



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: 2 December 2024

Appeal Ref: APP/W9500/W/24/3344530

Land south of St Margarets Church, Aislaby YO21 1SU

- 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 Ms J Birch against the decision of North York Moors National Park Authority (the LPA).
 - The application Ref is NYM/2023/0857.
 - The development proposed is erection of a mixed use agricultural and stable building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the site address was not shown on the application form, I have taken it from the LPA's Decision Notice and the Appeal Form. I have also added in the post code as shown on the LPA's questionnaire.
3. I have used the development description shown on the application form as no evidence has been presented to show a change had been agreed.
4. There is an ongoing enforcement case at the appeal site which is disputed. This is a separate matter between the main parties, and I have considered the appeal on the basis of the refusal of permission for the proposal before me.

Main Issue

5. The main issue in the determination of the appeal is the effect of the proposal on the character and appearance of the area and the North York Moors National Park (NP).

Reasons

6. The appeal site consists of an approximate 2.59 hectare agricultural field to the rear of the residential properties on Egton Road and the rear of St Margarets Church which is a Grade II Listed Building. It is located within the NP and outside of the Aislaby Conservation Area (CA). The field levels fall from the properties and the church to a fenced and mixed tree and hedgerow lined boundary. A track provides access to its bottom corner. The surrounding landscape is of open and rolling farmland which is typical for this part of the NP.
7. The proposal would be a pitched roofed 'L' shaped agricultural and stable building measuring approximately 20.4 metres (m) in length and 9.28m at its widest point, with a height of 2.45m to the eaves. It would be located against

the field's bottom boundary and towards the gated access, approximately 125m from the CA and the church.

8. Although the proposed building would only have a footprint of approximately 118m², it would still be a large, isolated building within a predominantly open field landscape. This isolated appearance would be further emphasised by the absence of other buildings nearby. The use of timber materials which would weather, dark coloured roofing and the proposal's positioning against a backdrop of trees and vegetation would do little to prevent the building appearing as a prominent and intrusive feature. It would not preserve the landscape and it would not be a positive addition in the surrounding open countryside and NP setting.
9. The proposal would be located at the lower area of the field and positioned to a degree away from the access, as shown on the provided photomerge. However, it would still be clearly visible in the distant views from Aislaby and the church and in the closer views from the track.
10. The appellant has offered the use of landscaping to screen and reduce the intrusion and prominence of the proposal, secured through an appropriately worded planning condition. However, no details of this have been provided, and I am not convinced that such landscaping could be assimilated naturally into the surrounding landscape and that it would not simply augment the presence of the built form and further emphasise the visual harm caused.
11. While the existing use and activity at the field have not been confirmed in any detail, the proposal would undoubtedly, with its five stables and livestock use, significantly increase both. These would, in conjunction with the proposed building's prominent and intrusive effect, adversely affect the NP's special qualities including harming the distinctive agricultural character of the field and adversely affecting the feeling of remoteness of the area.
12. There are no existing buildings on the field, and it has been advised that the proposal's size has been limited as far as possible to meet the keeping of Shetland ponies, livestock (including sheep breeding) and equipment storage. However, little substantive evidence has been provided to justify the size proposed. I am therefore unable to assess the need against the harm. Given that equivalent benefits may be capable of being achieved through a less harmful and intrusive development, I am not persuaded that the need justifies the harm.
13. To support the proposal, reference has been made to planning permissions NYM/2018/0596/FL for the creation of a manège for hobby use with an extension to the existing building and NYM/2023/0505 for the construction of a stable block. However, in the limited details provided, it is evident that the manège and extension were associated with an existing stable and equestrian use and the stable block was located within the domestic curtilage of the residential dwelling and not isolated. They therefore have a different setting and context compared with the proposal before me. As such they are not directly comparable, do not show an inconsistency in the LPA's decision-making process and do not change my consideration of the proposal or its harm.
14. A number of photographs of isolated buildings in the NP were also provided in support of the proposal. However, while the photographs show a range of isolated buildings in the NP, the details demonstrating how these buildings are

directly comparable in terms of such things as size, location, setting and context to the proposal before me have not been provided. The photographed buildings do not therefore justify the proposal or change my view on the harm caused.

15. The proposed development would significantly harm the character and appearance of the surrounding area and the NP. It would be contrary in this regard to Policy CO20 of the North York Moors National Park Authority Local Plan July 2020 (Local Plan) which seeks, amongst other matters, for equestrian development for private use to not have an unacceptable impact on the local landscape character or the special qualities of the NP.

Other Matters

16. The separation to the nearby residential properties would ensure resident living conditions would not be harmed and the use of low lighting would minimise light pollution. While some interested parties question the right to use the access track and raise concerns about the proposal's adverse effect on the track's surfacing and issues with parking and turning, the Highway Authority did not object to the principle of using the track for access. Notwithstanding the increased activity the proposal would cause, there is little to suggest the proposed use of the track would unacceptably compromise highway safety. However, the absence of harm from these matters would be a neutral factor which would not mitigate the proposal's large and intrusive impact and harm.
17. The appellant's residential unit is not closely associated with the proposal and the LPA considers this would be contrary to criterion 2 of Policy CO20 of the Local Plan. However, clear evidence of this has not been provided. Nor has the LPA shown that further facilities or development above that proposed would be required. The appellant indicates that no additional equestrian development would be necessary there is little reason to question this. I am therefore not convinced the proposal would be contrary to this part of the policy and I have not considered this aspect in my determination of the appeal.
18. The appellant has indicated an intention to undertake some ecological enhancement on the field to benefit local wildlife. However, detail of this have not been provided. Notwithstanding that some benefits to the area would be likely, I am not persuaded that these would overcome the significant visual harm the proposal would cause.
19. In considering the proposal, I have taken into account the representations in support of the proposal. However, none of the matters raised have led me to a different conclusion on the main issue.
20. The site lies next to but outside of the Aislaby Conservation Area (the CA). Paragraph 212 of the Framework states that new development within the setting of CAs should look for opportunities to enhance or better reveal their significance. The Framework defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced". The proposed development would be located some distant from the CA and would be disconnected from the historic street character. It would not intrude unduly on the appearance of the CA and would not harm the setting of the CA. However, lack of harm is a neutral factor.

21. Mindful of the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving the setting of St Margarets Church. Given the location, extent, and nature of the proposal, it would not alter how this building would be experienced or how its significance would be appreciated. As such, the proposal would have a neutral effect on the settings of the church and would not lessen the contribution the setting makes to its significance. I note the LPA raised no issues in this respect either.

Conclusion

22. For the reasons given above, and taking other matters raised into account, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR