

Appeal Decision

Hearing held on 9 July 2024

Site visit made on 9 July 2024

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/U2750/W/24/3341906

Old Manor Stables, Back Lane, Barkston Ash, Nr Tadcaster, LS24 9PL

- 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 Alison Mason against the decision of North Yorkshire Council.
 - The application Ref: ZG2023/1241/HPA, dated 20 November 2023, was refused by notice dated 14 March 2024.
 - The development proposed is described as: 10 x 6 shed to house garden equipment to maintain land on the property.
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Decision

1. The appeal is allowed, and planning permission is granted for a 10 x 6 shed to house garden equipment to maintain land on the property at Old Manor Stables, Back Lane, Nr Tadcaster, LS24 9PL in accordance with the terms of the application, Ref: ZG2023/1241/HPA, and the details shown on Drawing Number: 2021/184/P AL(0)300 Revision A.

Applications for costs

2. At the hearing an application for costs was made by Alison Mason against North Yorkshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The works have already been carried out and I was able to see them when I visited the site. Although the decision notice issued by the Council describes the works as 'retrospective', Section 55 of the Town and Country Planning Act 1990 (the TCPA) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the TCPA makes allowance for the submission of a planning application for development which has been carried out before the date of the application and, consequently, I have considered the planning appeal on that basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, having regard to the setting of nearby listed buildings.

Reasons

5. Notwithstanding that a planning application for the works was submitted and determined, at the heart of the dispute between the parties is the question of whether planning permission should have been required for the works. The appellant's position at appeal is, essentially, that a planning application should not have been required for the works. If this were to be the case, the matter of the effect of the proposal on the character and appearance of the area and on nearby heritage assets falls away.
6. Within the context of an appeal under section 78 of the TCPA it is not within my remit to formally determine whether the proposed development requires planning permission. If a person wishes to ascertain whether a development is, or would be, lawful, they may make an application to the local planning authority under either section 191 or 192 of the TCPA. This was not done in this case. However, as the question of whether planning permission was necessary is intrinsic to the appellant's case, I shall consider the evidence as to whether permission is required so far as it is material to this appeal.
7. The appeal relates to a small timber shed with a pitched roof located within the garden area of a dwellinghouse known as Old Manor Stables. In many cases, a small ancillary building within the garden of a dwellinghouse would not require a formal planning application provided that it met the conditions and limitations set out in Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereinafter the GPDO).
8. Article 3(1) of the GPDO grants planning permission for the classes of development set out in Schedule 2 to the Order. Schedule 2, Part 1, Class E permits the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse. Paragraph E1 of Class E sets out a number of conditions and limitations subject to which permission is granted. A proposed development must satisfy all of the conditions and limitations in order to benefit from the permitted development right.
9. Of particular relevance to this appeal, development is not permitted by Class E if any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse, or if the building would be situated within the curtilage of a listed building. It is these two matters which form the main substance of the dispute.

Whether the appeal site is within the curtilage of a listed building

10. The appeal site is part of the garden of a dwellinghouse known as Old Manor Stables. Old Manor Stables is a converted, stone built, agricultural building that adjoins another, stone built, former agricultural building, also now converted into a dwelling, known as Old Manor Barn. Historic Ordnance Survey map extracts included in the evidence show that these two buildings historically formed part of a roughly E shaped range of conjoined buildings immediately to the west of Turpin Hall Farm. Parts of this larger range have subsequently been demolished or otherwise lost, although some parts of the easternmost leg remain extant.
11. The Council's position is that Old Manor Stables is a curtilage listed building due to its association with Turpin Hall Farm [List Entry No. 1148433] and, as such,

the proposed development required a formal application for planning permission. The question of what is, or is not, within the curtilage of a building is not always straightforward.

12. Section 1(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB&CAA) sets out the factors to be taken into account when a building is considered for inclusion on the statutory list. These include not only the building itself, but also any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part. They also include the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a manmade object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building. Section 1(5) goes on to set out that for the purposes of the LB&CAA, "listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State and includes any object or structure fixed to the building, and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.
13. The appeal site is close to two listed buildings, Turpin Hall Farm and Barkston House [List Entry No. 1316334]. The appellant's Statement of Case suggests that the building now comprising Old Manor Stables and Old Manor Barn was more associated with the Barkston House, albeit with an earlier house on the land since replaced by the present building. It further suggests that the current Barkston House had an access door in the north gable at the top floor level to allow grain to be stored on this floor. The north gable of this building has been rendered and whilst there are possible vague witness marks in the render that might indicate a blocked opening, it is far from clear whether this is in fact the case. Although there is a pedestrian gate in the northern boundary wall of Barkston House, there is no evidence as to when this opening was formed. No other substantive evidence has been adduced that would support the proposition that the agricultural buildings had any historic functional association with this building. I am, therefore, not persuaded that there is any merit in this suggestion.
14. Turpin Hall Farm is listed at Grade II and was added to the List in May 1986. The list entry describes the building as a late seventeenth century farmhouse. It also notes that the building has many surviving original interior features. The list entry does not describe or define its curtilage. List descriptions are not a comprehensive record of the special interest of the building and irrespective of the amount of information contained in the list entry, the whole building the interior and exterior is listed. The list entry also notes that the building has group value i.e. it contributes to the architectural or historic interest of the group of buildings of which it forms part, whether they are listed or not.
15. Historic England offer an Enhanced Listing Service that provides greater clarity on, among other matters, structures within the curtilage of listed buildings. This has not been utilised in this case.
16. The Oxford English Dictionary defines curtilage as 'an area of land attached to a house and forming one enclosure within it', although curtilage is not defined in the planning legislation. It is also recognised that a building need not be a house to have a curtilage. It was agreed at the hearing that the principal legal test to determine whether land or a building is within the curtilage of another

building is the one derived from *Methuen-Campbell v Walters* [1979] 1 QB 525, and effectively endorsed by the Court of Appeal in *R (oao) Hampshire CC v Blackbushe Airport Ltd* [2021] EWCA Civ 398, namely that the land or building must be so intimately connected with the building as to lead to the conclusion that the former is, in truth, part and parcel of the latter. Although the *Blackbushe Airport* case concerned Common Land, the principals are equally applicable in determining whether land or buildings are within a curtilage of another building for the purposes of determining whether a development meets the conditions and limitations set out in Paragraph E1 of Part 1 Class E of the GPDO.

17. The judge in *Blackbushe Airport* set out that the question whether the test is satisfied in any given case will depend on the facts and circumstances of that case. It was also set out that the application of the relevant factors needs to bear in mind the purposes of the governing statute.
18. There is a body of case law in respect of curtilage. The appellant's case that Old Manor Stables is not curtilage listed relies heavily on the decision in *Egerton v Taunton Deane Borough Council* [2008] EWHC 2752 (Admin) (a.k.a the Jews Farm case) and the decision of the House of Lords in *Debenhams Plc v Westminster City Council* [1986] 12 WLUK 44 (HL). My attention was also drawn to *Her Majesty's Attorney General at the relation of Robin Sutcliffe, John Rouse, and Tony Hughes v Calderdale Borough Council* [1983] JPL 310.
19. The *Calderdale* judgement set out a number of factors to be taken into account when considering whether or not a building falls within the curtilage of another. These are the physical layout of the listed building and the structure, their ownership, past and present, and their use or function, past and present.
20. The principal building, Turpin Hall Farm, is a two storey house that sits within a larger area accessed from Saw Wells Lane which also contains some stone built structures and a number of more recent agricultural buildings located to the east. A single storey, stone walled building with a tiled, pitched roof, forms a boundary wall to the south on Saw Wells Lane. On the west side of the farmhouse, and attached to it, is a single storey, pent roofed structure now slightly dilapidated. This is in turn attached to a slightly higher stone built building which shares a wall with a single storey building associated with Old Manor Barn and which appears to be a remnant of the E shaped range of buildings to the west that now comprise Old Manor Stables and Old Manor Barn.
21. Turpin Hall farmhouse has an enclosed area to the rear, currently laid out as a garden, which was previously bounded to the east by the now lost section of the building range and is presently separated from the garden area of Old Manor Barn by a stone wall that appears to be of recent construction. To the front of the property, a flight of steps leads up to a raised area enclosed by a low stone wall. This feature is first shown on the 1908 25 inch to the mile Ordnance Survey map.
22. Old Manor Stables and Old Manor Barn are a conjoined two storey, stone built, structure with a pitched roof presently covered with new red pantiles. On the south elevation of Old Manor Barn is a lower single storey lean to. The building has an L shaped plan and steps in the elevations and changes in ridge heights suggest that it may have been constructed in phases although it is now one contiguous structure sub-divided into two dwellings. Old Manor Stables is the furthest west of the dwellings. The gable of this house sits at the back of the

footway of Back Lane. Attached to this gable is a high stone boundary wall that runs along the back of the footway until it reaches the access to the properties from Back Lane. The historic Ordnance Survey maps included in the appellant's Statement of Case indicate that this was at one time the back wall of an open fronted building running perpendicular to the south elevation of Old Manor Stables.

23. From the historic Ordnance Survey maps, it can be seen that the farm steading could be accessed from both Saw Wells Lane and Back Lane with a track leading between the agricultural buildings and Barkston House to the south. Although this track is presently closed off by gates just past Old Manor Barn, it was confirmed at the hearing that these were installed by the owner of Turpin Hall Farm when the agricultural buildings were converted. Of the Ordnance Survey extracts provided, only one from 1908 shows a gate or a fence in this same position. In all other instances there is no physical barrier indicated on the historic maps other than gates at the access points from the highway.
24. I saw when I visited the site that there is no indication of historic gate piers present between Turpin Hall Farm and area now occupied by Old Manor Stables and Old Manor Barn. However, the section of wall on the north side of the opening appears to have been at least partially rebuilt. In the images taken from Google Streetview included in the appellants evidence, which are from before the conversion of the agricultural buildings, there are also no gate piers evident.
25. I have noted that there is a change in the physical levels between the eastern and western parts of the steading. However, of itself this would not impede or prevent through movement. My attention was also drawn to the fact that the Statutory Address for Turpin Hall Farm recorded on the List Entry is Back Lane rather than Saw Wells Lane.
26. Although Old Manor Stables is located at a distance from the farmhouse, it is physically joined to Old Manor Barn, which in turn shares a common boundary, in terms of current land ownership, with the farmhouse. The map evidence also indicates that until at least the mid twentieth century Old Manor Stables was part of a contiguous range of buildings which were ultimately joined, albeit at one corner, to the farmhouse. In this respect the layout was similar to a linear farmstead. There is no evidence as to when the easternmost section of the E shaped range was partially removed.
27. What was formerly the historic farm steading is enclosed by buildings or walls to three sides. To the east, where there are more modern farm buildings, the boundary is less well defined. The historic mapping shows that until the mid-twentieth century there was a boundary feature which joined the east elevation of the farmhouse. This demarcated two small areas of land to the east, one of which was marked as an orchard on the 1892 Ordnance Survey map. These were separate from land parcel 172, which was a larger field that has now been encroached onto by the modern farm buildings.
28. There is limited intervisibility between Old Manor Stables and Turpin Hall Farm in large part due to the adjoining building intervening. Nevertheless, from Main Street/Church Street in the vicinity of the junction with Fir Tree Close, the gable and roof of the Farmhouse are seen in conjunction with the former barns. The upper part of the farmhouse is also visible from the access to Old Manor Stables from Back Lane.

29. When I visited site and the surrounding area, I observed that the settlement of Barkston Ash appears to have evolved from a cluster of individual farm steadings grouped along Main Street, Church Road, Back Lane and Saw Wells Lane. Many of these are enclosed by a combination of high walls and buildings. Some are still clearly working farms, whilst others have been redeveloped or the farm buildings have been converted to residential use. The number and proximity of these steadings to each other suggests that they operated as hubs for farming activities on land remote from the steading and located around the settlement, not necessarily directly accessed from the steading itself. Whilst there has been twentieth century development on areas that would previously been in agricultural use, the quantum of this development is not so large as to account for all of the land required to support the number of farm steadings.
30. It is not in dispute that at the time Turpin Hall Farm was added to the Statutory List in 1986, both the farmhouse and the agricultural buildings were in the same ownership. They remained in the same ownership until 2021 when the agricultural buildings were sold to the appellant's family. It is also not in dispute that at the time when planning permission and listed building consent was originally granted for the conversion of the agricultural buildings to residential use, they were in the same ownership as Turpin Hall Farm.
31. The date of construction of the agricultural buildings is unknown, but the parties agree that they post-date the construction of the farmhouse at Turpin Hall Farm. Whilst this is the case, the range of buildings is clearly of some age and was in existence in the mid nineteenth century and was used in conjunction with the farmhouse until 2021. It is also agreed that the agricultural buildings were in the same ownership as the farmhouse in 1948 and also in 1969 when the concept of curtilage listed buildings was introduced into law.
32. The appellant stated at the hearing that the agricultural buildings remained in an agricultural use until the conversion to residential use commenced. Turpin Hall Farm remains an active farm and it is not suggested that the farm operation is administered and run from a location other than the farmhouse.
33. The *Egerton* judgement specifically considered curtilage in the context of the relationship between a listed farmhouse and an agricultural barn. The judge considered the *Calderdale* factors. The building in question in that case, Mill Barn, was a free standing barn some 34 metres from the principal building, Jews Farmhouse. Between Mill Barn and the farmhouse there was a further free standing building and a wall. There was no conclusive evidence that there was a way through this wall from the farmhouse to the barn. Beyond Mill Barn there were further modern agricultural buildings and open farmland. The judge found that in these circumstances and given that at the time of listing although the buildings were in common ownership, the principal use of Jews Farmhouse was residential and that of Mill Barn was agricultural, Mill Barn was not within the curtilage of Jews Farmhouse. No other case law besides *Calderdale* is cited in the judgement.
34. In so far as the initial question in this case goes, there are similarities to *Egerton* in that it concerns a former agricultural building and its relationship to a listed farmhouse. There are, however, also some differences. Although Old Manor Stables, the dwelling, is located a similar distance away from Turpin Hall Farm as Mill Barn was from Jews Farmhouse, it is not a free standing building. It is joined to Old Manor Barn. The historic maps show that these structures formed

part of a contiguous range of buildings that extended to the farmhouse at Turpin Hall Farm. This situation remained until at least the middle of the twentieth century. Although the easternmost part of the range is no longer extant in its entirety, elements of it remain today.

35. The map evidence also indicates that the farm steading and all of the buildings within it could be accessed either from Back Lane or Saw Wells Lane. Whilst there may have been a gate across the internal track in the early part of the twentieth century, this would have been across a gap between the range of outbuildings and the boundary wall of Barkston House rather than in a freestanding boundary wall.
36. The Group Value notation on the listing is of relevance as it indicates that the listing was at least in part a result of the context of the building and its contribution to the architectural or historic interest of the group of buildings of which it forms part. I do not consider that it would be unreasonable to infer that such a group would include both Barkston House and the former barns immediately to the west of the farmhouse.
37. Court of Appeal in *Calderdale* held that a structure or object which is so clearly related to a listed building that its removal would adversely affect the interest of that building, should be treated as falling within the extended definition of "listed building", even if that item would not otherwise be regarded as part of, or one of the features of, that building. The object of the legislation was to promote the preservation of listed buildings.
38. This has to be considered in the light of the judgement of the House of Lords in *Debenhams* that in order to be treated as if it were part of the listed building, a freestanding structure within the curtilage must also be ancillary to that building. Although the judge in *Egerton* found that the agricultural use of the barns and the wider farm were not ancillary to the use of the farmhouse as a dwellinghouse, *Debenhams* is not cited in that decision. The judge accepted that the farm was being run from the farmhouse but stated that the whole of the farm, and all the agricultural buildings upon it, cannot sensibly be regarded as being within the curtilage of the farmhouse on that account. In *Debenhams* when "ancillary" is discussed, one of the examples given is that of a farm steading being ancillary to the farmhouse.
39. This is another difference in this case. Turpin Hall Farm is not a group of buildings surrounded by agricultural land. Rather it is just one of a cluster of numerous farm steadings which historically comprised the settlement of Barkston Ash. There is clear enclosure formed by the road network and the boundary wall Barkston House. I was not able to determine whether there is presently any boundary treatment between the current, more recent farm buildings and the field to the east as access was not possible when I visited the site and the views from publicly accessible land were restricted and at a distance. However, historically there were clearer boundaries to the east as shown on the historic maps.
40. A buildings curtilage need not necessarily be small, as was found in *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions* [2001] QB 59 and, conversely, cannot be excessively large, as was confirmed in in *Dyer v Dorset County Council* [1989] 1 QB 346 and *Blackbushe Airport*. It is also important, having regard to the decision in *Blackbushe Airport*, not to conflate the curtilage of the farm with the curtilage of the farmhouse.

This was also part of the ratio of the judge's findings in *Egerton*, because due to the context in that case, if the curtilage of Jews Farmhouse was extended beyond the boundary wall it would not be possible to determine where the curtilage ended and would thus potentially encompass the whole of the farm land and all the buildings on it.

41. That is not the case here. Not only is the farm steading located alongside other similar farm steadings within the settlement of Barkston Ash, but its extent is also clearly defined to the north, south and west by highways and the boundary walls to Barkston House and properties in Fir Tree Court. In addition to the proximity and layout of the buildings, there is a clear historical and functional relationship between the buildings that existed over a significant period of time. The land on which the farm house and the farm buildings stand was in the same ownership at the time of listing and until 2021. A conveyance into separate ownership does not necessarily remove land or buildings from a curtilage for the purposes of Section 1 of the LB&CAA.
42. My attention was drawn to comments made by the legal director of English Heritage (as it then was) following the decision in *Egerton*, that it was hard to see how the functional distinction of a farmhouse being residential and farm buildings being agricultural should not weigh heavily in all farm cases and that non-domestic agricultural buildings attached to the farmhouse would not be protected either.
43. To my mind, it is necessary to approach those comments with a degree of caution bearing in mind the statutory provisions of Section 1 of the LB&CAA. In addition, the Courts have consistently held, most recently in *Blackbushe Airport*, that whether or not land or buildings is within a curtilage in any given case will depend on the facts and circumstances of that case. In the case of listed buildings, following the judgement in *Debenhams*, whether the structure is ancillary or subordinate to the principal building is an important consideration, but is not necessarily determinative. The judges did not specifically set out what was meant by ancillary and subordinate but gave as an example the steading of a farmhouse.
44. I was also referred to the Inspectors decision in Appeal Reference: APP/P0119/F/14/2216500 Land at Elms Farm Office, Tockington. However, the extract provided from this decision makes it clear that the agricultural building in that case was in separate ownership from the principal building at the time of listing. That is not the case here.
45. Some reliance was also placed on Historic England Advice Note 10 – Listed Buildings and Curtilage. I am mindful that it is based on hypothetical examples and is not planning policy. It does, however, recognise that there are circumstances where farm buildings may fall within the curtilage of the farm house in addition to those where they may not.
46. On the facts in this case, I find that the former agricultural buildings comprising the dwellings now known as Old Manor Stables and Old Manor Barn are so intimately connected with Turpin Hall Farmhouse that they are part and parcel of it. They thus fall within its curtilage for the purposes of the LB&CAA and GPDO.
47. The land within the garden area of Old Manor Stables, for the same reasons as set out above, is also within the curtilage of Turpin Hall Farm.

Whether any part of the building would be situated on land forward of a wall forming the principal elevation of the dwellinghouse

48. As I have found that Old Manor Stables is a curtilage listed building to Turpin Hall Farm and consequently the development would be within the curtilage of a listed building, this point is somewhat moot. Regardless of my findings on it, the development would not comply with all of the conditions and limitations of Part 1 Class E. However, for completeness, I consider this below.
49. What constitutes the principal elevation of a dwellinghouse is not defined in the GPDO or elsewhere in the planning legislation. The *Permitted Development Rights for Householders Technical Guidance (the Technical Guidance)* published by the Government sets out that "in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house."
50. The Technical Guidance also notes that given the very substantial variations in the design of individual houses, the guidance cannot cover all possible situations that may arise.
51. Old Manor Stables is not a typical purpose built dwellinghouse. It is a dwelling that has been formed from the conversion of a historic building that was originally constructed and used for agricultural purposes. Whilst it has elevations facing the carriageway of Back Lane and Fir Tree Court, there are no ground floor entrances to the building in these elevations. There are pitching doors in the upper level of these elevations which have now been closed off or converted to windows. However, the main entrance to the dwelling is located on the south elevation of the building and is accessed via a private area enclosed by a high stone wall to Back Lane. This area also contains parking for the dwelling and the garden area.
52. The only way to approach and then enter the house is through this private space and the garden area to the door on the south elevation. The positioning of openings on the ground floor indicates that, historically, this was also how the building was accessed when it was in agricultural use. There are some five openings at ground floor level on the south elevation. One of these now serves as the main entrance to the house and three others have been converted to windows by the addition of timber infill panels to retain the proportions of the historic opening. The final opening has been converted to a half glazed double door, similar in form to a French window. These, read together with the upper floor windows, increase the perception of this elevation as a main feature of the building.
53. The south elevation of the building does not directly front onto a highway and is effectively within an enclosed private space, and the northern and western elevations have a greater degree of visibility from the public domain. However, Old Manor Stables is an atypical dwellinghouse and as the south elevation of the building contains the main entrance to the dwelling, the majority of the architectural features, and it is not possible to gain access to the building at ground floor level on any of the other elevations, I am led to the conclusion that

it is the principal elevation of the house for the purposes of applying Part 1, Class E of the GPDO.

54. Consequently, based on the evidence put to me and from what I observed when I visited the site, the development does not meet the conditions and limitations set out in Paragraph E1 of Class E.

The effect on the setting of the listed building and its significance

55. The principal building, Turpin Hall Farm, is a two storey late seventeenth century farmhouse, built in rendered stone, under a tiled pitched roof with stone watertables and kneelers, and brick chimney stacks. The exterior is relatively plain. The List Entry notes that much of the original interior of the building remains and that it is a rare survivor of a seventeenth century house in this area, primarily included on the list for its interior features. As set out above it is also noted in the List Entry that the building has group value.
56. Its immediate setting includes the farm steading and the former barns as well as Barkston House. The wider setting encompasses the nearby Saw Wells House, which is one of the other farm steadings that form the basis of the settlement, and more recent twentieth century dwellings on Back Lane, Saw Wells Lane, Church Street and Fir Tree Court. A small electricity substation is located opposite Old Manor Stables at the junction of Back Lane and Main Street.
57. The setting provides the context within which the building is experienced. In this case it has evidential value in that it illustrates the form of a historic farm steading that has evolved over time and the vernacular buildings and building materials of the area. It also has an aesthetic value derived principally from the architecture of the buildings and their relationship to the principal building. Whilst the stone built former barns have been converted to residential use, this has been carried out in a manner that allows their original purpose to be discerned. This all reinforces the significance of Turpin Hall Farm as the focal point of a historic farm steading.
58. The immediate setting has, however, been altered by the introduction of more recent farm buildings to the east and the conversion of the barns to residential use. Although sympathetically executed, the conversion of the former barns has domesticated the former yards between the steading buildings through the introduction of garden and patio areas and block paved paths and parking areas. The wider setting has also been changed by the introduction of modern housing.
59. The appeal proposal is a small structure which has been introduced into the garden area and adjacent to the parking area formed as part of the conversion. Its construction in horizontal timber boards on a timber frame with a shallow pitched roof finished in roofing felt is fairly typical of a garden shed. Whilst it does not necessarily reflect the materials or architecture of the nearby converted barns, its small size does not prevent their original function from being understood. It is positioned in an area that has already been domesticated as part of the conversion and is located some distance from the principal building. From what I saw when I visited the site, the cumulative effect of the development with the previous works is not so great that it is harmful to the understanding of the principal building in its context. The effect of the development on the setting of the Turpin Hall Farm is therefore a neutral one.

60. The development is also within the wider setting of Barkston House, being located a short distance to the north of its boundary. Barkston House is a three storey, early nineteenth century house, with a pitched slate roof. The front elevation is coursed ashlar masonry with the other elevations being rendered. The front elevation contains a central doorway in an arched opening and a symmetrical, three bay, façade. The windows have stone heads and sills and those on the top floor are smaller than those on the floor below. Beyond the List Entry there is little evidence before me in respect of the significance of this building. At the hearing it was agreed by the parties that its significance is derived principally from its architectural interest. From what I saw when I visited the site, I have no reason to disagree with this.
61. Although the development is within the setting of this building, due to its small scale, it has no effect on the understanding of the significance of this building.

