
Appeal Decision

Site visit made on 11 February 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/W9500/W/24/3352828

Land at Westlands Farm, Osmotherley, North Yorkshire DL6 3AR

- 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 Keith Austin against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2023/0771.
 - The development proposed is change of use of grazing land and erection of 5 no. holiday pods with associated access, parking and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.

Main Issue

3. The main issue relevant to this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site, Westlands Farm, is situated in the open countryside, approximately 0.5km northwest of Osmotherley, on the western edge of the North York Moors National Park. The site is accessed via a narrow track off Cuddy Lane. The development site is an agricultural field south of the farmhouse, surrounded by open fields. A public footpath runs 7m west and another 70m south of the site, with the Cleveland Way National Trail located about 300m northeast. The landscape is characterised by open agricultural fields with intermittent, individual mature trees and hedgerows along field boundaries. Wooded areas are not characteristic in the vicinity of the appeal site.

Layout

5. This part of the National Park is characterised by farmsteads peppering the irregular open field system. The proposed siting of the cabins would be set apart and distinct from the farmstead in an open field to the south of the farm group. The

cabins would be arranged in an arc with an access track and associated parking provision. As proposed, the siting and arrangement of the cabins, access and parking area would not reflect the layout of a traditional farmstead or group, the arrangement of which is typically grouped or interlinked around a courtyard and in close proximity to the farmhouse. As such, notwithstanding the appellant's intention to create an ergonomic footpath which complements the existing topography and allow each cabin to have an independent view of the landscape, the proposed layout would be atypical in this agricultural setting and would fail to reflect local distinctiveness.

Visual impact

6. Whilst the dark brown stain of the cabins would be recessive in the landscape, thereby limiting their visual impact, the proposed development would be visually intrusive by reasons of the siting and arrangement of the cabins and the light-coloured surface treatment of the access track and parking area.
7. The line of young trees which have been planted along the site boundary, parallel with the access track leading to Westlands Farm are not of a sufficient size to provide screening. The beneficial screening provided by mature trees is limited by their sporadic siting across adjacent fields. As such, the presence of existing trees would not mitigate the visual harm.
8. I observed that the appeal site is visible intermittently from the Cleveland Way National Trail along Ruebury Lane by reasons of the sparsity of existing natural screening and the topography, being elevated on higher land above the appeal site. Furthermore, I observed that the appeal site is visible from the viewpoint, identified by a plinth and plaque, on the track leading up to Our Lady's Chapel. As such, the proposed development would be visually intrusive in the wider landscape.
9. At the time of my visit, the prominence of the appeal site in the landscape was heightened by the sparse natural vegetation, though it is acknowledged that the visibility of the proposed development would fluctuate with seasonal variations.

Landscape character

10. I note the conclusions of the appellant's Landscape and Visual Impact Assessment (LIVA). However, the temporary nature of the parking area, access and plinths for the cabins is questionable and whilst not isolated, the proposed development would be distinct from the existing farmstead by reasons of the siting and arrangement of the cabins, to the detriment of their visual relationship with the farmstead. The LIVA has assessed the effect of the proposed development as a 'low negative effect' and the overall assessment as 'not a significant detrimental change in landscape character'.
11. Notwithstanding the tree planting along the access track leading to Westlands Farm and the established hedgerow that runs parallel with this access track and the adjacent public footpath along Cuddy Lane, the proposal to site 5 cabins for holiday letting purposes with associated access and parking would intrude into the open countryside. I have therefore, identified visual harm to landscape character.
12. In accordance with Strategic Policy A in the North York Moors Local Plan (2020) (LP), greater weight is attached to the first purpose of conserving and enhancing

the natural beauty, wildlife and cultural heritage of the National Park, in line with the Sandford Principle.

13. For these reasons, the proposed development would result in visual harm to the wider landscape. It would be contrary to LP policies: Strategic Policy A, Strategic Policy C and Policy UE2. Strategic Policy A requires new development to conserve and enhance the National Park's natural beauty, wildlife, cultural heritage, and promote opportunities for public understanding and enjoyment of the National Park's special qualities; Strategic Policy C, relates to the quality and design of development; Policy UE2 which states that development will only be permitted for small scale holiday accommodation where it is in Open Countryside, is not isolated from an existing business or residential unit which will be used to manage the accommodation, and must not detract from the character, tranquillity or visual attractiveness of the area.
14. Furthermore, the proposed development would be contrary to paragraph 189 of the Framework, which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Other Matters

15. The appellant refers to an appeal decision for a site at Newby Farm, Newby (ref: APP/G2713/W/22/3294243), where the Inspector deemed the rural site location as sustainable as a result of a nearby PRoW. I have not been provided with the details of this appeal or the Inspectors' decision and in any event, each proposal falls to be assessed primarily on its own merits, and I am unaware of the full circumstances associated with this case.
16. The layouts of comparable examples of existing holiday chalets within the National Park are noted. However, I cannot comment on the circumstances within which these planning decisions were made and in the absence of any information relating to these past decisions, I am unable to draw any comparison with the appeal before me.
17. I have noted the issues raised by the appellant regarding the communications by the National Park Authority and the way in which the application was processed by the Park Authority. However, these are not a material consideration to which I can attach only limited weight in making this decision.
18. I have carefully considered the various benefits presented by the appellant including the potential advantages arising from the scheme's design, biodiversity gain, support for the existing farm business through rural diversification, and contributing to tourism and the local economy. Additionally, I am aware of the presumption in favour of sustainable development set out in the Framework, and the Sandford Principle set out in Strategic Policy A of the LP, which attaches greater weight to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. While I have given these modest benefits some weight in favour of the appeal, they would not be sufficient to outweigh the harm I have identified. Specifically, I have found that the proposed development would result in visual harm to landscape character by reasons of the siting and arrangement of the proposed development, and the limited natural screening and topography available, which would increase its visibility.

Conclusion

19. The proposed development would conflict with the development plan when read as a whole and there are no other considerations, which outweigh this finding.
20. For the reasons given above, the appeal is dismissed.

N Kempton

INSPECTOR