



Appeal Decision

Site visit made on 5 June 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/C9499/W/23/3326572

**Field adjacent to Railway and B6479, Langcliffe, Settle, North Yorkshire
BD24 9LT (Grid Ref Easting: 382164, Grid Ref Northing: 465458)**

- 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 Ms Lisa Miller against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref is C/48/617A.
 - The development proposed is the erection of two field shelters and food storage bin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. Based on the evidence before me, the development has commenced, and I was able to view the buildings in situ at my site visit. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues of the appeal are the effect of the development:
 - on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Yorkshire Dales National Park;
 - on the character and appearance of the area, with particular regard the setting of the Settle-Carlisle Railway Conservation Area; and
 - on highway safety.

Reasons

Landscape and Scenic Beauty of the Yorkshire Dales National Park

5. The appeal site comprises a small area of land which is currently used for grazing. It is located in open countryside, and the immediate surrounding area is characterised by undeveloped fields which are largely devoid of any buildings and structures. The site lies beyond the nearby village of Langcliffe and the

open fields which surround it afford expansive views up the hillside towards the rocky outcrop of Langcliffe Quarry and Stainforth Scar.

6. The field borders the Settle-Carlisle Railway, which is set in a cutting below the site, with the railway bank on both sides and is largely screened by trees and shrubs. However, the evidence before me indicates that since the application was determined, some of these have been removed. A public right of way passes the site to the east and south with the Pennine Bridleway above.
7. The appeal site is situated within the Yorkshire Dales National Park (YDNP). National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife, and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. The Levelling-up and Regeneration Act 2023, amended The National Parks and Access to the Countryside Act 1949 to further the statutory purposes of National Parks in England.
8. Consequently, in exercising or performing any functions in relation to a National Park in England, Paragraph 182 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Where there is a conflict between these purposes, greater weight should be attached to the conservation purpose.
9. In respect of the YDNP, the special qualities are defined as being the area's unique landscape character, created by the particular combination of many elements, which comprise the managed moorland, pastures and valley grasslands; small woodlands; dispersed villages and farmsteads; the local building materials; strong field patterns; and drystone walls and field barns.
10. The appeal is seeking approval for the retention of two field shelters, which are positioned within a corner of the field and set at a 90-degree angle to each other. A green storage cabinet has been positioned next to the gable end elevation of one of the field shelters. The buildings are constructed using natural timber, and have shallow pitched roofs, which overhang the building by approximately 90cm. The buildings have an overall ridge height of approximately 3.6 metres. The storage cabinet is green in colour and with an overall height of approximately 1.8 metres.
11. The Council has also made reference to the presence of hardstanding of within the site which is used for parking. However, this was not created by the appellants, and they are not seeking approval for its retention. Therefore, this is not a matter for me to consider as part of this appeal.
12. The location of the appeal site means that views of the site within the wider area are limited by virtue of the surrounding topography and presence of mature landscape features and stone walls. However, even with these features, the buildings are visible from a number of public vantage points, including the nearby public rights of way, the access track and the B6479. Furthermore, by virtue of the isolated position of the appeal site within a largely undeveloped landscape the buildings appear prominent in these views. This prominence would increase during the winter months, when the trees that provide most of the existing screening would not be in full leaf.

13. The buildings are sited within the field, utilising eco-grid matting, rather than being built into the land, meaning that they could easily be removed, and the land restored if no longer needed or once the tenancy ends. This also means that the development will not cause disturbance to the medieval field systems which are noted as being commonly found within the area. It is also not disputed that the buildings which have been erected function well for the appellant in providing a means of shelter for their horse and storage for feed and equipment. However, the buildings introduce a form of built development into what is a largely undeveloped area, which as a result detracts from the landscape quality of the area.
14. Therefore, by virtue of being located within an area characterised by open, pastoral field systems, with prominent views from the public right of way and B6479, the shelters neither conserve nor enhance the landscape of the YDNP. The development is therefore contrary to the first statutory purpose, which is to conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Park.
15. The Council have suggested the imposition of a planning condition to require the submission, approval, and implementation of a landscaping scheme for the site. However, whilst additional landscaping or screening may reduce some of the visual impact of the development, it would not fully mitigate the harm. Furthermore, the appellant indicates that they are not able, under the terms of their tenancy agreement, to add any walls, fences, hedges or planting to the site. Consequently, I am not satisfied that imposing such a condition would overcome my concerns.
16. Whilst the appellant has drawn my attention to the presence of other buildings within the surrounding area including, houses, Langcliffe Caravan Park, Quarry and Paper Mill, these buildings do not form part of the immediate setting. They are distant features within the wider landscape. Therefore, the presence of these buildings within the wider area does not provide any justification for the siting of the buildings subject of this appeal.
17. I also acknowledge that there are a small number of buildings visible from the public right of way as you leave the village of Langcliffe heading towards Stainforth. However, I have not been presented with any details of these buildings, therefore, it is not possible for me to draw any direct comparisons to the appeal proposal. In any event, each scheme must be considered on its own individual merits, having regard to the facts of the case.
18. For the above reasons, I therefore find that the development harms the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Yorkshire Dales National Park. It is therefore contrary to Policies SP2 and SP4 of the Yorkshire Dales National Park Local Plan 2015-2030, adopted September 2016 (LP), which seek amongst other things, to ensure that all development responds positively to the site, its surrounding context and landscape setting. Policy SP4 also requires that development permitted should further the statutory purposes of conserving and enhancing the natural beauty, wildlife, and cultural heritage of the National Park.
19. It also conflicts with Paragraph 182 of the Framework which aims to conserve and enhance landscape and scenic beauty within National Parks. The proposal does not therefore accord with the first statutory purpose of National Parks to conserve and enhance their natural beauty, wildlife, and cultural heritage.

