably harmful within the landscape. In doing so, it would not undermine the special qualities of the NP.

10. The proposed building would be separated from the main farm grouping and would, following the stated removal of the existing silos, stand alone. However, it would not be wholly isolated from other development as there is a scattering of other buildings and groupings located along the road, even if they may be unrelated to the proposal.
11. In any event, the appellant's justification for providing an isolated building for biosecurity purposes during tup breeding and lambing is a reasonable one, as it is stated that this currently has to occur at other rented off-site accommodation. Bringing such activity into buildings within the appellant's control would have clear advantages in terms of supervision and the need to travel, as well as the stated economic advantages of moving away from a commercially rented building.
12. There is some dispute as to whether suitable buildings for the purposes set out may currently exist at or close to the farm. Whilst I have not been provided with detailed evidence to definitively demonstrate one way or the other, the fact that the appellant is currently renting off-site accommodation for the winter housing of the flock strongly indicates to me that it is unlikely that suitable unused buildings exist at the farm. Moreover, if these activities currently occur remotely for biosecurity reasons, it would not be reasonable to expect them to be carried out at existing buildings within the farm grouping, even should any suitable buildings be available.
13. The fact that the building would also be used as storage for feed stock would be a logical and efficient means of using the building. A lack of justification for the use of the building for this purpose alone does not negate the justification that has been established in relation to the sheep breeding enterprise. Nor does the fact that other farms have not made similar arguments undermine the case being put to me, as I am unaware of any of the specifics of any other cases or farming practices.
14. Overall, I am satisfied that the nature of the farming operation and the proposed use of the building is such that it has been demonstrated that the exceptional need required by the policy exists in this case, and that no other suitable buildings would be available.
15. The proposal would not harm the character and special qualities of the NP. It would therefore accord with LP Policy BL5, the requirements of which I have set out above.
16. In reaching this conclusion I have given great weight to conserving and enhancing the landscape and scenic beauty of the NP. The proposal would conserve these special qualities and would support an existing agricultural business, where the viability of this sector helps to underpin the rural economy and cultural heritage of the NP. Accordingly, the purposes of the NP would therefore be furthered.

Other Matters

17. Consistency in decision making is important, however each proposal must also be considered on its merits. In this case, I have found that the proposal would not be harmful and that there is an appropriate need for the proposal in this particular location. However, the fact that I have done so, does not fundamentally undermine the authority's ability to resist other similar proposals

should they come forward, and where it considers them to be inappropriately designed, located or unjustified. My decision has been reached having regard to the specific facts of this case and has been informed by a range of factors.

Conditions

18. A number of conditions have been suggested by the authority. I have considered these being mindful of the requirements and tests set out in the Framework and the Planning Practice Guidance. Where necessary, I have made minor amendments to specific wording in order to meet the tests, including the removal of tailpieces.
19. I have imposed a standard condition relating to the commencement of the development, and a condition requiring compliance with the submitted plans in the interests of clarity and the character and appearance of the area. Further conditions relating to external lighting and materials, and the removal of the building should it no longer be required for agricultural purposes are also required in the interests of the character and appearance of the area and the special qualities of the NP.
20. I have not attached the authority's suggested condition relating to a construction management plan as given the scale, nature and location of the proposal, where any build period is likely to be relatively short and the appeal site is well-separated from any nearby residential properties and on a quiet rural road, such a condition would be excessively onerous. Nor have I attached the suggested condition relating to the removal of the existing silos. Although the removal of these structures would undoubtedly be beneficial, it is not necessary in order to make the proposal before me acceptable.

Conclusion

21. For the reasons given above, I conclude that the proposal would be in accordance with the development plan when read as a whole. There are no material considerations which indicate that a decision should be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

C Harding

INSPECTOR