



Appeal Decision

Site visit made on 3 March 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/W9500/W/24/3354533

Silpho Brow Farm West, Silpho Brow, Beacon Brow Road, Scarborough, North Yorkshire, YO13 0JP

- 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 Garry Edwards against the decision of North York Moors National Park Authority.
- The application Ref is NYM/2024/0523.
- The development proposed is the construction of timber stables for 3 horses and a store, for private use only. Use of barn for storage, not for renting out or other commercial things, for use by owner/occupier only.

Decision

1. The appeal is allowed and planning permission is granted for the construction of timber stables for 3 horses and a store, for private use only. Use of barn for storage, not for renting out or other commercial things, for use by owner/occupier only, at Silpho Brow Farm West, Silpho Brow, Beacon Brow Road, Scarborough, YO13 0JP, in accordance with the terms of the application, Ref NYM/2024/0523, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The barn is already in use for the storage of the appellant's family's personal and business belongings. Planning permission is therefore sought retrospectively for this part of the development.

Main Issues

3. The main issues are the effect of the proposed new stable and store building on the character and appearance of the countryside and the effect of the use of the existing barn for storage purposes on the living conditions of nearby residents and the general tranquillity of the area with regard to increased activity levels and traffic movements.

Reasons

Character and appearance

4. Silpho Brow Farm West forms part of a group of buildings, comprising three dwellings, a holiday cottage, stables and a variety of former agricultural buildings, accessed via a narrow lane and with separate private access drives to each dwelling. Beacon Brow Road becomes a little used gated track shortly beyond the access to the appeal site. The public bridleway runs along land to the north of the site, and into the woodland area to the west.

5. The site is within the National Park, wherein paragraph 182 of the National Planning Policy Framework (the Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty. The scale and extent of development in such designated areas, which have the highest status of protection, should be limited.
6. Policy CO20 of the North York Moors National Park Authority Local Plan 2020 (the local plan), encourages the use of existing buildings for private equestrian use as far as possible. The Council considers that there are alternative buildings on the site that could be used for stabling, avoiding the need for any new buildings.
7. I note from the plans and my site visit that the building directly opposite the rear elevation of the appellant's dwelling, is adjoining and is partially in the ownership of the neighbouring property to the east. The separate buildings can be distinguished externally by the change of roof material and the northern elevation of this building forms part of the boundary with the neighbouring parking, bin storage area and driveway. The appellant's section of this building is quite small, and its western gable elevation access is separated from any grazing land to the north by the two separate access drives serving the appeal site and neighbouring property. Access to this building from the south, through the courtyard, is via steps and a narrow, gated, pedestrian pathway between the house and barns and there is a large step down into the courtyard area from the building. I also saw that the enclosed courtyard is in use for keeping chickens, which were roaming freely in this area.
8. The single storey stone barn on the western side of the courtyard, has previously been partially converted to a residential annex or holiday let accommodation. There is some domestic storage within it, and like the barn to the rear, its access and use by horses would be very restricted.
9. Given the nature and location of these two buildings, their proximity to the neighbouring dwelling and garden, their separation from the paddocks and grazing land and their poor access for horses, I do not consider these to be suitable alternative buildings for providing stabling. Whilst these buildings may be suitable for some small-scale domestic storage, and garage use, they would not be large enough to accommodate the storage space required to meet the needs of the overall holding and the appellant's family businesses.
10. The larger barn, for which change of use is sought, does contain two loose boxes within it. However, given the overall size of the barn and the other activities that could take place within it, whether it was retained in agricultural use for storing agricultural machinery, produce and equipment, or for the storage of personal goods and goods associated with the business needs of family members, the associated noise, dust and activity would make the building unfit for keeping horses in. Moreover, given that this barn is required for the storage purposes applied for, it is not available for stabling.
11. The Council state that the large barn should be used for stabling as it has been in the past. However, the evidence before me is that the previous use of this building for stabling and storage was found to be unlawful and was subject to enforcement action, that was upheld at appeal. I note that a previous planning application to continue using the barn for stabling 5 horses and for commercial storage was also refused and dismissed at appeal. There is no evidence before me to demonstrate that the barn could lawfully be used for stabling or that such a use would be

supported by the Council. It would be unreasonable to withhold planning permission for the proposed stables on the grounds that horses could be kept within the existing large barn, given that planning permission has already been refused for that purpose.

12. The appellant's case sets out the efforts that are being made to substantially reduce the level of stock within the barn, which will in turn free up space to store smaller items currently kept outdoors. Constructing purpose-built stables, together with a store for some of the horse tack, blankets, feed and bedding currently stored in the barn, and retaining the barn for storage purposes would facilitate the appellant's reorganisation of the site, which would in turn assist in enhancing its external appearance. The external storage is not before me for consideration as part of this application, but I have no doubt there would be more external storage without the use of the barn.
13. The proposed stable building and store would be small in scale and constructed in dark stained timber, with a mineral felt roof. Lighting would be limited to one internal low voltage LED light in each stable and the store, and a low voltage LED strip light below the roof canopy to illuminate the concrete apron in front of the building. Its scale and design would be very similar to the stables and store on neighbouring land to the east, would reflect the rural appearance of the area and would not result in any light pollution. The new building would be sited over 60 metres from the gated section of Beacon Brow Road and much further from the public bridleway. It would be well related to both the paddocks and grazing land to the south and to the existing group of buildings and associated outdoor paraphernalia to the north, east and west. As it would only be approximately 25-30 metres from the dwelling and other farm buildings any horses needing to be observed for welfare reasons would be within sight and sound. In this respect I note that the appellant's horses and ponies mostly live out in the fields, but the small stable block proposed is required at times to provide some with relief from weather and for welfare reasons.
14. I therefore conclude that the stables and store could not be provided by an existing building on the site and that the limited scale, appearance and siting of the proposed stables and store, close to an existing group of buildings would not result in any visual harm to the character and appearance of the countryside or have any adverse effect on the landscape or special qualities of the National Park. As such, the proposal would accord with Policy CO20 of the local plan, which requires new stable buildings to be of appropriate design, closely associated with existing buildings and not prominent in the landscape.
15. The Council's report and decision notice refer to Policy CO17 of the local plan, which relates to new householder developments within residential curtilages. Whilst the site of the proposed stables may be informally used as extended orchard garden land, it does not appear to form part of the residential curtilage of the dwelling. Consequently, I do not consider Policy CO17 to be relevant.

Living conditions

16. The site is close to two residential dwellings and a holiday cottage, which are outside of the appellant's ownership. The Council's second reason for refusal raises concern that the use of the barn for storage and the associated activity

levels and traffic movements would result in harm to nearby residents and to the general locality.

17. Planning permission to use the barn for storage has been sought retrospectively. Despite this use being existing, there is no evidence before me that it is causing any harm to the living conditions of nearby residents or to the amenity of the locality and there is no evidence before me of any harmful activity levels or traffic movements that have resulted from the use of the barn for storage purposes. I have not been provided with evidence of any complaints and I note that no objections have been raised by nearby residents, or by the Council's Highway, Public Rights of Way or Environmental Health Officers regarding noise or traffic.
18. Having regard to the previous appeal decision¹, which related to a larger scale development on the site in connection with its use as a horse rescue and horse rehoming charity, the Inspector concluded that the level of traffic movements arising from the development would not be materially different in frequency and scale to those associated with an agricultural use of the land and that given the physical arrangement of the appeal site in respect of the neighbouring properties, any vehicles associated with the use would not be driven in such close proximity to the neighbouring properties such that levels of noise and disturbance arising from those vehicles would be of a harmful level to the occupiers. Moreover, in the previous appeal it was concluded that traffic would be from visitors looking to rehome horses and that the online sale of goods stored in the barn would not result in any visitors. Based upon the supporting evidence before me this remains the case and accordingly, I have no reason to reach a different view on this matter than that of the previous Inspector.
19. Although the scale of the storage use could not be considered ancillary to the domestic use of the dwelling, this is not being applied for or claimed by the appellant. Nor have I seen anything in the application to suggest that retail warehouse storage is proposed. My understanding, from reading all of the submissions and from my observations on site, is that the barn is used for storing a variety of agricultural and equine related products associated with the wider maintenance and use of the site; for storing second hand household goods such as books, jigsaws, games and records that are sold online to private individuals as opposed to retailers, to generate additional income for the family, and which are packaged and weighed in the barn prior to their distribution; for the storage of tools and equipment used by a family member in connection with his off-site job as an agricultural mechanic; and for the storage of machinery and materials used by a family member for making animal and safety products such as straps and harnesses.
20. Whilst the barn is large and the amount of goods in storage is extensive, the activity generated by the private storage use is minimal. Only small amounts of stock are being sold and despatched at a time, and most products are small items collected by the post office as part of their regular daily rounds, which minimises activity and traffic movements on and around the site. I acknowledge that a general B8 warehouse storage and distribution use could generate more activity and traffic, which would not be suitable in this location given the proximity of neighbouring residential properties and access to the site along narrow country lanes. However, appropriate planning conditions can be imposed to prevent this.

