

Planning Inspectorate Reference:  
Local Planning Authority Reference:

APP/W9500/ W/24/3338100  
NYM/2023/0791

# North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: FHJA & MA Eddon

Against: Refusal of planning permission for removal of two silos and erection of general-purpose agricultural building (resubmission following refusal of NYM/2023/0521)

Location: High House Farm, Lockton, Pickering, YO18 7NU

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## Statement by Local Planning Authority For Written Representations Appeal

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## **1.0 Introduction**

- 1.1 This statement refers to the refusal of planning permission for the erection of a general-purpose agricultural building located approximately 900m from the associated steading at High House Farm. The application was refused by North York Moors National Park Authority (NYMNPA) as the Local Planning Authority (LPA) on 15th January 2024.

## **2.0 Appeal Site and the Surrounding Area**

- 2.1 High House Farm is a large agricultural unit, located on the north side of Pasture Road (which leads from David Lane) on the eastern side of the A169, out with the main built-up village of Lockton and approximately 8km northeast of the market town of Pickering. The area is characterised by scattered farm holdings, with High House Farm and the neighbouring Mount Pleasant Farm forming a cluster of properties at the right-angle bend in the lane.
- 2.2 The farm comprises the original farmhouse, adjacent traditional outbuildings and an extensive range of modern agricultural buildings forming a long farmyard extending northwards. To the east but still in close proximity to the original steading is a modern residential property and further livestock buildings.
- 2.3 The land holding, however, extends over a much greater area and this application relates to a separate field in the applicant's ownership, some distance to the south of the main farmstead. Just outside the field, on the highway verge are two substantial and old silos which appear to be disused and were unauthorised.

## **3.0 Relevant Site History**

- 3.1 Planning permission was refused in 2023 for the construction of an agricultural building (to be used for the storage of hay/feed in the summer months and winter housing of ewes and lambing). It was proposed that the building be located in the bottom southern corner of the field and measure 18.287m long x 9.143m wide with a height to the eaves of 4.266m and to the ridge of 5.458m; clad with concrete panels and Yorkshire boarding, with a fibre roof sheet roof. It was also proposed that an access track from the road to the barn be created and surfaced.
- 3.2 A number of new agricultural buildings have been approved at the main steading at High House Farm in recent years.

#### **4.0 Proposed Development and the Decision**

- 4.1 The proposal to which this appeal relates is almost identical to the previous refusal referred to above, in terms of the size and design of the building and its use as a general-purpose agricultural building for the storage of feed and hay during the summer months and lambing and housing ewes in the winter. However, the hard surface access and yard area were omitted from the scheme. It was again proposed to remove the unauthorised (but lawful) silos from the highway verge.
- 4.2 It was proposed that the building be located in the bottom southern corner of the field and measure 18.27m long x 9.143m wide with a height to the eaves of 4.266m and to the ridge of 5.458m. The building would be clad with concrete panels and Yorkshire boarding, with a fibre roof sheet roof.
- 4.2 The supporting agricultural information listed existing farm buildings. Of the eight listed, four substantial agricultural buildings were apparently not in use.
- 4.3 The application was considered by the Director of Planning and refused under powers delegated to him by the Planning Committee on 15 January 2024 for the following reasons: -
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.

## 5.0 Planning Policy and Guidance

- 5.1 This section covers both the statutory Development Plan and the general implications of the location of the appeal site within a National Park.
- 5.2 At the time of 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), the Helmsley Local Plan (2015) and the Minerals and Waste Joint Plan (2022), though these do not contain policies relevant to this appeal).
- 5.3 The most relevant policies in the determination of this appeal are considered to be:

**Strategic Policy A (National Park Purposes)** seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;
2. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

It goes on to state that where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

**Strategic Policy B (The Spatial Strategy)** sets out how development will be guided by the settlement hierarchy as follows, including that within the Open Countryside development will only be permitted where it reuses a building of architectural or historic interest in accordance with Policy CO12 (Conversion of Existing Buildings in Open Countryside); where there is an essential need for development to meet the needs of farming, forestry and other rural enterprise or land management activities; where it is essential to meet social or community needs and there are no other suitable and available locations within villages; where it meets the requirements set out at Policy UE2 (Camping, Glamping, Caravans and Cabins); where development proposals are part of a Whole Estate Plan that has been approved by the National Park Authority.

**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.

The Policy explains that farming has a significant impact on the way the national park looks due to the impact it has on the land. This can potentially affect the special qualities upon which economic activity (particularly tourism) is dependent. Therefore, policy protection is needed to ensure 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 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. The policy is clear that such circumstances are “exceptional”.

**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 (December 2023). **Paragraph 182** says that great weight should be given to conserving and enhancing 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 182** 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 designated National Parks.

The **North York Moors National Park** was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key 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.

The National Parks and Access to the Countryside Act 1949 has been amended by **Section 245 of the Levelling-up and Regeneration Act 2023** as follows: -

In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

## **6.0 Local Planning Authority's Case**

- 6.1 The siting of agricultural buildings in remote locations is uncharacteristic for the North York Moors National Park and is contrary to its landscape and character. The proposed building is not linked physically or functionally to the other farmstead buildings and would be visible as an isolated form of development, reducing the enjoyment of the typically open rural landscape. This is directly contrary to policy BL5 which requires 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. Furthermore, it is considered that moving stock feed from the steading to fields away from the steading is fairly typical of farming in this National Park and it is not considered to amount to exceptional need or circumstances.
- 6.2 The site lies within the Eastern Limestone Hills Landscape character type as defined in the NYM Landscape Character Assessment 2021 (LCA). This is an area of high unforested limestone plateau with nearby forest creating flat wooded horizons. In terms of landscape sensitivities and potential impacts the LCA specifically refers to the potential for new large agricultural buildings likely to be more prominent in the

landscape then traditional ones and may also contribute to light pollution. This would be exacerbated by proposals in isolated locations in this landscape type.

- 6.3 Allowing the proposal would set an undesirable precedent for other general purpose agricultural buildings isolated from the main steading. This is a very significant enabling justification for similar developments in future which could result in detrimental impact on the special qualities of the National Park. In this case it would be seen in isolation from public viewpoints, such as the adjacent public highway which is also a public footpath.
- 6.4 Any benefits from the removal of the silos (which were never approved but lawful due to the passage of time) would be more than negated by the visual impacts of the new remote building, there would also be lower farm security than feed being stored at the main steading.
- 6.5 The appellants have sought to justify the scheme though citing a need for disease prevention. However, this is not a case argued by many similar farms within the National Park who could then put forward the same argument, which would lead to a proliferation of isolated buildings within this protected landscape which would be detrimental to its special character.
- 6.6 Furthermore, the farm has a number of buildings, some of which are located some distance to the rear of the main farmstead and some of which appear not to be in use by the farm. There is no explanation as to why these buildings could not be utilised.
- 6.7 As set out above, the building is not related physically and functionally to existing buildings, and it is not considered that there is sufficient justification for the functional requirements for the building to be in this location.
- 6.8 The proposed building would be three fields away, approximately 900m away along the lane, with the cited benefits being primarily the reduction in vehicle movements and visual benefit from removal of the silos. However, it is not considered that these amount to an overriding case for sporadic development in the open countryside. Any benefits from removal of the silos would be more than negated by the visual impacts of a new remote building, there would also be lower farm security than feed being stored at the main steading. Furthermore, the distances involved are modest and it would set a precedent for other feed stock buildings for land more than 1km from the steading. It is considered that moving stock feed from the steading to fields away from the steading is fairly typical of farming in this National Park and it is not considered to amount to exceptional need or circumstances.

## **7.0 Comments on Grounds of Appeal**

- 7.1 The National Park Authority has considered the need for the building, which has been compared with normal farming practices in the National Park, suggesting it is not an exceptional agricultural need.
- 7.2 The impact on the natural landscape would be significant and would set precedent for further damaging isolated farm buildings that are uncharacteristic of the National Park. Furthermore, the NPPF requires that great weight should be given to the conservation and enhancement of the landscape within National Parks.
- 7.3 The purpose of policy BL5 is to permit proposals for new agricultural buildings where the site is related physically and functionally to existing buildings, the proposed site is not linked to existing buildings in this manner.

## **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 isolated new agricultural buildings 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.
- 8.4 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 1.

## **APPENDIX 1**

### **Suggested 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 unless otherwise approved in writing by 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. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Method Statement.
  2. the parking of contractors' site operatives and visitor's vehicles;
  3. areas for storage of plant and materials used in constructing the development clear of the highway;
  4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
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.
  7. Within 6 months of the commencement of the development hereby approved, the two silos shown on the submitted plans shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place.