



# APPEAL STATEMENT

APPEAL AGAINST REFUSAL RELATING TO NORTH YORKSHIRE MOORS  
NATIONAL PARK AUTHORITY PLANNING APPLICATION REFERENCE:  
NYM/2023/0791

Land east of Pasture Road, Lockton

FHJA & MA Eddon

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## **1. Introduction**

1.1 This statement has been prepared to support an appeal against North York Moors National Park Authority (NYMNP) relating to the refusal of planning application reference: NYM/2023/0791 at land east of Pasture Road, Lockton.

1.2 The appeal pertains to a full planning application for the erection of a general-purpose agricultural building. The application was determined by NYMNP on 15/01/2024.

1.3 This appeal has been prepared and submitted by Sam Harrison of Harrison Pick Ltd. Sam Harrison is a Chartered Planner and a Member of the Royal Town Planning Institute. He benefits from 11 years experience specialising in agricultural and rural planning consultancy whilst employed by Ian Pick Associates Ltd, and most recently, Harrison Pick Ltd.

## **2. Background Information**

2.1 Application reference NYM/2023/0791 is a resubmission of a previously refused scheme, referenced NYM/2023/0521. The resubmission, to which this appeal relates, primarily offered additional information and justification for the building from an agricultural needs perspective, whilst also providing further assessment of the landscape impact.

2.2 Planning permission was subsequently refused by the LPA.

### 3. Description of the Development

- 3.1 'Removal of two silos and erection of general purpose agricultural building (resubmission following refusal of NYM/2023/0521).'

### 4. Local Authority Reason for Refusal

- 4.1 The LPA's reasons for refusal are set out below:

*1. The siting of the proposed building, remote from any neighbouring farmsteads and other buildings would represent sporadic development which would have an unacceptable adverse impact on the character and special qualities of this part of the National Park. The building would be clearly seen from the adjacent highway and public footpath and by reason of its isolated nature would have a harmful impact on this nationally protected landscape which is not characterised by isolated or small groups of buildings. The Local Planning Authority do not consider that sufficient essential agricultural need exists to justify a building on this isolated parcel of land to override the resulting harm to the open undeveloped character of this area. The proposal would therefore be contrary to Policy BL5 of the North York Moors Local Plan.*

*2. Approval of this proposed development would increase pressure for similar buildings on areas of land detached from a main farmstead which could lead to a proliferation of other isolated barns across the National Park which would have a cumulative detrimental impact on the character, special qualities and distinctiveness of the Nationally Protected landscape.*

## 5. Case for the Appellants

- 5.1 The basis of this appeal essentially centres around the concept of landscape impact, and the LPA's perception of detrimental impact on the character and appearance of the surrounding landscape.
- 5.2 The Appellant opines that the LPA are giving a disproportionate amount of weight to the perception of harm caused by the siting of the extremely modest agricultural building, whilst offering no balance to the removal of the associated silos which are demonstrably more visually prominent.
- 5.3 Whilst it is acknowledged that good planning practice advocates for the grouping of 'development' where possible, in this instance a robust argument has been put forward by the Appellant as to the need for the building; a case which has generally been acknowledged by the LPA. The LPA do, however, argue that the justification put forward for the unit being built in an isolated location does not outweigh the theoretical harm caused in terms of landscape impact.
- 5.4 The case/justification for the building can be seen within the submitted Design and Access Statement, however it is summarised below for ease of reference:

*The building will be used solely for agricultural operations, although the specific use will be mixed. During the summer months, specifically following harvest, the building will be used for the storage of hay/feed, whilst in the winter months the building will be used for the winter housing of ewes, and for lambing. The farm does not currently have capacity for the winter housing of the flock at High House Farm and is therefore required to seek rented accommodation elsewhere, which is unsustainable given current markets.*

*The use of the building is directly linked to the associated land, which is used for the grazing of ewes and the production of hay. The building will also facilitate for the safer and more manageable loading and unloading of livestock from the land.*

*To enable the business to be Red Tractor compliant, the ability to isolate new stock away from the main flock when first bought in to the farm is essential. Enabling the business to isolate new stock away from the main farmstead results in a minimalised risk associated with new diseases being brought to the main flock, and the possibility of an entire flock needing to be destroyed.*

*As the building would be located away from the main steading, airborne diseases such as pneumonia simply cannot be spread to the main flock. Disinfectant, separate clothing and an ability to restrict the amount and type of vehicles / visitors all result in 'gold standard' biosecurity measures being achievable. This level of biosecurity is not feasible under the current arrangements, which again results in separate rented accommodation being required elsewhere away from the main steading.*

*Any ewes that are bought already in-lamb will be kept in the shed and lambed entirely separate from the remainder of the breeding ewes. This also minimises the risk of any diseases or infections being transferred to the main flock. Below are two pertinent examples of such diseases which are present within the local area:*

*1) Ovine Chlamydiosis; this disease shows no symptoms until lambing, when weak and stillborn lambs are unfortunately found. If this disease was to spread to the existing flock it would result in animal welfare being compromised, at significant financial cost to the business.*

*2) Borders disease; again, this disease shows no symptoms until lambing is undertaken. Borders is only noticeable when small poor lambs are born, often with a tremor and an excessively hairy birth coat, also resulting in animal welfare and financial loss.*

*The provision of an additional building away from the main steading would categorically reduce the significant risks posed by the above referenced diseases. Good agricultural practice stipulates that sensitive units such as the one proposed should, where possible, be sited remotely, more so when existing stock is also present within the steading.*

- 5.5 The Appellant considers it a fair analysis to conclude that the LPA did not challenge the need for the building itself, only that the harm is considered to outweigh the benefit in terms of local agricultural necessity.
- 5.6 As previously referenced, the LPA's first reason for refusal (landscape impact) offers little weight or balance, if any, to the wider benefit presented by the removal of the existing silos, which are of a relatively substantial scale. Each silo measures approximately 16m in height, resulting in a theoretical zone of visibility far exceeding that of the proposed general-purpose building. Put simply, the Appellant contends that the overall proposal would not represent *harm* in terms of landscape impact, but *betterment*. The proposed building would be set back from the public highway, adjacent to an existing mature hedgerow/tree belt, and bound by additional planting. By contrast, the existing silos can be seen immediately adjacent to the public highway (on the grass verge) and are unduly prominent.
- 5.7 As part of the resubmitted scheme, the Appellant commissioned the preparation of a detailed section/landscape drawing (drawing No. ME021123), which offers an

indicative visual representation of both the existing structures and the proposed building in relation to the immediate topography/landscape. This is a useful visual indicator as to the impact of the development; however, it should be noted that no reference whatsoever was made to the additional information within the Officer's Report. Alas, the only reference made to any of the changes or additional information put forward as part of the resubmission is a comment pertaining to the LPA theoretically accepting the need/justification for the building due to disease risk.

- 5.8 The Officer openly suggests that should the LPA accept this as a reasonable justification for the building to be sited remote from the existing steading, then they may have to consider approval, which in turn raises concerns regarding the strengthening of any position for future development and that a precedent may be set. Indeed, comments referring to concerns regarding precedent are apparent throughout the Officer's Report. The Appellant would respectfully suggest that the LPA have not considered this application objectively and in isolation, but are instead more concerned about precedent and future development of a similar ilk.
- 5.9 When put forward by agents, developers or applicants, the concept of precedent within the planning system is often dismissed by Local Authorities throughout the UK, and understandably so. It is usually suggested that the concept of each planning application being determined on its own merits is grounded in principles of fairness, individual circumstances, and context-specific considerations. Planning applications involve a diverse range of projects, from residential developments to agricultural proposals. Each application brings with it a unique set of circumstances, needs, and theoretical impacts. The concept that the LPA would be presenting themselves with limited scope to refuse future applications of a similar nature is unfounded and evidently untrue. The justification set out



within this appeal is entirely specific to the Appellant and his agricultural enterprise.

- 5.10 When any reference to 'precedent' within the Officer's report is dismissed, it can be observed that there is little other objective justification for the refusal.
- 5.11 Further to the LPAs failure to recognise the additional section drawing, neither the decision notice nor the Officer's Report make any reference to the additional landscaping scheme which was included as part of the resubmission. The Appellant believes, as set out above, that whilst the development alone is not likely to cause a detrimental impact, the inclusion of an additional landscaping scheme would offer some considerable mitigation and should contribute towards appeasing concerns regarding theoretical landscape harm, yet no reference or consideration of this further information can be found, nor was any correspondence received during the determination process.
- 5.12 Within the Officer's report is an observation or suggestion that the submitted *supporting agricultural information form* outlines that there are 8No. existing buildings on the farm, however only 4no. of these are in use. This is incorrect. For clarity, buildings 2 to 5 on the form are all used for housing cattle, whilst buildings 7 and 8 are both used as general-purpose units/sheep sheds. We would apologise for any ambiguity caused by the setting out of this form, however no attempt was made by the LPA to clarify this matter, instead a presumption which favoured their position (to refuse) was instead formed.
- 5.13 A wider (and final) observation of the LPA's stance on landscape impact would be the concept that *any* building should be considered automatically visually intrusive and inappropriate if it is to be sited in an isolated location, distant from existing built development. Whilst we concur that good planning practice is to

attempt, where possible, to group buildings as close to existing built development as is feasible, it doesn't always follow that development is unacceptable or harmful in lieu of such 'grouping'. Buildings of an isolated nature, especially those of a more traditional agricultural nature (lambing sheds, storage buildings, straw yards, muck middens, etc.) are plentiful throughout the North Yorkshire Moors. Individual or isolated buildings of an agricultural ilk often form part of the public's perception of the countryside, more so in rural authorities such as a NYMNP. Such buildings cannot and should not automatically be considered unacceptable.

## 7. Summary

7.1 The Appellant seeks consent to erect an agricultural building at land east of Pasture Road, Lockton. The building is demonstrably associated with the existing agricultural practices within the holding. The design and scale of the unit is commensurate with the rural nature of site and the size of the existing agricultural enterprise.

7.2 The Appellant opines that in determining this application the LPA have raised greater concerns regarding the setting of a theoretical precedent than actually assessing any perception of landscape harm. He would contend that any reasonable and balanced assessment of landscape impact could only reasonably conclude that the proposed development - the erection a modest, traditional agricultural building, and the removal of the associated large scale feed silos - would ultimately offer an overall improvement to the character and appearance of the surrounding landscape.

7.3 He would respectfully suggest that this is evidenced by the lack of any reference within the Officer's Report to the aforementioned landscaping scheme, the sectional landscape drawing, any of the arguments regarding landscape impact

- which are put forward within the Design and Access Statement, and makes only a limited reference to the impact the removal of the existing 16m tall silos would have on the wider landscape.
- 7.4 The Appellant considered the LPA actually offer a limited assessment as to the impact the proposal would have on the character and appearance of the landscape, and instead have abruptly concluded the development is unacceptable solely due to its isolated location and due to concerns regarding future precedent.
- 7.5 We would respectfully request that the Inspector takes a view as to the visual impact of the development, inclusive of the existing development to be removed.
- 7.6 It is the view of the Appellant that the impacts of the works from a visual impact perspective have been significantly overstated by the LPA. It is generally considered that the proposed development is acceptable in planning policy terms, and it is respectfully requested that the appeal is allowed, and planning permission be granted.