Settle-Carlisle Railway Conservation Area

20. The appeal site is adjacent to the boundary of the Settle-Carlisle Railway Conservation Area (SCRCA). The key characteristics of the SCRCA are its scenic qualities, access to the countryside, educational resource, and heritage value. This part of the SCRCA is located within the Stainforth Gorge Character Area and its special interest lies in the former Craven and Murgatroyd Lime works, as it was influenced by the arrival of the railway.
21. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
22. The landscape setting is noted as being a key characteristic of the SCRCA. The buildings by virtue of their location within an area characterised by open, pastoral field systems cause harm this setting. Therefore, whilst I accept that the harm to the setting is limited, due to the small-scale nature of the development, it does nevertheless erode some of the undeveloped landscape setting which contributes positively to the significance of the SCRCA.
23. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
24. The appellant has not sought to demonstrate that, nor am I aware, there are any public benefits associated with the development. Consequently, there are no public benefits to outweigh the great weight that I am required to attach to the heritage asset's conservation.
25. For the above reasons, I therefore find that the development harms the character and appearance of the area, with particular regard the setting of the SCRCA. It is therefore contrary to Policies SP4 and L1 of the LP, which seek amongst other things, to ensure that development conserves or enhances the historical character and appearance of the site and its setting, including its significance.

Highway Safety

26. The access to the site is along a single narrow twin wheeled track that runs parallel to the railway and accesses the B6479 directly to the east of the Railway Bridge. The track is bounded by drystone walls on either side with field gates to access the land to the east. The appeal site is located within the agricultural fields at the end of the track. It is not disputed that this is an existing field access and no changes to the access arrangements are proposed as part of the application.
27. Policy SP4 of the LP states that development should not prejudice highway safety or cause unacceptable levels of traffic that would harm the environment or capacity of the local road network.
28. Paragraph 115 of the Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

29. North Yorkshire County Council as Highway Authority has commented that the access to the highway is unsatisfactory and poses a risk to highway safety. They also state that intensification of the use of the site, is unacceptable and consequently the Highways Authority has recommended that the application is refused on highway safety grounds.
30. The access is located in a 40mph zone, where visibility splays of 120m in both directions would usually be required to serve new development. It is not disputed that these cannot be provided in this location. Nevertheless, whilst the appeal proposal involves the retention of buildings within the site, I have not been presented with any compelling evidence that this is likely to result in any increased vehicle movements to and from the site.
31. Furthermore, even if the appeal is dismissed, the existing use of the field and the access would be likely to continue and with the lack of storage at the field, may in turn result in increased vehicular movements to and from the site. The evidence before me also indicates that the appellants are not the only users of the access track and I have not been presented with any substantive evidence that the existing use poses a risk to highway safety.
32. For these reasons, I therefore find that that the development does not cause harm to highway safety. It thus complies with Policy SP4 of the LP which requires, amongst other things, that development should not prejudice highway safety.

Other Matters

33. I have had regard to the benefits of the development, which include assisting with the management of the land and for the welfare of the horses. I have also had regard to the existing and surrounding uses of the land, which would continue regardless of the outcome of this appeal. However, these benefits are not sufficient to outweigh the harm to the landscape, which is within the YDNP and therefore, I am required to attribute great weight to conserving and enhancing landscape and scenic beauty in National Parks

Conclusion

34. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR