



# The Planning Inspectorate

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Mrs Curtis  
N Yorks Moors N P Authority  
The National Park Officer  
The Old Vicarage  
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YORK, YO6 5BP

Your Ref:  
NYM4/052/0359A/OL

Our Ref:  
APP/W9500/A/98/294943

22 October 1998

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY G T NICHOLSON & SONS  
SITE AT MOOR LANE FARM, GROSMONT, NR WHITBY**

I enclose a copy of our Inspector's decision letter.

Yours faithfully

VP Mr T Mather  
212A  
ENC1

NYM NPA	
Rec'd	23 OCT 1998
Acc'd	
As'd	



# The Planning Inspectorate

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Your Ref:  
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Date: 22 OCT 1998

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY G T NICHOLSON AND SONS  
APPLICATION NO: NYM4/052/0359A/OL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the North York Moors National Park Authority (the NPA) to refuse outline planning permission for the erection of an agricultural workers' dwelling at Moor Lane Farm, Grosmont. I held a local inquiry on 14 October 1998.
2. The application only sought to establish the principle of a new dwelling on the appeal site to serve the farm, with all detailed matters being reserved for future consideration.
3. The NPA confirmed at the beginning of the local inquiry that they accepted that your clients have a functional need for residential accommodation at Moor Lane Farm and that the viability of their agricultural enterprise is not at issue. I have no reason to come to an alternative view although, from what I heard regarding falling agricultural incomes since the appraisal in support of the application was prepared, I think that the viability of Moor Lane Farm as a stand-alone unit might be in question. However, I have no reason to question the viability of your clients' farming enterprise as a whole (i.e. including their operations at Briscoe Farm).
4. There is also no disagreement between the parties that the site is in the open countryside, which local and national policies aim to protect for its own sake. In particular, new residential development needs exceptional circumstances (such as agricultural need) to justify it. From these considerations and everything else that was said at the inquiry or put to me in writing and from my inspection of the site and the surrounding area, I think that this case raises the following issues:
  - a. the effect of the proposed dwelling on the appearance of the surrounding countryside;
  - b. the implications of the severance of Moor Lane farmhouse from the landholding and whether the granting of planning permission in this case would set a harmful precedent by encouraging the severance of farmhouses from their holdings elsewhere in the National Park and;

c. whether there are any realistic opportunities for meeting your clients' accommodation needs without constructing a new building.

5. The development plan for the area comprises the North Yorkshire County Structure Plan and the North York Moors Local Plan. Structure Plan policy E1 establishes that the conservation of the landscape and general amenity are priorities in the National Park. Policy H5 requires that residential development away from established settlements must be especially justified. Local Plan policy G1 reflects Structure Plan policy E1 and also requires that development should be shown to be necessary in the chosen location. Policy G2 aims to ensure that new development will preserve or enhance the environment of the National Park. Policy H5 follows the thrust of policy H5 of the Structure Plan and, amongst other things, advises that, where new houses can be justified in the countryside, they should be well-related to existing buildings. Policy F1 relates specifically to agricultural workers' dwellings and provides further guidance regarding the matters which the NPA will take into account when assessing proposals. In particular, F1(2) establishes that, where a farm has been sold off without its farmhouse, it cannot be assumed that a replacement dwelling will be permitted. The justification for the severance and the need for another house will have to be explained.

6. The NPA has also referred to a pre-deposit consultation document regarding a forthcoming review of the Local Plan. This advises that a policy will be included, the effect of which will be to militate against the provision of new dwellings where the need for them has arisen through the sale of land separate from the buildings used to serve it. I can give very little weight to this statement of intention because it has not yet been translated into a specific policy nor been the subject of any public scrutiny through the local plans process.

7. With regard to the first issue, the dwelling could be designed in keeping with the traditional architecture of the locality and would be seen as part of the existing group of buildings. This would minimise its visual impact and would accord with the requirements of the relevant parts of policies H5 and F1 of the Local Plan. However the proposed dwelling would extend the group of buildings and encroach into the countryside, harming its appearance to some extent. Because the site is visible from two public footpaths and the area is within the National Park where conservation of the landscape is a priority, I consider this harm would be significant. I therefore conclude on the first issue that the proposed dwelling would be harmful to the appearance of the surrounding countryside, conflicting with Structure Plan policy E1 and Local Plan policies G1 and G2.

8. Turning to the second issue, with regard to policy F1(2) of the Local Plan, the NPA's representative thought that your clients had contributed towards a potential abuse of the concession which the planning system makes for agricultural workers' dwellings. In his view, they had not tried hard enough to acquire either the original farmhouse or the traditional buildings and had therefore been indirectly responsible for the holding being left without a dwelling to serve it. I consider this to be somewhat harsh as their only role was as purchasers of the land. They gained nothing from the separate sale of the house and buildings. I have considered the evidence relating to the selling price of the house and buildings and the terms under which they were offered. I am satisfied that the house and buildings were not available at a price which could be afforded on the basis of the income from the holding. The severance may not have been justified in planning terms but the fact that it took place does not, in this case, indicate a lack of need for a dwelling to serve the holding.

9. It is a well-established planning principle that each case should be determined on its own merits. Nothing which was said at the inquiry or included in the written material convinces me that the circumstances which led to the farmhouse and traditional buildings being severed from the landholding at Moor Lane Farm could be exactly repeated elsewhere. Even where severance may have occurred elsewhere for similar reasons (i.e. because of a financial advantage to the vendor), the weight to be attached to the fact that severance had taken place would vary between cases depending upon other circumstances. In any case, I am not convinced that the way that planning policies might be applied to proposals from purchasers following severance would have a great deal of influence on vendors wishing to maximise the sale value of their property. I have therefore concluded on the second issue that the granting of planning permission in this case would not set a precedent or encourage the severance of farmhouses from their holdings elsewhere in the National Park.

10. With regard to the third issue, the point was made very strongly by the owners of the traditional buildings at Moor Lane Farm that they would be prepared to accommodate your client on reasonable terms in those buildings. I appreciate that the offer has come very recently and that the appeal proceedings were well advanced by the time it was made. I also accept that there are many issues to be resolved, such as the terms upon which the buildings could be made available, details of how they could be converted and the obtaining of planning permission. Whilst it would be inappropriate for me to comment on the merits of converting these buildings, as that is not a matter before me, I am satisfied that the offer to make them available is genuine. The NPA representative's informal view was that planning permission would be granted subject to an agricultural occupancy condition. There is no obvious reason to disregard this option at this stage. I therefore conclude on the third issue that the potential availability of these buildings represents a realistic opportunity for meeting your clients' accommodation needs without constructing a new building.

11. Drawing my conclusions together, I agree that residential accommodation is needed to serve the holding. Development to meet that need would therefore be in accordance with Structure Plan and Local Plan policies H5. Although the need has arisen because of the severance of the landholding from the house and traditional buildings which served it, I do not consider that the act of severance indicates lack of need or that your clients were active participants in the circumstances which led to it. The granting of planning permission would not set a precedent since each case should be determined on its own merits. The proposed dwelling would cause some significant harm to the appearance of the countryside, in conflict with Structure Plan and Local Plan policies. There is presently a realistic possibility that your clients' accommodation needs could be met by conversion of the existing traditional buildings. In view of this, it is my overall conclusion that the need for a new building as proposed is not sufficient to outweigh the harm it would cause.

12. I have considered all other matters raised including the representations from the owners of Moor Lane farmhouse concerning the siting of the proposed dwelling. Whilst I can appreciate their concerns, the dwelling would be sited far enough from their house to avoid unacceptable problems of overlooking or other loss of amenity. It is not generally a function of the planning system to protect private interests such as the view from a window. The chosen siting would minimise the impact of the proposed dwelling in the landscape, thus serving the public interest. I have also considered the representations made with respect to the access to the site through the farmyard at Fairhead Farm. The proposed dwelling should reduce the need for travelling between Moor Lane Farm and Briscoe Farm. Whilst this may be balanced by an increase in visitors to the site, I do not consider that the proposals would

lead to such significant changes in the level or nature of traffic using the access that planning permission should be withheld on those grounds. Neither these, nor any other matters raised at the inquiry or in writing are sufficient to outweigh the considerations which have led to my conclusions in this appeal.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D C Pinner', written in a cursive style.

DAVID C PINNER BSc DipTP MRTPI  
Inspector

**APPEARANCES**

For the Appellants:

Mr J N Robson, Solicitor

Partner in Ward Hadaway,  
appellants' agent.

He called:

Mr G Hale BA(Hons) MSc MRTPI

Ward Hadaway.

Mr G Nicholson

Appellant.

For the National Park Authority:

Mr G Fell, Solicitor.

Of North Yorkshire County  
Council, County Hall,  
Northallerton. Instructed by the  
North York Moors National Park  
Authority.

He called:

Mr M Hill Dip URP MRTPI

Area Planning Officer, North  
York Moors National Park  
Authority.

Interested persons:

Mr B G Snoxell BA FRICS

Bell-Snoxell Associates, Barclays  
Bank House, Baxtergate, Whitby,  
N Yorks YO21 1BW.

Mr K Clenaghan

Moor Lane Farm, Grosmont,  
Whitby YO22 5PN.

Dr M Jackson

Ditto.

Mr T J Hodgson

Fairhead Farm, Grosmont,  
Whitby.

**DOCUMENTS**

- Document 1 List of those present at the hearing.
- Document 2 Council's letter of notification of the appeal and list of those notified.
- Document 3 Annexes 1 to 22 attached to Mr Hale's Proof of Evidence.
- Document 4 Documents 1 to 13 attached to Mr Hill's Proof of Evidence.
- Document 5 Copies of various correspondence from Bell-Snoxell, all dated 6 October 1998.
- Document 6 Copy of letter dated 9 October 1998 from Ward Hadaway to Bell-Snoxell.
- Document 7 Copy of letter dated 8 October 1998 from Mr Clenaghan and Dr Jackson to the Planning Inspectorate.
- Document 8 Copy of National Park Officer's report on an application relating to Urra Farm, Bilsdale.
- Document 9 List of conditions.

**PLANS**

- Plan A Application plan.
- Plan B Extract from Definitive Map showing public footpaths in the area.
- Plan C Sketch proposals for residential conversion of traditional outbuildings at Moor Lane Farm.