



Appeal Decisions

Site visit made on 2 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal A: Ref: APP/U2750/W/24/3342960

**Allerton Grange Farm, Allerton Park, Knaresborough, North Yorkshire
HG5 0SE**

- 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 Simon Armstrong against the decision of North Yorkshire Council.
 - The application Ref is ZC23/03533/FUL.
 - The development proposed is agricultural building (straw storage).
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Appeal B: Ref: APP/U2750/W/24/3342964

**Allerton Grange Farm, Allerton Park, Knaresborough, North Yorkshire
HG5 0SE**

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 - The appeal is made by Mr Simon Armstrong against the decision of North Yorkshire Council.
 - The application Ref is ZC23/03534/FUL.
 - The development proposed is agricultural building (straw storage).
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Decision

Appeal A: Ref: APP/U2750/W/24/3342960

1. The appeal is allowed and planning permission is granted for proposed agricultural building (straw storage) at Allerton Grange Farm, Allerton Park, Knaresborough, North Yorkshire HG5 0SE in accordance with the terms of the application Ref ZC23/03533/FUL, 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 White Rose Architectural Ltd Job No. 2017.093 Drawing Nos:
 1. 051 Site Plan dated Oct 21.
 2. 054 Proposed Plans/Elevations dated Oct 21.

Appeal B: Ref: APP/U2750/W/24/3342964

2. The appeal is allowed and planning permission is granted for proposed agricultural building (straw storage) at Allerton Grange Farm, Allerton Park, Knaresborough, North Yorkshire HG5 0SE in accordance with the terms of the application Ref ZC23/03534/FUL, 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 White Rose Architectural Ltd Job No. 2017.093 Drawing Nos:
 1. 050 Site Plan dated Oct 21.
 2. 053 Proposed Plans/Elevations dated Oct 21.

Preliminary Matter

3. Both appeal proposals are located within the same site boundary and relate to each other, although they are located in different positions within the site. I have therefore considered the appeals in a single decision letter to avoid repetition. However, I have considered each proposal on its individual merits.

Main Issues

4. In respect of both Appeals, the main issue is whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy.

Reasons

5. The appeal proposals are part of a group of buildings which have a complex planning history. The wider site is of an elongated arrangement between the A1(M) and the A168, with further farming operations on the opposite side of the A168. The appeal site is located outside of the development limits defined in the development plan, and the Council's Delegated Planning Report contends that the proposals are not necessary for the agricultural purposes of the farm given the availability of an existing building.
6. The proposed buildings are positioned separately within the appeal site, although the appellant indicated on my site visit that they may be constructed at the same time.
7. I have been provided with details of a number of planning permissions for a sequence of agricultural buildings, granted on different dates, and which extend along the boundary with the A1(M).
8. The existing buildings that I observed at my visit consisted of a large elongated block extending close to the boundary with the A1(M), and a smaller detached block to the south. There are further substantial pig rearing operations in the collection of farm buildings across the A168.
9. The elongated block included a number of bays which were in use for pig rearing, with associated feed silos and ancillary activities. Although this block may not represent the full extent of the approved agricultural buildings, the form and intensity of activity I observed represents a substantial agricultural operation. Considered objectively and in context, the wider site is in use as an established farming operation of a significant scale. This goes beyond the limited agricultural use that has been referred to by the Council.
10. The appellant has provided letters in support of the proposal, which refer to the requirements to store straw correctly in the interests of the health and welfare of pigs, as well as the standard of animal welfare of the appellant's operation. Reference has also been made to problems of transferring hay across the A168. Based on the evidence before me, there is a clear operational requirement for the form and location of hay storage proposed.

11. That said, I have some sympathy with the Council's concerns on these proposals. A Previous Appeal Decision¹ relating to a building elsewhere within the wider site refers to the scaling back of the appellant's pig rearing enterprise. Nevertheless, the Previous Appeal Decision concluded that the proposed change of use from an agricultural building to a storage and distribution use should be dismissed, and based on the evidence before me the planning classification of that building remains as being for agricultural use.
12. My attention has also been drawn to a Planning Contravention Notice and an Operator's Licence, both of which relate to non-agricultural uses on the wider site. However, that is an enforcement matter for the Council and does not fall within the remit of this appeal. In any event, it has not been demonstrated that those parts of the wider site can no longer be used for agricultural purposes.
13. Although I have had regard to the Council's concerns, the pig rearing activities I observed are of significantly more than a token nature, and the agricultural use of the wider property appears to be both substantial and established. Furthermore, it has not been demonstrated that the existing buildings of the site could be adapted for hay storage given the operational requirements for that form of storage, or whether they are readily available given the ongoing expansion of the pig rearing operations.
14. The designs of the proposed buildings are of an agricultural appearance. They would not be incongruous or obtrusive features within this area of countryside, particularly given the extent and appearance of existing buildings associated with the farming operation on the wider site. Although they would represent consolidating development in relation to the existing and permitted buildings, this would not be out of character with this countryside area and the context of the site.
15. Drawing the above together, there is a clear agricultural requirement for the buildings which are the subject of both Appeals A and B, and that they are of an appropriate design and scale for the proposed use as well as this countryside location. This is the case for the buildings considered individually and cumulatively. The proposals therefore comply with Policy GS5 of the Harrogate District Local Plan 2020 (the Local Plan) which supports the District's rural and agricultural economy; and consequently Policy GS3 which sets out that outside development limits proposals for new development will only be supported where expressly permitted by other policies of the development plan. The proposals would also comply with the National Planning Policy Framework which seeks to support a prosperous rural economy.
16. The proposals would also not conflict with Policies HP3, NE4 and NE5 of the Local Plan regarding local distinctiveness, landscape character and green infrastructure.

Other Matters

17. On its Questionnaires, the Council indicates that the proposed developments would affect the setting of a listed building. I have been provided with a copy of the official list entry for the registered park and garden of Allerton Park which is listed as Grade II. From the submitted evidence, the significance of the registered park, in so far as it is relevant to these appeals, is derived from the

¹ Appeal Ref: APP/E2734/W/22/3313804

evidential value it provides of the development of formal parkland associated with a country house and its evolution over time. It also has a significant aesthetic value arising from the layout and design of the parkland in addition to its relationship to the main house and its associated buildings.

18. However, the Council has set out that whilst the appeal site lies within the immediate setting of the registered park and garden it does not appear to have been part of, or directly associated with, the neighbouring estate and country house. There is a well-established hedgerow and tree belt adjacent to the A168 which separates the appeal site from the registered park and garden and which provides substantial screening. In the Previous Appeal Decision concerning a nearby building, the Inspector considered the relationship with the park and garden to be one that did not cause harm to the setting. Based on the evidence before me and my own observations, I conclude that the appeal proposals would have a neutral effect on the setting of the Grade II Listed Allerton Park and would therefore preserve its setting.

Conditions

19. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard 3 year time limitation for commencement, I have imposed conditions requiring the developments to be carried out in accordance with the approved plans in the interests of certainty.
20. The Council has referred to Section 93G of the Act, but this is not in force for the form of development proposed at this time.

Conclusion

21. For the reasons given above, both Appeal A and Appeal B comply with the development plan, and there are no material considerations that indicate the appeals should be determined other than in accordance with the development plan. As such, both Appeal A and Appeal B should be allowed.

David Cross

INSPECTOR