



Appeal Decision

Site visit made on 18 March 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2025

Appeal Ref: APP/C9499/W/24/3357141

Thistle Bout, Main Street, West Witton, Leyburn, North Yorks. DL8 4LX

- 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. Vincent Fitter against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref R/91/169C, was refused by notice dated 20 November 2024.
 - The development is 'use of land as an allotment, including the retention of a shed.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reference to "retention" in the description of the application does not constitute a form of development. However, the application form confirms that development has commenced, and it is noted that the Authority dealt with it retrospectively. Moreover, during my site visit, I observed that the works applied for are substantially complete. I have determined the appeal on this basis and the plans before me.

Background and Main Issue

3. The application seeks permission for the use of the land as an allotment and includes the erection of structures, such as a shed, as detailed in the planning application form. The Authority has assessed the application on the grounds that the proposal amounts to an extension of the domestic curtilage of the appellant's property, though it is noted that curtilage is not a land use.
4. The appellant contends that the allotment constitutes an agricultural use of land that does not require planning permission and is consequently, lawful. Be that as it may, it is not my role to determine whether a use or operation is lawful. This can only be formally determined by a lawful certificate application. Even so, having paid regard to the definition of Agriculture in Section 336 of the Town and Country Planning Act 1990 (the 1990 Act), the Crowborough judgement and appeal decision Ref: APP/C3430/X/22/3297848, an application for the use of land for an allotment and shed has been made, rather than an extended garden area as claimed by the Authority.
5. I therefore consider the main issue to be the effect of the proposed development on the character and appearance of the Yorkshire Dales National Park (the NP).

Reasons

6. The appeal site is in the NP where the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape and scenic beauty. It is situated on the southern edge of the settlement of West Witton. This location represents a transition between the linear domestic development within the settlement along the southern side of the A684 and the countryside, which gradually rises to the south. The surrounding countryside is characterised by enclosed grazing fields, which contain a scattering of buildings that appeared to be used either for agricultural purposes or for non-domestic functions, such as the recreational area to the east of the site.
7. In the immediate vicinity of the appeal site, there is a robust boundary defined by dry stone walls, which distinctly separates the settlement from the open countryside. Although there are fenced enclosures and breaks in the stone wall boundary, the overall character of the settlement is dominated by this strong landscape feature, effectively distinguishing the residential area to the north from the countryside to the south. The stone wall on the northern boundary of the appeal site is visually striking and in good condition, contributing to the area's distinctive character.
8. The timber rail fencing, raised beds, and compost bins are not inconsistent or incongruous with development in the area extending into the countryside south of the stone wall boundary.
9. It is acknowledged that horticulture production and the wild flowering of the surrounding paddock would not diminish the special qualities or purposes of the NP. Furthermore, efforts have been made to mirror a colour scheme seen on a nearby building. However, even though it is near residential properties, the shed still appears to stand alone as a stark and overtly domestic feature in and otherwise largely natural landscape setting. Additionally, its positioning immediately in front of the stone wall has the effect of harmfully disturbing this important defining feature. Positioned in clear view from the nearby public footpath, the eye is consequently drawn to the incongruity of the shed. It is not reflective of good design that is sympathetic to its context as promoted within the Authority's Yorkshire Dales National Park Design Guide Supplementary Planning Guidance.
10. My attention has been drawn to some nearby structures that I saw at my visit. While there are some similarities between these and the appeal shed, they are located behind stone walls and maintain a close physical relationship with their host properties. This means they are materially different and not directly comparable.
11. The planting of a hedge, as suggested by the appellant, is not part of the proposal before me. I lack details on how such a hedge would be provided and note the significant time required for it to mature sufficiently to screen the shed and reduce its visual impact. I also acknowledge the potential negative effects on growing conditions within the allotment, as identified by the appellant. Even if a hedge were to be planted, and notwithstanding the appellant's assertions, this would be likely to result in a similar shading effect to a stone wall. Moreover, the introduction of such a feature could have an effect on the characterful contribution made by the stone wall behind.

12. For the reasons outlined above, I find the development is contrary to Policy SP2 and Policy SP4 of the Yorkshire Dales National Park Local Plan 2015–2023. These policies, among other objectives, support development that furthers the National Park's statutory duty, which includes conserving and enhancing its natural beauty. They also require designs informed by and responsive to the site, its surrounding context, and landscape setting, ensuring the scale, height, proportions, massing, form, materials, and appearance of buildings and structures are sympathetic and complementary.

Other Matters

13. I have paid regard to the appellant's comments in respect of the planning history and the Council's processing of the application. However, these have no bearing on my decision which is based on the planning merits of the proposal and the evidence before me
14. The appellant has also referred to a previous planning permission at the appeal site, which included a requirement for planting adjacent to the stone wall to the south of the dwelling. Compliance with separate planning permissions, unrelated to the subject of this appeal, falls outside the scope of my determination.
15. I also note the positive benefits for the appellant in terms of segregating the plot from grazing animals and access to the allotment for mobility impaired persons. However, this does not outweigh the harm identified above.
16. I have considered the appellant's argument regarding the necessity of the shed at this location for the maintenance and management of their approximately 0.3-hectare paddock, including their legal obligations related to the public rights of way traversing the paddock. I understand the need for storage to assist with these tasks and acknowledge this would be beneficial for the appellant. To some modest extent the maintenance of the footpath would also promote opportunities for the public to understand and enjoy the NP's special qualities. However, this does not outweigh the harm identified above.
17. The appellant's comments regarding the negative impacts of providing a stone wall around the allotment, including potential access issues for vehicles, have been noted. However, as an application seeking permission for this is not before me, I cannot comment on the appropriateness of such an installation.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
19. I have found that the proposal has a harmful effect on the character and appearance of the NP. Even when considered cumulatively, the weight given to the other considerations does not outweigh this identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR