



# The Planning Inspectorate

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Mrs A Harrison (The National Park Officer)  
N Yorks Moors N P Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York,  
YO6 5BP

Your Ref: NYM4/027/0006D/PA  
Our Ref: APP/W9500/A/00/1043119  
Date: 3 October 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY THE RURAL BUILDINGS TRUST AND THE RURAL WORKSPACE & HOUSING  
ASSOCIATION  
SITE AT NORTH BRIDGE END, DOWDALE ROAD, STAINTONDALE, NR SCARBOROUGH, N  
YORKSHIRE**

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

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

The Complaints Officer  
The Planning Inspectorate  
Room 14/04  
Tollgate House  
Houlton Street  
Bristol  
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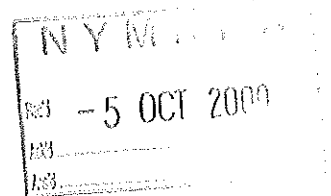
Phone No. 0117 987 8927

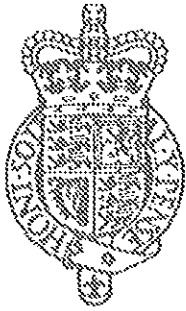
Fax No. 0117 987 6219

Yours faithfully

pp Mr T Mather

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# Appeal decision

Hearing held on 26 September 2000

by **James Wilson BA(Hons) FRTPi**

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Room 1404  
Tollgate House,  
Houlton Street  
Bristol BS2 9DJ  
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03 OCT 2000

**Appeal ref: APP/W9500/A/00/1043119**

**Agricultural Buildings at North Bridge End, Downdale Road, Staintondale**

- 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 The Rural Buildings Trust and The Rural Workspace and Housing Association against the North York Moors National Park Authority.
- The application (No. NYM4/027/0006D/PA), dated 31 January 2000, was refused by notice dated 22 March 2000.
- The development proposed is the adaptation and re-use of redundant agricultural buildings to form one unit of Class B1 workspace with ancillary residential accommodation.

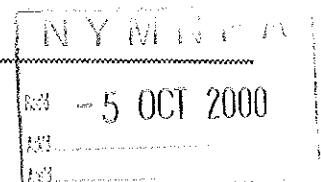
**Summary of Decision: The appeal is dismissed.**

## Preliminary Considerations

1. Notwithstanding the description of the proposed development set out on the application form, the submitted drawings show that substantially more of the floorspace of the converted buildings would be put to residential use than would be used as workspace. Although it was argued for the appellants that the provision of workspace was the key element of the proposal, my view is that, on the basis of the allocation of floorspace, development plan policies in relation to residential development are of equal, if not greater relevance to this appeal, as policies in respect of employment generating proposals.
2. The hearing also revealed that bales of straw were being stored in one of the barns. My visit also bore out that efforts had been made to repair that particular barn in the not too distant past and there were piles of new roof tiles outside it. Although Planning Policy Guidance Note 7 on *The Countryside* advises that the fact that a building is not redundant for its present use is not by itself sufficient grounds for refusing permission for a new use, it was not possible to resolve whether the re-use of the buildings as proposed would create a need for a replacement agricultural building elsewhere and consider the implications of that.

## Policy Background

3. Policy H5 of the North Yorkshire Structure Plan and Policy H5 of the North York Moors Local Plan both contain a presumption against residential development in the countryside unless needed for agriculture, forestry or other essential countryside activities. Policy G2 of the local plan seeks to safeguard the natural and built environments of the Park. Local Plan Policies BC12 and BC13 set out the basis on which proposals to convert buildings to residential use will be considered. In particular, Policy BC13 states that proposals to convert isolated redundant buildings in the countryside will normally be resisted except where the building is of such importance as to make conversion preferable to demolition. It



also requires conversion proposals to satisfy all the requirements of Policies H5 and BC12. Policy EM4 allows for the conversion of redundant buildings outside villages for industrial or business purposes if the buildings are worthy of retention in themselves or make a significant contribution to the landscape.

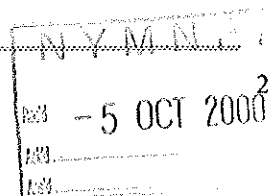
### **The main issues**

4. The main issues are whether the buildings could be converted without substantial rebuilding; whether they are of sufficient architectural merit and importance to the local landscape to merit retention; and whether the appearance of the development and the activity generated by it would detract from the natural beauty of the National Park and the North Yorkshire and Cleveland Heritage Coast.

### **Inspector's reasons**

#### *Condition of the buildings*

5. The proposal relates to three buildings. They include two disused barns standing at a rough right-angle to each other and identified as Barns 1 and 3. Attached to the northern elevation of Barn 1 is a building possibly used for grinding cereals (identified as Barn 2 and also referred as the wheelhouse). The barns are not part of a group of farm buildings but stand in an isolated location well outside the village of Staintondale and perhaps a kilometre from the North Yorkshire coast north of Scarborough.
6. Although it was not possible to gain access to the interior of Barns 1 and 2, my visit to the site bore out that none of the buildings was in particularly good condition. Barn 1, in particular, has lost most of its roof and looks completely derelict. Three assessments of the condition of the buildings were carried out on behalf of the appellants, including a structural survey. These indicated that the roof timbers and roof coverings of all three buildings would need to be completely replaced. The Park Authority's view that this would involve the replacement of at least 15% of the fabric of the buildings was not challenged and I consider that estimate to be on the conservative side. With the aid of a drawing submitted with the structural survey, it was agreed at the hearing that perhaps 15% of the walls would also need to be dismantled and rebuilt.
7. *In addition* to the sections of wall shown on the above drawing as needing to be rebuilt, *other* defects are identified in one or other of the three assessments of the condition of the buildings. Visual inspection of the exterior of all three buildings and the interior of Barn 3 provides ample confirmation of the following problems.  
  
Barn 1. *All* walls exhibit cracking, bulging and dishing.  
  
Barn 2. Walls are cracking and bulging and need remedial repair; foundations have settled.  
  
Barn 3. There is a full height settlement crack in the west wall; the south end of the west wall leans outwards; the southern gable has settled; there is a bulge in the northern gable.  
  
Where present, *all* inner rubble walling requires extensive consolidation and some rebuilding.
8. It was claimed at the hearing that some of the above defects might be dealt with by 'stitching, tying and injection of grouting' but no further details of remedial works were provided. My own view is that, at the very least, the partial rebuilding of sections of wall



not identified on the drawing submitted with the structural survey would be necessary in addition to a considerable number of other repairs and improvements. Bearing in mind that, on the basis of that drawing, it was accepted that at least 30% of the fabric of the buildings needed to be rebuilt or replaced, I cannot conclude that the buildings are of substantial construction. Nor do they meet the other important requirement set out in Para.3.14 of PPGN7 that buildings to be re-used for business should be capable of conversion without major reconstruction.

9. It follows that the proposal does not satisfy the similar requirements of Local Plan Policy BC13 (read in conjunction with Policy BC12). Nor, for that matter, does it unequivocally meet the requirement of those policies that buildings to be converted should generally be redundant. Nor was it established at the hearing whether it would be possible to deal with foul drainage from the buildings without detracting from their character and surroundings, a further policy requirement.

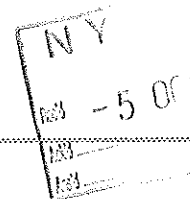
### *Importance of the buildings*

10. It was agreed at the hearing that the buildings were isolated and did not form part of a hamlet or similar grouping. Nor were they claimed to be particularly well built or have any obvious outstanding architectural features. On behalf of the appellants, however, it was claimed that they were of a style that is quite distinctive in the North York Moors and that they had historic merits, possibly dating from 1835 on the evidence of the date on one of the lintels of Barn 3. It was also argued that their contribution to the landscape was significant. The buildings being worthy of retention on both those counts, the proposal was argued to be in accord with the provisions of Local Plan Policy EM4.
11. My visits to the appeal site confirmed that the buildings are, indeed, typical of many such in the North York Moors. That fact alone does not, however, confer any importance on them nor automatically make them worthy of retention. Indeed, given the amount of the fabric of the buildings that would need to be replaced, they could, in any case, be only partially 'retained'. Nor does the possible date of their building make them exceptional in the area.
12. They are set in a rolling agricultural landscape with views of the coast and, inland, of substantial woodlands. Farms and farm and other buildings are scattered across the fields, often sheltered or half-hidden by trees. However, unlike the Yorkshire Dales where field barns are intrinsic elements of the rural landscape, the farms and other buildings in view around the appeal site are merely incidental items in the wider scene. Their presence adds little or nothing to the quality of the visual experience.
13. The buildings which are the subject of the appeal are on an open site in full view from the Cloughton to Ravenscar road which passes through Staintondale and from Downtale Road, which runs to the south of them towards the coast. However, like most of the other buildings in view from the former, they do not make a significant *positive* contribution to the landscape. Indeed, in their present condition and with the clumsy repointing of part of Barn 3 clearly visible, they rather detract from the view from the west. Similarly, seen from Downtale Road and without the screen or backdrop of trees that helps most other buildings in the vicinity to blend into the landscape, they look somewhat intrusive and out-of-place. Their loss would do nothing to diminish the visual quality of their surroundings. I note that in dismissing a previous appeal against the refusal of planning permission for the conversion of a building on the site, the Inspector referred to the fact that it was '*visually isolated in addition by its bare and elevated location*'. It will be clear that I share that view.

14. It follows that, even if the proposal were to be considered solely as a conversion of buildings for industrial or business use, it would not be in accord with the provisions of Policy EM4. Nor, for that matter, would it satisfy the requirement of Policy BC13 that isolated buildings should only be converted for residential use in exceptional circumstances where they are of such importance as to make conversion preferable to demolition.

*Visual impact of the development*

15. Only very minor changes to the exterior of the buildings themselves are proposed and it was argued that, even if the development generated a demand for more than the three parking spaces shown on the submitted plans, they could be provided within the courtyard to be created in the angle between Barns 1 and 3. 'Draconian' covenants would be imposed on lessees of the buildings by the Trust and the Association to restrict the placing of domestic paraphernalia within the curtilage and traffic to and from the site was expected to be light.
16. For the Park Authority, it was stressed that the appellants had not offered to enter into a legal obligation which would enable the Authority to ensure that the curtilage would be kept free of the trappings of domesticity. They were also doubtful whether it was reasonable to require tenants to meet such strict requirements. The amount of new building and repair work required to allow the buildings to be occupied and the new wall needed to screen the car parking spaces would, moreover, give the site a very harsh and inappropriate appearance in the landscape.
17. I, too, take the view that the amount of new building and repair work needed would give the buildings a very raw appearance for some years to come. Moreover, given the isolated location of the site, the combined uses proposed would generate a considerable amount of traffic. Not only would there be someone living on the site but also, according to the application form, up to ten employees coming and going. Many business uses would also need supplies and would have deliveries to make. Arguments that the use of the buildings could, in some way, be restricted to internet-based high-technology activities only serve to confirm that it is poorly located for the much more common light industrial and craft undertakings that also fall into Use Class B1.
18. The traffic to and from a typical light industrial use would undoubtedly detract from the natural beauty of the national park and the heritage coast. It is possible that, if occupied by a high-technology business use, the site could be managed in a way that would not have a major impact on its setting. However, such a form of occupancy would be difficult if not impossible to ensure without imposing unreasonable conditions on a grant of planning permission. It would also greatly reduce the chances of finding a business occupier for the workspace and thus diminish the prospect of assisting the local economy. Given that existing small industrial units at nearby Robin Hood's Bay remain unoccupied, that is, apparently, not a particularly rosy prospect, despite the number of initial inquiries to the Trust and Association about the availability of business premises in East Yorkshire.
19. Only the prospect of being able to assist the local economy in a substantial way would justify setting aside the development plan policies with which the proposal clearly conflicts. The fact that the visual impact of the development could only be made acceptable by severely restricting the choice of tenants for the workspace and the lifestyle of the occupiers of the residential floorspace adds weight to my view that the very sound aims of the relevant development plan policies should be upheld.



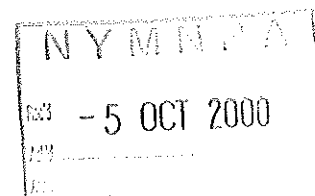
### Conclusions

20. The buildings are in an isolated location outside any settlement, hamlet or building group. It is not clear that all three are redundant. They are in poor condition and could not be converted for the use proposed without major reconstruction. They are not of such architectural quality in themselves as to be worth retaining nor do they make any positive contribution to the landscape. Their loss would not diminish the visual quality of their landscape setting.
21. The considerable amount of rebuilding and repair work necessary to secure their conversion would give the buildings a very new and raw appearance for a considerable number of years. The traffic to and from a typical Use Class B1 light industrial or craft undertaking would further detract from the natural beauty of the national park and the length of heritage coast in which the buildings are set. Restricting the choice of tenants for the buildings and the lifestyles of residents in order to minimise the visual impact of the development would significantly diminish the prospect of assisting the local economy. There are vacant buildings suitable for businesses within Use Class B1 not too distant from the appeal site.
22. I conclude that the proposal is in conflict with the provisions of the development plan for the area and there is no compelling case for setting aside those provisions.
23. My attention has been drawn to appeal decisions in respect of barn conversions at Kirby Lonsdale (T/APP/M0933/A/99/1016167/P4) and Clapham (T/APP/C2708/A/00/1040409). The barns which were the subject of those decisions were agreed to be in a sound condition and to make a positive contribution to the landscape. That is not the case in the appeal before me.

### Formal Decision

24. In exercise of the powers transferred to me, I dismiss this appeal. Particulars of the right of appeal to the High Court against the decision are enclosed for those concerned.
- 

*James Wilson*



## **APPEARANCES**

### **For the Park Authority**

Mr M Southerton MRTPI - Development Control manager with the Park Authority.

### **For the Appellants**

Mr P J Tunstall - Assistant Planner with Rural Heritage Conservation Service.

Mr M Messenger - of The Rural Workspace and Housing Association.

## **DOCUMENTS**

Document 1 – List of those attending the hearing.

Document 2 – Notice of the hearing and circulation list.

Document 3 – Statement on behalf of the appellants.

Document 4 – Copies of two appeal decisions.

## **PLANS**

Plan A – Plans, Elevations & Sections as Existing – Dwg.No.50:AL(0)01.

Plan B – Plans, Elevations & Sections as Proposed – Dwg.No.50:AL(0)02.

Plan C – Site Layout & Setting Plan – Dwg.No.50:AL(0)03.