

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Mr John Simpson

Against: Refusal of planning permission for erection of general purpose agricultural building and creation of a hardstanding and access track

Location:

Statement by Local Planning Authority For Written Representations Appeal

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A – Suggested Conditions

1.0 Introduction

- 1.1 This Statement refers to the refusal of planning permission for the erection of general purpose agricultural building and creation of a hardstanding and access track on a parcel of land isolated from any associated farmstead within a dispersed settlement known as Harwood Dale. The application was refused by North York Moors National Park Authority (NYMNPA) as the Local Planning Authority (LPA) on 19 May 2021.

2.0 Appeal Site and the Surrounding Area

- 2.1 The site is located approximately 10km north west of the coastal town of Scarborough and comprises part of an open field approximately 85m to the North of the nearest buildings at an adjacent farm, known as Brooklands Farm.
- 2.2 The site is screened to the south by trees and there is a line of hedgerow to the north, however, the site is visible from the C class road that runs passed the site and the adjacent track immediately to the north which provides a link between two public footpaths.

3.0 Relevant Site History

- 3.1 The land previously formed part of Keasbeck Hill Farm which is situated approximately 360m to the south of the appeal site. However, the house/hotel business and associated buildings have been sold off separately and the appellant has retained 155 acres (63 hectares) of agricultural land but none of the agricultural buildings that were associated with Keasbeck Hill Farm.

4.0 Proposed Development and the Decision

- 4.1 This appeal proposal sought full planning permission for the construction of general purpose agricultural building for the storage of machinery and produce and for lambing purposes.
- 4.2 The proposed building would measure 22.9m long x 13.715m wide with an eaves height of 5.5m and a ridge height of 6.753m. The building would be of a steel frame construction with a grey fibre cement roof. It would be open sided but with the gables clad in timber boarding. In front of the building would be a new stone yard area and stoned access to the highway.
- 4.3 The appellants farming operations include breeding sheep, lamb finishing, store cattle and the production and sale of hay. In support of the application is stated that currently:-

The business has 210 breed sheep, 250-500 store lambs, and 50 store cattle and the conditions of sale of The Grainary [Keasbeck Hill Farm] were such that the appellants were required to vacate the farm buildings in the spring of 2021 which has left 155 acre farming business without any farm buildings.

4.4 The application was considered by the Director of Planning and refused under powers delegated to him by the Planning Committee on 19 May 2021 for the following reason:-

1. The siting of the proposed building, remote from any associated farmstead and other buildings would represent sporadic development in the open countryside, which would be detrimental to the landscape character and appearance of this part of the National Park. The building would be clearly seen in isolation from the adjacent public highway and by reason of its isolated nature would have a harmful impact on this landscape which is not characterised by isolated buildings. The proposal would therefore be contrary to Policy BL5 of the North York Moors Local Plan.

5.0 Planning Policy and Guidance

5.1 This section covers both the statutory Development Plan and the specific planning implications of the location of the appeal site within a National Park.

5.2 At the time of the decision, the Development Plan for the area formally consisted of the **North York Moors Local Plan** which was adopted by the NPA on 27 July 2020. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014) and the Helmsley Local Plan (2015), though these do not contain policies relevant to this appeal). The most relevant policies in the determination of this appeal are considered to be:

Policy BL5 – Agricultural Development seeks to permit new agricultural buildings where the scale is appropriate to its setting and will not have an adverse impact on the special qualities of the National Park; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings available; the building is designed for the purposes of agriculture and is related physically and functionally to existing buildings; the proposal will not significantly harm local amenity; and in the absence of existing screening, a landscaping scheme is provided.

The Policy goes on to state that the Authority will impose a condition on appropriate planning permissions requiring the removal of the building or structure if it is no longer required for agricultural purposes.

It is explained within the Policy text that farming has one of the biggest influences on the way the National Park looks as it significantly influences the landscape of the National Park, potentially affecting the qualities upon which other economic activity (particularly tourism) is dependent. Policy protection is therefore needed to make sure that the natural beauty of the North York Moors landscape is conserved and

enhanced. Consequently, some forms of agricultural development are not appropriate in a National Park as insensitively located and designed buildings and structures can have a jarring or intrusive impact on the visual character and appearance of the landscape.

Farm buildings are traditionally usually clustered around farmhouses and courtyards and applicants will need to demonstrate that specific and justifiable circumstances exist for proposals for new buildings in isolated locations in the open countryside. These circumstances may arise from requirements to comply with changing legislation or for example the siting of slurry stores, which through planning regulations must be sited away from certain farm buildings.

5.3 The National Planning Policy Framework - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. **The National Planning Policy Framework (NPPF)** does not change the statutory status of the Development Plan as the starting point for decision making but is an important material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Local Plan (NYMLP) was adopted on 27 July 2020 under the provisions of the Town and Country Planning (Local Planning)(England) Regulations 2012 and does not conflict with national policies in the NPPF. It is therefore up-to-date and should be the starting point for any planning decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in the NPPF (July 2021). **Paragraph 176** says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection.

Furthermore, whilst at the heart of the NPPF is a presumption in favour of sustainable development, **Paragraph 176** also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of these designated areas.

5.4 The North York Moors National Park was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two statutory purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. When it appears that there is conflict between these purposes the 'Sandford principle' confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), 'Environment Act 1995, part III: 'National Parks' DoE, 11 September 1996.

6.0 Local Planning Authority's Case

- 6.1 Whilst there may be a functional need for the building and it has been designed for the purposes of agriculture, it is not related physically and functionally to an existing group of buildings or farmstead. In this case the building is required because the applicant has sold off his house and tourism business, including all existing agricultural buildings, but has retained the grazing land. This isn't considered to consist of an exceptional circumstance as the applicant could have retained some of his agricultural buildings, rather than selling them all off. The applicant has put forward various personal circumstances and his historical farming activities in the locality which he considers comprise exceptional circumstances. However, personal circumstances of the applicant are not a material planning consideration.
- 6.2 In terms of landscape impact, whilst the site benefits from some screening along the southern boundary, the building would be very isolated, and would be seen in isolation from public viewpoints, such as the adjacent public highway and farm track which leads to a further public footpath.
- 6.3 The siting of agricultural buildings in remote locations is uncharacteristic for this National Park and runs contrary to the landscape and settlement character. This proposed building is not physically or functionally linked to any other buildings and would be seen from public vantage points as an isolated form of large scale development, reducing the enjoyment of this typically rural and open landscape.
- 6.4 The purpose of Policy BL5 is to permit proposals for new agricultural buildings where the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location. This is to ensure that the siting of buildings does not have an adverse impact on the landscape character of the area.
- 6.5 In this case, the proposed building would constitute isolated and sporadic development in the open countryside which constitutes development uncharacteristic of the wider landscape of the National Park that would have adverse landscape impact.

7.0 Comments on Grounds of Appeal

- 7.1 Whilst the impact of the Covid 19 pandemic on the rural economy is not underestimated, the first Prior Notification submitted by the appellant for an isolated farm building, which was refused, pre-dated the pandemic. (NYM/2020/0215/AGRP). It was submitted on 17 March 2020 following earlier verbal discussions with the Case Officer who advised that isolated buildings would not be supported.

8.0 Conclusion

- 8.1 As set out in Section 5 above, the proposal is contrary to Policy BL5 of the NYM Local Plan which seeks to permit new agricultural buildings where they are related physically and functionally to existing buildings; in order to protect the special qualities of the North York Moors National Park which is a nationally protected landscape.
- 8.2 If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new agricultural buildings where land and existing buildings have been sold off separately which would cumulatively pose a significant threat to the character and special qualities of this nationally protected landscape.
- 8.3 Therefore, the NPA respectfully requests that the Inspector dismisses the appeal, however, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix A. This includes a condition preventing external lighting, in order to help maintain the National Park's status as an international dark sky reserve.

APPENDIX 1

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. No external lighting shall be installed in the development hereby permitted. Any variation to this will require a new grant of planning consent from the Local Planning Authority.
4. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
5. The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding as shown on the approved plans and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
6. If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.
7. The building hereby approved shall not be used for the keeping of livestock (other than for the purposes of lambing).
8. The development must not be brought into use until the access to the site at **land north of Brooklands Farm Harwood Dale** has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with Standard Detail number **E20** and the following requirements.

- Any gates or barriers must be erected a minimum distance of **14 metres** back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

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- The final surfacing of any private access within **8 metres** of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

9. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

10. The proposed hedgerow shall be planted no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority and shall be comprised of at least 6 native shrub species, planted at a density of 6 (total) stems per metre in double staggered rows and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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