



Appeal Decision

Site visit made on 4 October 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/U2750/D/24/3349591

Alcar Farm, Brownmoor Lane, Huby, North Yorkshire YO61 1HE

- 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 A Whitwam against the decision of North Yorkshire Council.
 - The application Ref is ZB24/01046/FUL.
 - The development proposed is the demolition of existing gate posts, gate and hardstanding, and the erection of replacement gate piers and walls and hardstanding to entrance.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located in an area of open countryside to the south of the village of Huby. It is located on Brownmoor Lane which is an unsealed rural road. The surrounding area has a distinct undeveloped and rural character which predominantly comprises agricultural fields with boundaries being primarily formed by established hedgerows. Physical boundary treatments are of a discreet and understated style with estate railings at the appeal property with metal gates and timber post and rail fencing used elsewhere near the appeal site.
4. The existing access has brick piers and decorative metal gates, they are largely concealed by the high hedges either side. The proposed development involves the removal of these piers and gates and the replacement with a curved recessed brick wall to either side of new gates. The evidence outlines that the gate piers would be around 2.3 metres high, and the walls would vary in height from 1.9 metres to 2.1 metres. In total, the installation would run for around 20 metres along the Brownmoor Lane frontage.
5. Due to its overall design, height, length and solid appearance, the installation would appear in stark contrast to the largely undeveloped rural environment of the surrounding area. When combined with its location it would appear as an abrupt change in the make up of the frontage on Brownmoor Lane and an incongruous and somewhat alien addition to its context.

6. I acknowledge that the installation relates to a residential property as opposed to an agricultural establishment. It is however reasonably well separated from the dwelling itself and would not be readily visible in conjunction with it owing to the dense landscaping on the intervening land. There are also likely to be more appropriate installations that are more in keeping with the area without appearing so dominant or out of character, as demonstrated in the use of estate railings elsewhere.
7. The appellant has referred to several examples of boundary treatments elsewhere. Some of those examples appear to be more closely related to a settlement, or more closely related to its host dwelling or as part of a wider boundary treatment. They are different installations at different locations some distance from the appeal site, and when combined with the fact that I also do not have full details of the planning backgrounds, I give them limited weight in the appeal.
8. The proposed development would therefore cause harm to the character and appearance of the area. It would be contrary to Policies S5, E1 and E7 of the Hambleton Local Plan (2022). These policies require, amongst other things, that developments integrate successfully into its surroundings, respects and contributes positively to local character, and does not harm the character and appearance of the countryside.

Other Matters

9. The appellant has raised some concerns over the Council's handling of the application. Whilst a lack of engagement may be disappointing to the appellant, this would not be a reason to allow the appeal, which I have determined in relation to land use planning matters.

Conclusion

10. The development therefore conflicts with the development plan and there are no identified other considerations, including the National Planning Policy Framework, that outweigh this conflict.
11. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR