



Appeal Decisions

Site visit made on 8 October 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal A Ref: APP/W9500/W/24/3347546

Rye Hill Farm, Great Ayton TS9 6HE

- 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 John Grimes against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2024/0093.
 - The development proposed is conversion of and extension to redundant buildings to form 1no. local occupancy dwelling with associated garage/workshop/store and amenity space (retrospective).
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Appeal B Ref: APP/W9500/D/24/3346622

Rye Hill Farm, Great Ayton TS9 6HE

- 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 John Grimes against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2024/0094.
 - The development proposed is erection of residential annexe single storey side extension.
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Decision

1. Appeal A is allowed and planning permission is granted for conversion of and extension to redundant buildings to form 1no. local occupancy dwelling with associated garage/workshop/store and amenity space (retrospective) at Rye Hill Farm, Great Ayton TS9 6HE in accordance with the terms of the application, Ref NYM/2024/0093, subject to the conditions in the attached schedule.
2. Appeal B is dismissed.

Preliminary Matters, Background and Main Issues

3. There are two appeals on this site. Appeal A is against the refusal of retrospective planning permission for conversion and extension of the appeal buildings to form a local occupancy dwelling. Appeal B is against the refusal of planning permission for a single storey side extension to form an annexe to the appeal buildings. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.
4. In the banner heading for both appeals I have used the site address and postcode provided within the appeal forms, as these are consistent with one another and with those used by the Authority in their decision notices.

5. Planning permission was granted in 2020¹ for the conversion of a group of redundant agricultural buildings at the appeal site to form one local occupancy dwelling. I saw on my site visit that the conversion of the buildings has already occurred, albeit the parties agree that the work carried out has not been completed in accordance with the approved plans.
6. The main issue in both appeals is the effect of the proposed development on the character and appearance of the original buildings and the landscape and scenic beauty of the North York Moors National Park (NYMNP). With respect to Appeal B, there is an additional main issue concerning whether the proposal is appropriately sized, with regard to the provisions of the development plan pertaining to the conversion of traditional buildings within the open countryside.

Reasons

Character and appearance

7. The appeal site comprises a collection of four conjoined former barns, labelled A to D in the evidence, in addition to a detached building to the east, Barn E. The evidence indicates that the barns were predominantly of a simple and functional design, with limited openings and traditional materials and building forms. Barns A to D were arranged in an irregular “U” shape and adjoined to the neighbouring dwellings at Ryehill and Ryehill Cottage to the south. The arrangement and clustering of the buildings in this location is typical of their historical lowland farmstead origins and function, and reflects the economic and cultural life of the area.
8. As a site within the designated NYMNP², there is a statutory duty³ 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.
9. Traditional rural buildings contribute to the special character and qualities of the NYMNP, however they are under increasing pressure for change, including through conversions that are insensitive to the architectural and historical interest of the buildings.
10. The site sits on sloping ground, with the land rising to the east, and falling away to the west. While the east facing elevations of the barns front the road, I saw on my site visit that this route is lightly trafficked, with a limited number of properties accessed from it. The topography of the area also appreciably screens east facing elevations from more distant views, thus the effect of any changes to these elevations are more local. Conversely, west facing elevations of the property enjoy long distance views across the surrounding countryside.
11. The surrounding area is predominantly rural in nature, with agricultural fields enclosed by hedgerows and patches of woodland extending away from the appeal site in all directions. This landscape is traversed by a rail line to the southwest. Further to the west of the site is Great Ayton. Clusters of

¹ Authority Ref NYM/2020/0374/FL

² National Parks and Access to the Countryside Act 1949 (as amended)

³ Levelling-up and Regeneration Act 2023

residential properties can also be found to the south and east of the appeal site along Dikes Lane. Development in the area is otherwise largely sporadic, composed of a mix of predominantly agricultural and residential uses. Dwellings nearby vary in their age, size and appearance, including a mix of rural and more suburban designs.

12. In respect of Appeal A, the development includes the provision of stone kneelers to Barns A, B and C, in addition to the introduction of water tabling on Barn C. The evidence indicates that water tabling is a pre-existing feature of some of the appeal buildings, and the adjacent farmhouse. While stone kneelers were not featured previously, they are not an uncommon feature in the surrounding area and thus do not appear out of place in this context. These works have resulted in the appearance of raised eaves, however variations in the eaves of the buildings also appears to have been a pre-existing feature, and present in the previously approved scheme.
13. The development also includes an extension to the roof of Barn A. This has infilled a gap between the previous roof structures of Barns A and C. However, the difference in eaves level and perpendicular ridge lines maintains distinction between the two former barns. While a flue and rooflight have also been added to this roof, these are both modest in size and do not unduly detract from the otherwise expansive roof slopes visible from the road. The extension to the footprint of Barn C is also relatively modest, its form and appearance is in keeping with that of the barn, and it thus does not have a harmful impact on the appearance of the building in this context. As each scheme must be considered on its individual merits, this would not set a harmful precedent.
14. The provision of two new horizontal, high-level windows on the east elevation is a further departure from the approved scheme. While I recognise these openings may not be of the type described in The Design Guide Part 4: The Re-use of Traditional Rural Buildings Supplementary Planning Document Adopted August 2011 (the SPD), they nevertheless provide only a limited break in the east facing elevations, while their lightweight framing, dark colour and recessed positioning reduces their prominence.
15. In respect of Barn E, the eaves height of this detached building has been increased, with the effect of creating a gap between the roof structure and the stone corner posts, which have been capped. Though this does not appear to be a common feature locally, this gap is modest such that it has little effect viewed in the wider context.
16. Bamboo cladding has been used on Barns D and E, which has replaced or obscured the external brick walls previously featured on these buildings. While I recognise this is not a typical local building material, the contrast provided between the dark stained bamboo and the stonework is analogous of that between the stonework and former brickwork and continues to contribute to the buildings' character and legibility.
17. The Authority considered that other elements of the scheme, including the revisions to the garden room infill extension, revisions to the fenestration on the west and north elevations of Barn D, revisions to fenestration on the north elevation of Barn B, the introduction of additional rooflights and the revised openings to the garage/outbuilding were acceptable. There is no compelling reason before me to come to a different conclusion on these matters.

18. Overall, I find that the development in Appeal A respects the basic shape and design of the original buildings and has not resulted in their significant alteration or extension, or an overly domestic appearance. The relationship between the larger farmhouse and the more subservient appeal buildings remains such that the hierarchy of buildings is still legible, and the character and form of the buildings has not been unduly harmed by the works.
19. Turning to Appeal B, the proposal would represent a significant extension to the existing building. It would sit flush with the west facing elevation of Barn D, while projecting significantly forward of its east facing elevation. The proposal's prominent east facing gable would also sit in alignment with that of Barn A, mirroring its design, materials, and fenestration, including a further expanse of glazing facing the road. The eaves and ridge heights of the proposal would also match or exceed that of Barn D.
20. The proposed extension would benefit from matching materials and share some design features with the existing building. However, the size, siting, form and appearance of the proposal is such that it would be a dominant addition. The introduction of further floor to ceiling glazing on the east facing elevation would also create a much more domestic appearance, while fenestration to other elevations would be out of keeping with the design and proportions of existing openings. The proposal would thus challenge the hierarchy of buildings and erode their agricultural character and legibility.
21. The SPD indicates courtyard arrangements are associated with larger and/or arable farms of the lowlands. However, the proposed extension would not create a conventional courtyard layout. Instead, it would appear somewhat ad hoc in its arrangement when viewed in context with the existing buildings and adjacent dwellings.
22. While traditional rural buildings may often be characterised by long, uninterrupted elevations of masonry, particularly on linear farmsteads, the SPD is clear that extensions to traditional rural buildings should be small, unobtrusive lean-to or similar structures, and that large, dominant or obtrusive structures will not be acceptable.
23. My attention has been drawn to a previous planning permission for construction of extensions at Rye Hill Farm Cottage in 2006⁴. However, limited details of this have been provided and so I cannot draw any meaningful comparisons to the appeal proposal. Nevertheless, this previous proposal appears to relate to the adjacent cottage, was considered in a different national and local policy context, and each case must be considered on its individual merits. It therefore does not lead me to a different conclusion on this main issue.
24. In respect of Appeal B, I therefore find that the proposal would unduly harm the character and appearance of the original buildings and the landscape and scenic beauty of the NYMNP. It would conflict with Strategic Policy C and Policies CO12 and CO17 of the North York Moors National Park Authority Local Plan July 2020 (the Local Plan). These policies, among other provisions, seek to maintain and enhance the distinctive character of the National Park, ensure the siting, orientation, layout, scale, height, massing and form of the proposal complement and are compatible with existing buildings, and do not detract

⁴ NYM/2006/0398/FL

from the character and form of the original dwelling or its setting in the landscape.

25. The proposal would also conflict with Paragraph 182 of the National Planning Policy Framework (the Framework), which seeks to conserve and enhance landscape and scenic beauty in National Parks and limit the scale and extent of development within these designated areas.
26. In respect of Appeal A however, for the reasons set out above I conclude that the development does not have a harmful effect on the character and appearance of the original buildings and the landscape and scenic beauty of the NYMNP. It would thus comply with Strategic Policy C and Policy CO12 of the Local Plan.
27. It would also comply with Paragraph 182 of the Framework, and Part 4 of the SPD. Part 4 of the SPD, among other provisions, seeks to encourage high quality design in the re-use of traditional rural buildings, which conserves and enhances the character and special qualities of the area and respects local distinctiveness and the built and natural heritage of the National Park.

Whether the proposal is appropriately sized

28. In respect of Appeal B, Policy CO12 of the Local Plan states that the building must be appropriately sized for its intended use, without the need for significant alterations, extensions or other new buildings. This is reiterated within the SPD. The supporting text to Policy CO12 states that; in instances where a building has been converted and a proposal relates to further alterations or extensions, the Authority will apply the criteria of this policy. The requirements of Policy CO12 are thus relevant in Appeal B.
29. The appellant maintains that the proposal represents a 28% increase in floorspace. It is not clear whether this figure includes extensions already carried out as part of the development in Appeal A. Nevertheless, even if the proposal would fall below the 30% floorspace threshold for extensions to existing dwellings set out in Local Plan Policy CO17, this policy concerns householder development more generally. Compliance with this policy does not override the requirement to comply with other relevant Local Plan policies.
30. While I recognise that the development in Appeal A included some extensions, these are significantly smaller than the proposal in Appeal B, and their relationship to the existing buildings are markedly different. Policy CO12 does not preclude extensions in their entirety, but it does require that the conversion can be carried out without significant alterations or extensions. Ultimately each proposal must be considered on its individual merits, and this does not provide justification for the proposal in Appeal B.
31. As set out in the previous main issue, the proposal in Appeal B would represent a significant extension and alteration to the existing buildings. This would in turn erode their original character, contrary to the objectives of Policy CO12.
32. The proposal would therefore not be appropriately sized, with regard to the provisions of the development plan pertaining to the conversion of traditional buildings within the open countryside. The proposal would thus conflict with the provisions of Policy CO12 of the Local Plan. This policy, among other provisions, seeks to ensure that the original character of existing buildings in

the open countryside that have been converted is not lost through further alterations or extensions.

Other Matters

33. The proposal in Appeal B would provide additional living space for the appellant's family, both now and potentially in the future. There is however no compelling evidence to indicate that the existing buildings are incapable of providing additional family space without further extension, given their combined floorspace. Ultimately, while the private benefits of extending the dwelling are acknowledged, these would not outweigh the identified harm.

Conditions

34. In respect of Appeal A, the Authority has suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the Planning Practice Guidance (PPG) and the tests for conditions set out in Paragraph 56 of the Framework.
35. I have adjusted the trigger points for condition Nos 2, 4 and 5 to account for the fact the development has already commenced and is now occupied.
36. There is no requirement for the standard commencement time limit condition in this case, as the development has already commenced. It is however necessary to specify the approved plans as this provides certainty.
37. A local occupancy condition is required in accordance with the strategy for housing set out in Strategic Policy M of the Local Plan.
38. Conditions are also required to restrict permitted development rights, control the colour of rainwater and foul water goods and flues, and secure final details of replacement fenestration and external lighting, in order to safeguard the character and appearance of the original buildings and the landscape and scenic beauty of the NYMNP, and to comply with Strategic Policies A and C of the Local Plan.

Conclusion

39. With respect to Appeal A, the proposed development would adhere to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.
40. With respect to Appeal B, the proposal would conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved, including drawing Nos 01 – LOCATION PLAN; 002 – AS BUILT PLAN.

2) The occupation of the dwelling hereby permitted shall be limited to:

- i) A qualifying person; and
- ii) A wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

- 1. Currently resident in the National Park, having been resident in the Park for at least the previous three years; or
- 2. Currently in employment in the National Park; or
- 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or
- 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
- 5. Former residents whose case for needing to return to the National Park is accepted by the Authority.

Within 1 month of the date of this decision, the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.

Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:

Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.

Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)).

The local occupancy restriction shall however be replaced by a principal residence restriction as follows: -

The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without

modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home.

The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H; Schedule 2, Part 2, Classes A to F and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- 4) Within 3 months of the date of this decision, details of all external lighting shall have been submitted to the Local Planning Authority for its written approval. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 5) Within 3 months of the date of this decision, details of replacement fenestration elements in the development hereby approved, showing the constructional details and external appearance of all external elements, including frames and glazing, shall have been submitted to the Local Planning Authority for its written approval. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 6) No work shall commence to stain/paint/colour any replacement windows or doors in the development hereby approved until details of the colour/finish of the windows and doors (including frames) has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained in that condition in perpetuity.
- 7) External trickle vents shall not be incorporated into any replacement windows hereby approved and shall not be installed thereafter.
- 8) All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
- 9) All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity.

END