



Appeal Decision

Site visit made on 2 October 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/W9500/W/24/3342174

Land to North of Ghyll Brow & Thorn Hill View, Glaisdale, Whitby YO21 2AX

- 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 & Mrs M & T. Arnell against the decision of North York Moors National Park Authority (the LPA).
 - The application Ref is NYM/2023/0435.
 - The development proposed is a change of use of land to equestrian, construction of stables and siting of field shelter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the development description shown on the application form as no evidence has been presented to show a change had been agreed.

Main Issues

3. The main issues in the determination of the appeal are:
 - the effect of the proposed development on the open countryside and character and appearance of the surrounding area and the North York Moors National Park (NP);
 - whether the proposed development would be in a suitable location to the appellant's place of residence; and
 - the effect of the proposed development on the living conditions of nearby residents, with particular regard to traffic, noise and odour.

Reasons

Character and appearance

4. The appeal site consists of a field to the rear of the housing to the end of Ghyll Brow and Thorn Hill View and to the end of some existing commercial/industrial buildings to the southeast edge. Other than an off-centre mature tree, the field has a largely open aspect. Typically, its boundaries are a mix of walls, fencing, trees and hedgerows. To the southeast corner is a field shelter. The appeal site is in the NP and beyond the field the area is predominantly a rural/agricultural landscape. The field is currently being used to keep horses.
5. The proposal would be an enclosed approximate one-hectare field with an L-shaped timber stable and a separate field shelter. The stable would have a

- pitched roof and it would include three horse stalls and two storerooms. It would be located to the southeast corner of the field and would have a small front hardstanding. The existing field shelter would be relocated next to the stable. The proposal would include the change of use of the land to equestrian purpose.
6. The LPA advise that the appeal site would be defined as open countryside in the North York Moors National Park Authority Local Plan July 2020 (Local Plan). The appellant does not dispute this.
 7. Being approximately 17.8 metres (m) by 13.4m with an overall height of 4.2m the L-shaped stable would be a very large building. While it would be located close to the existing housing and commercial buildings, the separation provided would still make it appear as an isolated building, outside the existing development pattern. With its different form and materials used, it would not relate well to any of the surrounding buildings, and it would appear as an incongruous and prominent addition which would be an intrusion into the open countryside and the NP. The relocated field shelter would not lessen the proposed stable's visual effect but would add to the scale of the proposal's intrusion.
 8. I recognise the important benefits the stable would provide to horses' health and well-being and offer safe and secure storage for maintenance tools and animal welfare items. However, other than showing the shelter would typically accord to the British Horse Society's recommended size, little justification for the stable's overall large scale has been given. It has not been shown that these benefits could not be achieved through less harmful alternative means.
 9. The proposal would not change the field surface and the post and wire fence would have little effect on the landscape views across the field. However, a lack of harm attracts neutral weight.
 10. The proposal would combine several facilities necessary for the keeping of horses such as stables, tack room, stores and feed storage and thus would avoid the need for a potentially more sprawling and a larger number of buildings. However, while this may be the case, this is not the appeal before me and does not address the harm I have identified.
 11. While reference was made to other existing small plots with huts and sheds to the west, the exact details were not provided. During my visit I only observed some modest sized buildings towards the western boundary which were located amongst trees and vegetation. They were not in the open field and were not prominent or imposing structures. They are therefore not directly comparable to the proposal and do not change my view on the harm identified.
 12. Although such things as the topography, boundary features and existing buildings would provide some screening, the proposal would still be visible from a number of public vantage points such as along the southeast road and Thorn Hill View. The proposed stable's scale and location would still result in a significant intrusion into what is currently an undeveloped field and open countryside.
 13. The proposed development would significantly harm the open countryside and the character and appearance of the surrounding area and the NP. It would be contrary in this regard to Strategic Policy B and Policy CO20 of the Local Plan

which seek, amongst other matters, to prevent sporadic development and isolated buildings in the open countryside and for equestrian development for private use to not have an unacceptable impact on the local landscape character or the special qualities of the NP.

Suitable location to the appellant's place of residence

14. The appellant does not live at or near to the appeal site but is noted as being within easy driving distance of it.
15. Criterion 2 of Policy CO20 of the Local Plan only refers to 'existing buildings' and does not specify these as needing to be residential. The criterion also makes no specific reference to maintenance or management of new equestrian development. Supporting text 7.103 only refers to horse development being managed with care in relation to appearance and character of the landscape and especially in this regard where it is adjacent to residential properties rather than within the domestic curtilage. Little reason is also provided why supporting text 7.106 could not be applied to an equestrian development which is separate from associated residential dwellings. Other supporting text in the policy relate to protecting the landscape with no maintenance or management need being specified.
16. I am therefore not convinced that Policy CO20 of the Local Plan requires equestrian development to be located adjacent to or close to the residential unit from which it would be managed. I note the LPA's concerns regarding the appellant's comments on the potential higher number of horses to be kept and the appellant's welfare need highlighted at the pre-application stage. However, there is little compelling evidence provided to show that further facilities or development above that proposed would be required. In any event any future development requirements would be subject to further planning applications and these would be considered on their own merits.
17. Accordingly, the proposed development would be in a suitable location to the appellant's place of residence and would comply in this regard with Policy CO20 of the Local Plan.

Living conditions

18. There is already regular existing activity at the field to look after the horses that are grazed. Furthermore, due to its agricultural and rural setting, some level of noise, odour and traffic associated with the potential use of the field in the keeping of livestock or other agricultural use would not be unexpected or unreasonable.
19. The proposal would be some 20m from the dwellings and closer to the commercial buildings. It would face away from these properties. It is advised that any manure from the proposal would be collected daily with some used on site as fertiliser to the boundary hedgerows and some offered to local farmers.
20. While the proposal would improve and formalise the facilities for the keeping of horses at the site, with its three stables, the level of activity would not be significantly more than currently exists. There is little substantive evidence that the proposal would significantly increase the number of horses kept in the field.
21. In relation to disturbance from potential intruder alarms, even though the threat of theft was noted as increasing, the area was identified as a low crime

and disorder area. Taking this and the separation to the dwellings together, it is evident that the risk of disturbance from this aspect would be low. There is little evidence provided to show that if an appropriate alarm system was used that it would cause significant disturbance.

22. Concern was raised by an interested party regarding the adverse effects the equestrian use was having on the residents on Thorn Hill View. This included safety and odour concerns from the use of the field access adjacent to the dwellings. However, the appellant advises that these were isolated circumstances caused by adverse weather and the need to remove a shipping container and the area has been fenced off. The proposal would further address these concerns by its general use of the southeast field access and by the daily visits to the horses which would ensure manure was appropriately managed.
23. Overall, it is unlikely that the proposal would give rise to additional harmful impacts from noise, odour or traffic over and above that which already exists on the site. The proposal would not adversely affect the living conditions of nearby residents. It would not conflict with Strategic Policy C and Policy CO20 of the Local Plan which seek, amongst other matters, for new development to not adversely impact upon the amenities of adjoining occupiers and not compromise local highway safety.

Other Matters

24. There is little evidence that the proposal would be used by the wider community for recreation; support tourism; contribute significantly to the local economy or deliver wider benefits for nature and support efforts to address climate change. Due to the visual harm it would cause, the proposal would not respect or be a sensitive addition to the character of the countryside. It would not meet the requirements of Paragraphs 88, 89 or 102 of the Framework which are aimed at supporting a prosperous rural economy and promoting health and safe communities.
25. Furthermore, the appeal site is not previously developed land, and the proposal would not represent a high quality, good or beautiful design and would do little in terms of creating a better place to live and work. It would not meet the requirements of Paragraphs 123, 124, 131 or 135 of the Framework which seek to ensure new development makes effective use of land and achieves well-designed and beautiful places.
26. Even without the proposal, the field can continue to be used for the grazing of horses or other agricultural purposes. It can also continue to support the equestrian heritage of North Yorkshire. There is little evidence to suggest that its agricultural significance, management, conservation or the preserving of the natural heritage of the NP would not continue. There is also little compelling evidence that the proposal would significantly improve these aspects.
27. It is asserted that the personal use of the stable supports the landowner's right to enjoy and utilise their property responsibly. However, planning seeks to act in the wider public interest and this right does not provide justification in itself to overcome the harm I have found.
28. While there have been no third-party objections and some positive feedback from interested residents including a veterinary letter of support received,

these do not render the scheme acceptable. I must determine the appeal on its own planning merits.

29. In support of the proposal, reference was made to planning permission given for an all-weather arena with associated works at Lodge Farm Moorsholm (LPA Ref: NYM/2022/0646). However, notwithstanding that the arena was separated from the main dwelling and the visual impact was found acceptable, due to the development differences a direct comparison between this and the proposed buildings before me cannot be made. Furthermore, the arena was found to improve the economic, social and environmental conditions of the area. These benefits have not been proven for the proposal before me. Overall, the arena is not directly comparable and does not change my view regarding the harm found. In any event I have considered the appeal on its own merits.
30. I have carefully considered the appellant's personal family circumstances in this case. While I recognise the importance that regular access to the outdoors and horses can provide to families including children and those with special needs, both from an educational and well-being perspective, it has not been shown that these cannot be met by the existing horse grazing use or in another way such as the use of an alternative stable and field location. Given that equivalent benefits may be capable of being achieved through a less harmful and intrusive form of development in the open countryside, I give the personal circumstances limited weight.

Planning Balance and Conclusion

31. The proposed development would be in a suitable location to the appellant's place of residence and would not harm the living conditions of nearby residents. It would also offer some positive benefits as identified above but even when taken in combination these attract limited weight in support of the appeal. As such, these matters and benefits would not outweigh the significant harm the proposal would have on the open countryside, the character and appearance of the surrounding area and the NP. For this reason, I consider the appeal should be dismissed.

J Symmons

INSPECTOR