

# The Planning Inspectorate

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Mrs F Farnell  
 Development Control Support Officer  
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 Helmsley  
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 YO6 5BP

Your Ref: NYM 2007 0758 FL

Our Ref: APP/W9500/A/08/2077346/NWF

Date: 1 October 2008

Dear Mrs Farnell

**Town and Country Planning Act 1990  
 Appeal by Arthur Clifford Jowsey  
 Site at Heystones Manor, Aislaby, Whitby, YO21 1SX**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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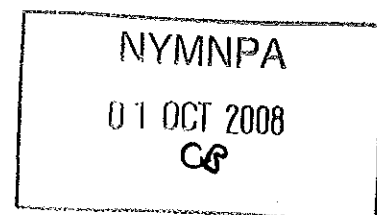
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Yours sincerely

Michael Harvey



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*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

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# Appeal Decision

Site visit made on 15 September 2008

by **Christopher John Checkley**  
BA(Hons) MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
1 October 2008

**Appeal Ref: APP/W9500/A/08/2077346**

**Heystones Manor, Aislaby, Whitby, North Yorkshire, YO21 1SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by A C Jowsey against the decision of the North York Moors National Park Authority.
- The application (Ref NYM/2007/0758/FL) dated 5 September 2007 was refused by notice dated 11 January 2008.
- The development proposed is an agricultural timber construction for agricultural use (all purpose).

## Decision

1. I dismiss the appeal.

## Main Issues

2. Having regard to the location of the appeal site within the North York Moors National Park, the main issues are the impact of the building on the natural beauty of this part of the National Park and the agricultural justification for this new building erected within the open countryside.

## Reasons

### *Preliminary matters*

3. In March 2005 planning permission was granted (Ref. NYM/2004/0914/FL) for an all-purpose agricultural building of dimensions 9.1m x 13.7m with a maximum height of 5.3m to the ridge. However, the building that has been substantially completed is longer, higher and wider with a different design. It needs to be considered afresh as a new application. I am treating the application as seeking retrospective permission for the retention of a general purpose agricultural building that has been substantially completed.

### *The natural beauty of the National Park*

4. The newly-erected building stands on a steeply sloping hillside within attractive open countryside inside the designated North York Moors National Park (NYMNP). A long-held tenet of planning policy is that the countryside should, for its own sake, be protected against unnecessary development. Therefore, new building in the open countryside is to be strictly controlled and any development that is permitted should be well-designed, in keeping and in scale with its location and sensitive to the character of the countryside and local distinctiveness. Additionally, government policy is that the national parks

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should be accorded the highest status of protection in terms of their landscape and scenic beauty (PPS7: Sustainable Development in Rural Areas, Paragraph 21), one of the statutory purposes of such areas being the conservation and enhancement of their natural beauty.

5. The development plan reflects national policy. Policy ENV10 of the 2008 Regional Spatial Strategy for Yorkshire and Humber (RSS) seeks to safeguard and enhance landscapes, including the NYMNP, that contribute to the region's distinctive character. Saved Policy F6 of the adopted 2003 North York Moors Local Plan (LP) indicates that buildings required for agricultural purposes will be permitted where they are reasonably necessary and designed for the purposes of agriculture, and there is no unacceptable impact on the character or appearance of the landscape in terms of siting, size, scale, mass or design. Proposals should be located so as to be seen in the context of existing buildings on a holding, unless an applicant can demonstrate that the functional requirement of the holding justifies a more isolated position.
6. The building that has been built is about 172 sq m in floor area and extends to a maximum height of some 6.3m. It has a somewhat unusual design including timber walls with a large metal roller shutter door and a pitched roof made of black corrugated Angelino incorporating large roof lights and oversailing eaves. It does not have the appearance and character of a farm building of traditional design made of natural local materials reflecting local distinctiveness.
7. Additionally, the new building is set apart from others on the appellant's land holding north of the road. It does not form part of a building group in visual terms. Within the landscape it is largely screened from public view from the north, east and south by the landform and areas of trees and woodland. However, from the west it forms a relatively prominent and sizeable man-made structure in views from sections of the public highway and Coopers Farm, despite the planting of non-native trees to the west of the intervening open ménage area.
8. I conclude that the scale, size, mass, materials, design and isolated siting of the building have an unacceptable impact on the character of the local landscape and the natural beauty of this part of the NYMNP, ~~contrary to statutory objectives and the above policies of the RSS and the LP.~~

*Agricultural justification*

9. I now assess the agricultural justification for the new building. A recently submitted plan indicates that the appellant owns land extending in total to about an estimated 22 ha (around 55 acres). There is a scatter of buildings on the smaller northern section of the holding north of the road which include a large dwelling and gardens, stabling for keeping horses and some land used for grazing them, an open ménage area for exercising/training horses, and workshops and stores and garaging for vintage cars. All the land south of the road seems to be rough land that stands unused.
10. There is no suggestion that the appellant or his family are undertaking any form of agricultural business on the land holding in terms of crops or livestock.

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There are inconsistent statements in the material before me regarding future intentions to undertake agricultural activities. In the Design and Access Statement the appellant indicates the building is "needed by ourselves for agricultural purposes". However, the agent indicates that during summer 2008 the appellant was able to obtain agreements for grazing tenancies, apparently extending into 2009, but that these are unable to commence until a building suitable for storing feed and equipment etc is provided, as there are no existing buildings on the holding capable of accommodating livestock or modern farm machinery. However, there is no indication before me as to where such potential tenants currently farm, the nature of their farming intentions, the nature and location of the farm buildings currently available to them and the agricultural justification and functional need for this particular new building in this particular location. It appears the grazing licences are only for a year, which would not justify the construction of a large permanent new building for agricultural purposes.

*Overall conclusions*

11.I conclude on the basis of the material before me that there is a lack of evidence of a well-founded agricultural justification for this building for farming purposes, contrary to the requirements of LP Policy F6. There is also no evidence of a requirement for an agricultural building of this design and scale in this particular location away from other buildings, such as to be clearly sufficient to override the harm identified above to the character and natural beauty of the NYMNP. Therefore, this appeal must fail.

*C J Checkley*

INSPECTOR