¹ APP/W9500/W/20/3262806

21. I therefore conclude that subject to the imposition of suitable conditions the development would not result in harm to the living conditions of occupiers of nearby dwellings, or disturbance to the general tranquillity of the area or to users of the public bridleway, with regard to increased activity levels and traffic movements. Accordingly, it would not conflict with criteria 8 of local plan Policy CO12, which requires the reuse of buildings to be compatible in scale, nature and level of activity with the surrounding locality and any neighbouring buildings. As the barn is not within the domestic curtilage of the dwelling and its change of use to storage would not constitute householder development, Policy CO17 is not relevant.

Other Matters

22. My attention has been drawn to the planning history of the site and I am advised that the Council is in the process of taking action against the appellant for the alleged failure to appropriately comply with an enforcement notice relating to the use of land and buildings in connection with a horse rescue charity. However, as that notice relates to a different development to the one currently before me, I have afforded this limited weight in reaching my decision, and I have determined the scheme before me on its own merits. Furthermore, I note that the court order I have been provided with a copy of would only prevent the appellant from keeping more than 20 horses and/or ponies at the site. This number of horses/ponies would in my view still justify the necessity for some purpose-built stable facilities.
23. I acknowledge the concern relating to the disposal of straw waste; however, the same waste would be generated by using a different building for stabling and I am satisfied that the appellant has sufficient space on the farm to store and dispose of waste appropriately. Concerns relating to the future use, sale or letting of the barn or stables can be controlled by conditions.

Conditions

24. As the change of use of the barn has already occurred a time limit condition for the commencement of the storage use is not required. The standard time limit condition has been imposed in relation to the stable building, together with a condition listing the approved plans, to provide certainty. A condition relating to the external materials and lighting is necessary to preserve the special landscape. Conditions to control the specific use of the buildings and to ensure they remain in the same ownership is necessary to protect the special landscape character of the area and to reduce the risk of further new buildings being required in the future.

Conclusion

25. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The construction of the stables and store shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the submitted drawings showing the floor plan and elevations of the loose boxes and store, and the site location plan identifying the siting of the proposed new building and identifying the barns to be used for storage. These have been labelled Plan 3, Plan 4 and Plan 6.
- 3) The stables and store hereby permitted shall be constructed in dark stained timber with a mineral felt roof, and any lighting shall be limited to that detailed in the application form.
- 4) The stables and store hereby permitted shall be used for private equestrian related purposes only and shall not be used for any other form of storage or for any commercial use.
- 5) The barn shall be used only for the storage of the personal and business belongings of the occupiers of Silpho Brow Farm West, including the storage of domestic items for sale, the storage of materials, equipment and products connected to the equestrian and agricultural use of the holding, and the storage of materials, equipment and products used in connection with the family's off-site agricultural mechanic business. The barn shall be used for no other commercial purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 6) The stables and store building and the storage barn hereby permitted shall not be sold or let separately from the dwelling currently known as Silpho Brow Farm West.

END OF SCHEDULE