



Appeal Decision

Site visit made on 25 July 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/U2750/W/24/3340320

Busk Hill Farm, Leavening to Gally Gap, Westow, Malton, YO60 7LS

- 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 James Needler against the decision of North Yorkshire Council.
 - The application Ref is ZE23/06880/FUL.
 - The development proposed is demolition of agricultural buildings and the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the site would be a suitable location for a new dwelling having regard to national and local planning policies; and ii) the effect of the development on the character and appearance of the area.

Reasons

Location

3. The site is located in the open countryside. The only dwellings in this area are the appellant's existing home, which is on part of the wider farm site, and those on other widely scattered existing and former farmsteads. The nearest limited services and facilities are some distance away in the small settlements of Westow and Leavening, both of which are accessible only along narrow unlit country roads that are subject to the national speed limit and have no footpaths. Larger settlements providing shops, healthcare, and secondary schools are much further away. No regular public transport services have been brought to my attention and as such it is inevitable that future occupiers of the development, which I note would have a triple garage and four additional covered parking spaces, would be dependant upon private cars to meet their day-to-day needs.
4. Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy (2013) (the LPS) set out a settlement hierarchy and confirm how future growth, including new housing, will be distributed across the district. These policies restrict new housing in the countryside to a small number of exceptions and are consistent with paragraphs 83 and 84 of the National Planning Policy Framework (the Framework), which seek to promote sustainable development by ensuring that new housing in rural areas is located where it would enhance or maintain the vitality of rural communities. The Framework is clear that planning policies and

decisions should avoid the development of isolated homes in the countryside except in a limited number of circumstances. It is undisputed that the proposal would not fall into any of the exceptions set out in the development plan or the Framework. Accordingly, the appeal site is not a suitable location for a new dwelling having regard to national and local planning policies.

Character and appearance

5. As well as being in the open countryside, the site lies within the Yorkshire Wolds Area of High Landscape Value, which I understand is currently being assessed for Area of Outstanding Natural Beauty status. It comprises several large agricultural sheds together with some smaller sheds and a caravan. It is proposed to retain one of the large agricultural sheds, which would be partially demolished at one end and altered to create four covered parking spaces for use in connection with the new house.
6. The proposed dwelling would sit on the outer edge of the farm site, on a ridge at the top of Busk Hill. It would be partially screened by existing buildings to the south and it would be seen against a backdrop of existing buildings from the north. Although I do not have surveyed drawings or dimensions of the barn to be demolished or those to be retained adjacent to the site, I accept that the dwelling would be of similar height and scale to the barn that it would replace. However, that is not sufficient grounds on which to conclude that the development would be in keeping with the agricultural character and appearance of the site and its surroundings. In this respect I note that the submitted landscape and visual appraisal (LVA) does not include a fully detailed assessment of effect but seeks to assess the principle of developing the site. I agree that in principle, a building of similar character and appearance to the one being replaced would not result in any harm to the site or its surroundings.
7. Although the majority of the site already comprises buildings and hardstanding, and may in itself be of low landscape value, it is also necessary to consider how the new development would assimilate with the surrounding landscape, which is of at least local value. The LVA confirms that the site is visible from various public rights of way and public highways surrounding the site.
8. Almost immediately to the north of the barn that is to be demolished, the ground level of the hay field slopes down. The proposed dwelling would be sited further north than the barn, with an area beyond it proposed to be levelled and laid out to provide a flat enclosed garden area. As such the development would encroach further into the countryside than the existing buildings on the site. Whilst the plans partially illustrate how the rear of the house would be built into the hillside, with split internal floor levels and external steps, it is unclear how the ground levels would be changed at the rear of the house to facilitate the new flat garden and raised patio areas. Altering the levels and creating a domestic garden in this hillside would alter its rural character and appearance.
9. The existing barn, which has vertical timber boarding and corrugated sheeting above concrete walls, is typically agricultural in appearance. The proposed new dwelling on the other hand would be overtly domestic in appearance, containing large windows and vast areas of glazing. As such it would be considerably more conspicuous in the landscape than the barn it would replace. This would also be the case during hours of darkness due to the spill of domestic internal lighting from the large windows and glazed areas into the otherwise dark surroundings. The central glazed rear projection, which based

upon the side elevation drawings would drop lower into the hillside than shown on the rear elevation drawing, would appear as a tall striking feature, which would significantly detract from the rural landscape. Despite being of high-quality design and materials, the proposal would not be in keeping with the agricultural character and appearance of the site and its surroundings.

10. Whilst new landscaping could be required by a condition, this would take some time to become effective and its long-term future could not be guaranteed. It is evident from photographs included on the link to the sales particulars for the site that mature high trees and hedges that previously screened the site from the north have been removed in recent years. Any planting to the north of the new garden would be downhill and would not screen the new house.
11. I have had regard to the photographs provided of a dwelling with a similar two-storey high glazed projection, which appears to be an extension, but I am unsure where this dwelling is in relation to the site or of the circumstances surrounding its approval. From the photographs provided it appears to sit on a relatively level site with other buildings in front of it as opposed to being on a visually prominent high ledge. I have not been advised that this dwelling replaced a simple barn. I also acknowledge that the existing barn has internal lighting. However, the open sides face into the farm site and unlike a dwelling, the barn would not frequently be in use or illuminated in the hours of darkness.
12. As elevation details have not been provided to show the proposed alterations to the retained barn that would provide four covered parking spaces, I am unable to comment upon the appearance of this. However, given its location within the site it is unlikely to be visually prominent.
13. I therefore conclude that due to its siting, scale and design, the proposed dwelling and garden would be visually prominent and unsympathetic in the landscape and would harmfully detract from the agricultural character and appearance of the site and its surroundings. As such it would fail to accord with Policies SP13, SP16 and SP20 of the LPS, which seek amongst other things to ensure new development respects the character and context of the immediate locality and the wider landscape, taking into account the effect on any topographic sensitivities of locally valued landscapes. These policies are consistent with paragraphs 135 and 180 of the Framework, which require decisions to ensure new development is sympathetic to local character, including the surrounding landscape setting, to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside.

Other Matters

14. I am advised that an agricultural building on a different part of the wider farm site benefits from Class Q¹ consent to be converted into four dwellings (the Class Q Scheme). This fallback position is likely to be implemented if the appeal scheme is dismissed. However, a unilateral undertaking has been submitted to ensure that this scheme does not go ahead if the appeal is allowed. It would also be possible to remove permitted development rights to prevent the remaining agricultural building on the appeal site from being converted to residential use, given that a further Class Q application could not

¹ Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

- be refused on the grounds that planning permission had been granted for another dwelling elsewhere on the wider farm site.
15. I have not been provided with a copy of the Class Q Scheme, but for it to comply with the relevant requirements, this conversion would have to take place within the existing structural confines of the barn and would have a limited residential curtilage within the confines of the existing farmyard. Accordingly, the building is likely to retain its agricultural appearance.
 16. Based upon the limited evidence before me, it is apparent that the Class Q Scheme would be adjacent to the road with buildings on two sides and hardstanding on the other. It is also currently screened by planting to the front albeit the appellant states that this would be removed to create more light for future occupiers. However, even with the existing landscaping removed, the Class Q scheme would be in a less sensitive position within the site and would have a limited curtilage that would not extend into the countryside beyond or alter land levels. The development currently before me for a substantial new build dwelling of overtly domestic appearance, which together with its curtilage would encroach into the hillside, would in my view be more harmful than a barn conversion scheme. As such the removal of the fallback scheme would not address my concerns relating to character and appearance.
 17. I acknowledge that four smaller houses would generate more car movements than one larger dwelling and I afford this harm moderate weight. However, this must be balanced against the fact that well established planning policies and legislation consider the conversion of existing buildings in the countryside to be acceptable, on the basis that there are sustainability benefits to re-using existing buildings, hence the absence of any sustainable location test in relation to Class Q Schemes.
 18. I note that the proposed dwelling would be constructed to standards that exceed current Building Regulation requirements, even though there are no policy requirements to exceed such standards in this area. However, the conversion scheme would also be required to meet current Building Regulations requirements for new homes, which are quite high. I also see no reason why the solar panels referred to in the appeal statement (which are not shown on the proposed plans) and electric vehicle charging points (which are now required by Building Regulations) could not also be included in the Class Q Scheme. I therefore afford the energy efficiency benefits only modest weight.
 19. The Council has advised that it is able to demonstrate it has more than a 5-year supply of housing land and I have found that the relevant policies relating to new housing in rural areas are consistent with the Framework. A unilateral undertaking has been submitted with the appeal to ensure that the proposal would be a self-build dwelling. As the Council does not have any adopted policies relating to the provision of self-build dwellings, its development plan is out of date in respect of this matter. However, notwithstanding the fact that local planning authorities have a duty to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the area, there is nothing in the Framework that supports new self-build houses or custom housebuilding in isolated locations. As such, even if the newly formed North Yorkshire Council is unable to demonstrate it has enough plots with planning permission to meet the demand for such homes,

the benefit of providing a single self-build plot in this location would not outweigh the harms I have identified.

20. My attention has been drawn to several appeal decisions for self-build dwellings that have been allowed on sites located wholly or partially outside of defined settlement limits. However, in those cases the sites were close to built up areas and had appropriate access to services and facilities by means other than car. As such they are not comparable to the case before me for an isolated new home.
21. I acknowledge there would be some economic benefits during the construction phase, but these would be for a short period and very limited. The benefits in terms of additional spending in the local area supporting local services and facilities would also be negligible from a single dwelling. The same or greater benefits would be generated by the fallback scheme, which would also offer greater social benefits in terms of providing several smaller dwellings.

Conclusion

22. Having regard to all matters raised, I conclude that the adverse impacts of granting planning permission for the appeal scheme would significantly and demonstrably outweigh the limited benefits of a single self-build dwelling in this isolated countryside location, when assessed against the policies in the Framework as a whole. Consequently, the proposal would not benefit from the presumption in favour of sustainable development.
23. The proposal conflicts with the development plan and there are no material considerations before me of sufficient weight to indicate that a decision should be made other than in accordance with the plan. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR