



Appeal Decision

Site visit made on 19 November 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/U2750/W/24/3345192

**Low Ingram Grange, Appleton Wiske To Welbury, Welbury,
North Yorkshire DL6 2AW**

- 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 J Lingard against the decision of North Yorkshire Council.
 - The application reference is ZB23/02515/FUL.
 - The development proposed is the construction of a mixed use building for accommodation of agricultural livestock, machinery and implements, and for storage of vehicles, machinery and implements associated with a groundworks contracting business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the planning application stage, the Council accepted a plan that reduced the proposed building's plan size to that shown on Drawing No. L53-2-PLG1 rev B. However, this building change was not reflected on the proposed site plan as shown on Drawing No. L53-2-PLG2 rev ab. For clarity, I have considered the appeal based on the reduced proposed building plan size.
3. The appellant has submitted two updated land agent assessments of available commercial buildings within a 3-kilometre (km) radius of the appeal site. This information updates details submitted to the Council at the planning application stage and does not materially change the proposal. As the Council has had an opportunity to comment on this during the appeal and it would not prejudice interested parties, I have considered it as part of this appeal.
4. The appellant considers the Council's appeal statement to be at odds with the first reason for refusal due to the agricultural use being found acceptable. However, the Council has considered the proposed building's agricultural and commercial uses separately then, as the proposal is for a mixed-use, considered the uses together as a whole. I therefore see little reason to consider the Council's appeal statement to be at odds with the reason for refusal.
5. The National Planning Policy Framework (the Framework) was updated in December 2024. Insofar as it is directly relevant to the appeal, there are no substantive changes. As a result, I have determined the appeal on the basis of the statements and comments received and the parties have not been prejudiced by this. However, for correctness I have used the paragraph numbering in the update where applicable.

Main Issues

6. The main issues in the determination of the appeal are:

- whether the proposal would accord with local and national policies concerning development in the countryside; and
- the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

Location

7. The appeal site consists of an area of field associated with the 4.6-hectare Low Ingram Grange farmstead. The farmstead includes a main house with a variety of outbuildings, equestrian stabling with manège and open fields. The main parties agree the appeal site is located in the countryside.
8. The proposal consists of a new access track from the existing driveway, an agricultural/commercial building with pitched roof and a front yard area. The proposed building would be located in the far corner of the southern field, south of the equestrian manège and separate from the existing buildings.
9. The proposal would be used for the housing of livestock and in connection with the running of the farmstead. It would also be used to store machinery and vehicles related to the appellant's commercial groundworks and concrete services business (groundworks business). Two thirds of the building floor plan would be used for the agricultural use and one third for the commercial use.
10. Policy S3 of the Hambleton Local Plan February 2022 (Local Plan) sets out the distribution of growth that will help to achieve the overall strategy for development in the Council area. This includes supporting the growth and diversification of the rural and agricultural economy, through Local Plan Policies S5 and EG7. Policy S5 of the Local Plan concerns development in the countryside and supports development where it is in accordance with national planning policy or other policies of the development plan, and which would not harm the character, appearance and environmental qualities of the area in which it is located. Further to this, Policy EG7 supports businesses with a genuine need to be located in the countryside, to assist agricultural business to maintain their viability and to assist other forms of development including farm diversification. The policy sets out a number of criteria where businesses in rural areas will be supported.
11. The above policies broadly accord with Paragraph 88 of the Framework which state that planning policies and decisions should support sustainable growth and expansion of all types of business in rural areas through well design beautiful new buildings and development and diversification of agricultural and other land based rural businesses. They also broadly accord with Paragraph 89 of the Framework which states that it should be recognised that sites to meet local business community needs in rural areas may have to be found adjacent to or beyond existing settlements. There is therefore nothing to suggest the proposal should not be considered against the above development plan policies.
12. While the Council note that the existing buildings on the appeal site could be used to store some of the farming agricultural equipment/plant, it was accepted that the

agricultural use of the proposal would in principle comply with Policy EG7. I see little reason to disagree with this and have considered the appeal on this basis.

13. In relation to the proposal's commercial use, while it is argued that this would be a smaller portion of the proposed building, and it would be related to providing agricultural and rural services, the groundworks business has operated independently with the storage of the machinery and vehicles remote from the farm for several years. There is little evidence provided to show the proposed commercial use would be linked with the farm's operation or viability. It has therefore not been shown that it would represent farm diversification as submitted by the appellant.
14. Furthermore, even though the appellant's connection to both uses is noted, the commercial use of the proposed building would be a substantially different and separate activity which would not be associated with the proposed agricultural use. It would also, being a third of the floor plan, represent a sizeable part of the building. It therefore has not been shown that the proposed commercial use would be an ancillary or incidental element to the proposal's agricultural use as detailed by the appellant.
15. Based on the above, it is necessary and appropriate for the proposed commercial use to be considered against Policy EG7.
16. Notwithstanding the appellant's above view that the proposed commercial use represents farm diversification and an ancillary or incidental use, it is also submitted that the proposed commercial use requires a countryside location and this would comply with Policy EG7 criterion d). However, while this criterion does support proposals which specifically require a countryside location, justification for the proposed commercial use being in the countryside is limited.
17. It is evident that the groundworks business provides predominantly agricultural services which, as shown on the map of the regular work locations, serves clients in the local and rural area, most of whom are within a 10-mile radius of Appleton Wiske. It is also evident that having the groundwork business machinery and vehicles stored at the appeal site where the appellant is based would reduce some of the daily travel. However, as noted above, the existing storage location has operated for several years, and no evidence to show it to be unsuitable or unviable is presented. It is argued that the appeal site would provide a more sustainable travel pattern for the groundworks business. However, little evidence such as a comparison between it and the existing storage site is presented to show this would be the case and that the benefits would warrant a specific countryside location.
18. Furthermore, I also appreciate that there are no available commercial buildings within a 3km radius of the appeal site, and the appellant's contention that there are no alternative rural commercial storage sites available. However, no evidence is presented to show that an alternative storage location in the surrounding area's strategic employment sites is not available. Indeed, the Council identifies that the Northallerton Business Park offers a number of potential benefits including it being central to the regular work locations, not being distant from the appeal site and providing better transport links which would reduce travel through Appleton Wiske. Despite the parties' differences regarding the reference of the area as Northallerton Business Park and its distance from the appeal site, it is apparent that there are commercial areas at Standard Way Industrial Estate and Thurston Road. The

appellant provides no compelling evidence such as a land agent assessment to show the commercial areas could not offer a suitable alternative storage location.

19. Even though it is asserted that the Council did not raise the need to extend the available site search area to include the commercial areas, it has not been shown that the appellant was unaware of the need to consider these areas. This aspect was clearly set out in the Council's Delegated Planning Report and Notice of Decision. There is little to suggest that it was unreasonable or inappropriate for the Council to refer to this aspect in its appeal statement. The development plan and the Framework, while supporting rural businesses also aim to protect the countryside. It is therefore not unreasonable for the Council to request a genuine need for the development to be located in the countryside to be demonstrated.
20. Overall, it has not been sufficiently demonstrated that the commercial use of the proposed building requires a specific countryside location, and it would be contrary to Policy EG7 criterion d).
21. At the planning application stage, the appellant referred to the proposal complying with Policy EG7 criterion c). However, specific reference to this criterion was not raised in any detail in the appellant's appeal statement. Nevertheless, as it has not been sufficiently demonstrated that the proposal cannot be located within a strategic employment site then the proposal would be contrary to Policy EG7 criterion c).
22. In conclusion, while the principle of the proposed farm's agricultural use would be acceptable in a countryside location, the proposed commercial use would not. As the agricultural and commercial uses are independent of each other and can be provided separately from one another then, taking the proposal's mixed use as a whole, it has not been shown that the proposal requires a specific countryside location. The proposal would be contrary to Policy EG7 of the Local Plan.

Character and appearance

23. The surrounding area to the appeal site is typically a gently undulating arable and pastoral land, with sporadic development, rural roads, hedgerows and trees.
24. The existing farm buildings are grouped together and set back by fields from the main road. Fields also separate the farmstead from a public footpath to the south. The field and road edge boundary treatments are typically a mix of fencing, hedgerows and planting which provide a good level of low screening.
25. The proposal would be a large and discrete building. However, the separation to the road and footpath, in conjunction with the existing boundary planting and hedgerows screening, would prevent it appearing overly dominating and unacceptably intrusive. During my visit I saw that, even with a lack of foliage, the existing hedgerows and plantings still limited views and provided a good level of low screening from the public viewpoints of the road and footpath.
26. While in many cases it may be preferable to group buildings together to prevent such things as development/urban sprawl in the countryside, it is not uncommon to see some separate buildings. Indeed, there are a number of examples of separate buildings nearby which demonstrate this.
27. As most of the farming activities and equipment storage relating to the proposed agricultural use would not be uncommon or unexpected on a farmstead, then it is

unlikely that this use would cause any significant or unacceptable change to the character of the surrounding countryside.

28. This would however, not be the case for the proposed commercial use. The appellant would still need to travel to and from the appeal site and there is therefore little to suggest that the number of vehicle movements would significantly reduce compared to the existing location of the groundwork business. Furthermore, as no existing and proposed location travel plans are provided, it is not possible to assess if the proposal would reduce travel overall. In all likelihood the proposal would result in the coming and going of larger machinery and vehicles to the appeal site than currently occurs and there would also be the potential for an increase in vehicles related to deliveries and servicing requirements. While it is indicated that the proposal's vehicle movements would be small and the tranquillity of the countryside would not be lost, little compelling evidence to support this is provided and I am not convinced that this would be the case.
29. Consequently, while the proposal would not harm the appearance of the surrounding countryside, it would harm its character and would be contrary to Policies E1 and E7 of the Local Plan. These seek, amongst other matters, for new development to integrate successfully into its surroundings in terms of form and function, reinforce local identity, character and distinctiveness and conserve rural areas.

Other Matters

30. Whilst I note the comment that if the building already existed on the farmstead and it was proposed to change part of its use for agricultural diversification that this may be supported by Policy EG7 of the Local Plan, this is not the proposal before me.
31. The proposal would not change the public highway access arrangements and the Highway Authority has not raised any concerns regarding highway safety. It would also not be adversely affected by flood risk or drainage effects, and it would not adversely impact on amenity or on ecology and biodiversity. However, the lack of harm from these aspects is neutral in the planning balance.
32. I acknowledge that a sequential review of the entirety of the land within the appellant's control has been provided. I also note the appellant has proposed planning conditions to limit, amongst other matters, the use of the proposed commercial use to that of the appellant and the groundworks business. However, these would not change the fact that the proposal would not be acceptable development in a countryside location.
33. The appellant refers to Les Race Builders at Lyndale, Welbury, North Yorkshire as an example of a similar site which has commercial vehicle movements that interact without issue with the local transport network. However, the details and planning status of this site are limited and from my visit, the example site appeared to relate better to the nearby settlement of Welbury than the appeal site does with Appleton Wiske. As such there is little to suggest the example site is directly comparable to the appeal before me and it does not change my view regarding the unacceptability of the proposal and the harm it would cause. In any event, I have considered it on its own planning merits.

Planning Balance and Conclusion

34. As the groundworks business is currently operating and it has not been sufficiently shown that a countryside location is required, then there is little to suggest that the proposal would offer any significant economic, social, or environmental benefits above that which the existing business location already provides. As such, even though the proposal's appearance would be acceptable and it would have a larger agricultural use, these would not outweigh it being unacceptable development in a countryside location and its unacceptable effect on the character of the countryside.
35. The proposal would be contrary to the development plan and there are no other considerations, including the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should be dismissed.

J Symmons

INSPECTOR