



Appeal Decision

Site visit made on 20 June 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Appeal Ref: APP/W9500/W/24/3339823

Land adjacent to Lodge Farm, Cow Close Lane, Moorsholm, Redcar and Cleveland TS12 3JE

- 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 S Dowey against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2023/0406.
 - The development proposed is erection of general purpose agricultural building with associated access improvements and hardstanding (revised scheme to 2022/0427).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the parties dispute whether the construction of the building has commenced, I saw that there was a building on the appeal site. This does not, however, conform to the building shown on the plans. For the avoidance of doubt, I have determined the appeal based on the submitted plans.
3. Whilst the appeal site is located within the North York Moors National Park (NYMNP), Lodge Farm and the area to the north of Cow Close Lane are not.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and the landscape and scenic beauty of the NYMNP; and
 - whether there is a need for an agricultural building.

Reasons

Character, appearance, and landscape

5. The appeal site is in the open countryside adjacent to Cow Close Lane which is also a public right of way (PROW). Next to it is a riding arena and stables which are part of Lodge Farm, a detached dwelling with substantial extensions, located on the opposite side of the lane. Adjacent to Lodge Farm are several residential properties.

6. As a site within the designated NYMNP¹, there is a statutory duty² upon relevant authorities exercising their function 'to seek to further the purposes' for which National Parks are designated. This includes conserving and enhancing their natural beauty, wildlife and cultural heritage. Paragraph 182 of the National Planning Policy Framework (the Framework) requires great weight to be given to these purposes.
7. The site overlooks a gently undulating landscape of fields, hedges and small trees. Adjacent to the lane, and to the rear of the proposed development, is a dense hedge and grass verge. The lane slopes downwards to the west, where it too is surrounded by fields and hedgerows.
8. Although I have not been provided with a copy of the North York Moors Landscape Character Assessment, 2021 (LCA), the Authority defines this area as being within the Coastal Hinterland Landscape character type, LCT4a, which is a transition area between the coast and the moorland, with strong physical, cultural and visual connections to the coast. The Authority states that the LCA considers that new agricultural buildings have the potential to be more prominent within the landscape than traditional ones.
9. The building has been reduced in size and height from a previous application³, with a lean-to element added. The appellants consider that these changes, following reference to the NYMNP design guide⁴, are intended to lessen the visual impact. However, the proposal is not within an established group of buildings, and so would not reflect the characteristics of the area and would appear isolated and incongruous in this location.
10. The landholding is small, and despite siting the proposal next to the arena to limit and not extend development into the field, it would be intrusive in the landscape. Whilst the building would be smaller than many agricultural buildings, the building combined with a large concrete apron at the entrance, and extensive areas of hardstanding, would urbanise and not be sympathetic to the character of the area and the landscape.
11. During the summer, the adjoining hedge would screen the building in part from the lane and the PROW. However, this would not be the case in the winter months. Although the appellant considers that the proposal would be seen against a backdrop of the farmhouse and adjoining dwellings, it is set away from these buildings on the opposite side of the lane. On the approach to Moorsholm from the south, the fields between Freebrough Road and the site are largely flat. The building would therefore be seen in isolation encroaching into the landscape where the setting is one of fields, trees, and hedges.
12. The appellant would allow the existing hedge to grow higher and there would be new hedgerow planting on the southern and eastern sides of the site. However, I have little substantive evidence before me as to what the new hedgerow planting would entail, and whether it would be both appropriate and effective in screening the building.

¹ National Parks and Access to the Countryside Act 1949 (as amended).

² Levelling-up and Regeneration Act 2023.

³ 2022/0427.

⁴ Design Guide Part 5, New Agricultural Buildings, February 2013.

13. I therefore conclude that the proposed building would harm the character and appearance of the area and it would not conserve and enhance the landscape and scenic beauty of the NYMNP, a matter to which I must give great weight.
14. It would not accord with Policy BL5 of the North York Moors National Park Authority Local Plan, 2020, (LP) which amongst other things requires new agricultural buildings to be of a scale appropriate to its setting, to be related physically and functionally to existing buildings, and to not have an adverse impact on the special qualities of the NYMNP. It would also not accord with paragraph 182 of the Framework as it would not conserve and enhance the landscape and scenic beauty of the NYMNP.

Agricultural need

15. Policy BL5 of the LP also requires there to be a functional need for new agricultural buildings to sustain the agricultural activity; that the scale of development is commensurate with that need; and that it can be demonstrated that there are no suitable existing buildings to meet any need.
16. The building would be a standard agricultural building, designed with reference to the John Nix handbook⁵. It would be used for the storage of a tractor, quad bike, feed stuff, hay and straw produced from the land, general storage, bee keeping equipment, as well as being used for livestock during lambing. The appellant contends that this would be in line with LP Policy BL5 in terms of scale and functional need, as well as the siting, landscape impacts and materials being appropriate for its proposed use.
17. Lodge Farm is a registered agricultural holding, and the appellant and family wish to farm the land as a smallholding. There are no existing buildings adjacent to the farmhouse or elsewhere, including any storage buildings for domestic use and for equipment relating to the maintenance of the land.
18. The landholding is around 5.6ha in size. At the time of the application there were 4 sheep in lamb with twins. The submitted evidence states that this would be increased to 120 breeding ewes, with 3 tups and 180 replacement ewe lambs/finish store lambs, and 2 horses. In addition, there is an intention, despite already losing ten colonies, to keep bees.
19. The field to the east of the appeal site had no more than 10 sheep in it when I visited, therefore, from what I saw at that point in time, the flock did not appear to have increased in size. The Authority's officer report contends that the landholding is too small to support the proposed numbers of animals. Although a further 5.3 ha of grazing land adjoining the appeal site is available to the appellant, no substantive evidence has been provided as to whether there is any formal agreement for the use of this land and the period of tenure. Whilst one of the stated uses of the building is for the storage of bee keeping equipment, no evidence has been provided as to what that equipment is.
20. The site consists of a few fields, and the evidence is that these would not be able to support the intended stock levels. Therefore, the amount of equipment and the size of the building, would appear excessive for such an operation. Moreover, the proposed building would not be physically and functionally related to existing buildings, and in such instances LP Policy BL5 requires there

⁵ 2024.

to be an exceptional agricultural need for a more isolated location. In this case, an exceptional need has not been demonstrated.

21. Therefore, to conclude on this issue, a need has not been demonstrated for the proposed agricultural building in this location. It would not accord with LP Policy BL5 as set out above.

Other Matters

22. The appellant has referred to other developments recently permitted not far from the site and along the A171, as well as development relating to the Woodsmith mine. However, a mine development is not the same as a proposal for an agricultural building. Whilst a bungalow at Freeborough is said to have a similar building to that proposed at this site, no substantive evidence has been provided as to whether the circumstances are the same.
23. I note that there is a letter of support for the proposal, and the appellant considers that the proposed development is modest in scale compared with others locally. However, each case must be considered on its own merits. Whilst the appellant contends that all buildings, including the previously approved stables and arena could be removed if no longer required, this would not outweigh the harm that I have identified.

Conclusion

24. The proposed development conflicts with the development plan when taken as a whole and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm and associated development plan conflict.
25. Therefore, for the reasons set out above, the appeal is dismissed.

M J Francis

INSPECTOR