Character and appearance of the surrounding area

62. Barkston Ash is a small rural settlement which, as set out above, evolved around a cluster of farm steadings. There is not a conservation area designated within the village. The buildings present are a mixture of older traditional buildings and more recent twentieth century insertions onto the historic street pattern and plot boundaries.
63. The buildings are predominantly two storeys in height, with some three storey and single storey buildings present. There is a mix of detached, semi-detached and terraced buildings and a range of external materials is present, including stone and brick with many of the older buildings being rendered. Stone boundary walls of varying heights are a prominent feature of the village resulting in changing degrees of enclosure to the roads.
64. The development is located behind one such high stone wall forming the boundary of Old Manor Stables with Back Lane. I saw when I visited the site that from the public domain views of the development are severely restricted, with only very small elements of the roof being glimpsed above the wall from Back Lane near to the access point.
65. In order to have an effect, it is necessary for there to be some degree of visibility from the public domain. In this case, due to the location of the development, the visibility of the proposed development is so restricted that it can scarcely be seen.
66. Drawing all of these strands together, I therefore conclude that the development does not cause harm to the character and appearance of the area having regard to the setting of nearby listed buildings. It would comply with the relevant requirements of Policies SP18 and SP19 of the Selby District Core Strategy which, when read together, seek to ensure that new development is of a high standard of design that safeguards and conserves the historic environment and historic assets.

Other Matters

67. The settlement of Barkston Ash is washed over by the Green Belt. I have noted that the Council consider that the proposal is not inappropriate development in the Green Belt, and this does not form part of the reason for refusal.

68. Core Strategy Policy SP3 and the Framework seek to prevent inappropriate development in the Green Belt. The construction of new buildings in the Green Belt is inappropriate development unless it meets one of the exceptions set out in Paragraph 154 or 155 of the Framework. The exceptions include at Paragraph 154 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
69. In *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] WHC 2145 (Admin), the Courts held that a free standing building can be considered as an extension to a dwellinghouse. The shed is located a short distance from the dwelling within the garden area. The evidence indicates that the dwelling has not been extended previously and there are no other buildings or structures within its domestic curtilage¹.
70. Disproportionate is not defined in the Framework, nor does Core Strategy Policy SP3, or its supporting text, set out what the Council would consider a disproportionate addition. That said, the shed is small at approximately 3.048 metres by 1.82 metres (10' by 6') and approximately 2 metres to the ridge of the roof. Although I have not been provided with dimensions for the dwellinghouse, it was clear from the site visit, where I was able to see the shed in conjunction with Old Manor Stables, that it is not a disproportionate addition to the original building.
71. I am therefore satisfied that it does not constitute inappropriate development within the Green Belt.

Conditions

72. I have had regard to the conditions that have been suggested by the Council. The development has already been carried out and I am satisfied that it has been carried out in accordance with the details shown on Drawing Number: 2021/184/P AL(0)300 Revision A which was submitted with the application. I have referred to this drawing in the effective part of the decision and do not consider that it is necessary to impose a condition requiring the development to be carried out in accordance with this drawing.
73. The Council have also suggested a condition requiring that the materials used in the development be as stated on the application form. The proposed materials are not specified on the copy of the planning application form that I have been provided with. They are, however, annotated on Drawing Number 2021/184/P AL(0)300 Revision A. I therefore do not consider that this condition is either enforceable, or necessary.

Conclusion

74. For the reasons set out above, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

¹ As distinct from the curtilage of Turpin Hall Farm for the purposes of the LB&CAA.

APPEARANCES

FOR THE APPELLANT:

Mr Melvyn Mason	Appellant's agent
Ms Beth Davies	Heritage Consultant
Ms Jennifer Hubbard	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Yvonne Naylor	Principal Planning Officer North Yorkshire Council
Ms Lucy Nettleton	Planning Officer North Yorkshire Council
Ms Anne Sims	Principal Conservation Officer North Yorkshire Council
Ms Diane Wilson	Principal Conservation Officer North Yorkshire Council

INTERESTED PARTIES:

Mr Chris Finn	Local resident
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DOCUMENTS

Document 1 Commentary on 'Jews Farm' case by Martin Goodall

Document 2 Appellant's costs application notes