
Appeal Decisions

Site visit made on 12 May 2015

by Michael R Moffoot DipTP MRTPI DipMgt MCI

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

Decision date: 01 June 2015

Appeal A Ref: APP/Y2736/W/15/3003494
Land east of Rye House Farm, Harome, Helmsley

- 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 Thomas Crown Associates Ltd against the decision of Ryedale District Council.
 - The application Ref: 14/00710/FUL, dated 24 June 2014, was refused by notice dated 14 November 2014.
 - The development proposed is 'proposed agricultural barn on land at Harome'.
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Appeal B Ref: APP/Y2736/W/15/3003502
Land east of Rye House Farm, Harome, Helmsley

- 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 Thomas Crown Associates Ltd against the decision of Ryedale District Council.
 - The application Ref: 14/01264/FUL, dated 13 November 2014, was refused by notice dated 9 January 2015.
 - The development proposed is 'erection of an agricultural livestock building with stoned turning area and formation of vehicular access. Land east of Rye House Farm Helmsley'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matter

3. The planning application forms for both appeals do not include an address for the site. I have therefore used an adapted version of the address employed on the appeal forms.

Main Issues

4. The main issues in both appeals are:
 - (i) whether there is an agricultural justification for the proposed building; and

- (ii) the effect of the proposed development on the character and appearance of the countryside, including the Area of High Landscape Value.

Reasons

Agricultural justification

5. Policy SP9 of *The Ryedale Plan – Local Plan Strategy* (LPS) states that Ryedale's land-based economy will be sustained and diversified with support for, amongst other things, new buildings necessary to support land-based activity and a working countryside, including farming. This policy approach is consistent with the *National Planning Policy Framework* ('the Framework'), which supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To achieve this, the Framework requires plans to support well designed new buildings and promote the development of agricultural businesses.
6. Although the policy SP9 does not specifically refer to a '*bona fide agricultural trade or business*' as cited in the first reason for refusal in each appeal, the case for new buildings is clearly dependent upon necessity, and it is therefore appropriate to consider the appellant's proposed agricultural operation on the land.
7. In both cases the building is required to accommodate two tractors, a trailer, agricultural equipment and machinery and Highland cattle during calving together with other rare breeds over winter. The appeal site extends to 1.44 hectares (about 3.6 acres) and the appellant has confirmed that some 24.85 acres of nearby land cited in the planning application has not now been purchased. Reference has also been made to the appellant's ownership of other agricultural land in the wider area and negotiations to acquire further land in the more immediate area, but little detail has been provided.
8. In August 2014 the Council was advised that 50% of the appellant's herd had been sold off and the remainder was being kept on farms at Sand Hutton and Harrogate. At the time of my visit there was no livestock on the site or evidence of any other agricultural operation on the land, and no information has been provided about the present number of cattle kept by the appellant or the location of the animals. Furthermore, no appraisal has been submitted to demonstrate a functional requirement for either of the proposed buildings. Accordingly, on the basis of the limited information before me, I am not persuaded that there is an operational necessity for either of the proposed buildings on this small parcel of land.
9. I therefore conclude on the first issue that there is no agricultural justification for the proposed developments and as such the proposals conflict with policy SP9 of the LPS.

Effect on the character and appearance of the countryside

10. The rectangular appeal site lies in gently undulating open countryside some 400m to the west of Harome and comprises a flat parcel of pasture land contained by trees and a stream on the north-eastern boundary and hedging and a few trees to the other boundaries. In each case the proposed building would be located at the south-eastern end of the site alongside the Harome to

Helmsley road and both schemes includes a hard-surfaced parking and turning area adjacent to the building and a new highway access.

11. The site lies within the Fringe of the Moors Area of High Landscape Value (AHLV); an area valued locally for its natural beauty and scenic qualities where the Council will carefully consider the impact of development proposals under the provisions of LPS policy SP13 in order to protect the distinctive elements of landscape character and its visual sensitivities. These objectives are consistent with one of the core planning principles in the Framework which requires planning to recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes.
12. With a footprint of 25.6m x 10.3m and a ridge height of 6.6m, the building in Appeal A would be a substantial structure. Its scale and bulk would render it an intrusive and discordant feature in this open rural setting, and its impact would be compounded by the two-tiered, hipped roof arrangement giving it something of an industrial appearance wholly out of keeping with its surroundings. The building proposed in Appeal B would be significantly smaller but would nevertheless be an incongruously conspicuous structure in close proximity to the road and with little natural screening.
13. In both schemes the impact would be amplified by the large hard-standing and new access, and the intermittent hedging along the road frontage of the site would provide limited screening of the building, especially during autumn and winter months when the foliage thins out. Moreover, it would be likely to be several years before the landscaping volunteered by the appellant would provide the degree of maturity and screening to offset to any appreciable extent the harm that I have identified.
14. In reaching these findings I note the appellant's reference to buildings in similar positions around the village. However, the full circumstances surrounding these sites are not before me, and whilst consistency is clearly desirable, each application has to be considered on its individual merits.
15. For these reasons, I conclude on the second issue that each of the proposed developments would seriously harm the character and appearance of the countryside and the AHLV contrary to policy SP13 of the LPS. They would also conflict with LPS policies SP16 and SP20 which, amongst other things, expect development proposals to be well integrated with their surroundings, reinforce local distinctiveness and respect the character and context of the immediate locality and the wider landscape in terms of physical features.

Other Matters

16. Both schemes are supported by a Flood Risk Assessment and the Environment Agency has no objections to the proposals subject to the buildings and accesses being raised by 600mm.
17. Other submissions, including animal welfare, the provision of services to the buildings and publicity for the planning applications, are unrelated to the planning merits of the appeals and do not affect my judgement of the issues that I consider relevant.

Conclusions

18. For the reasons set out above, I conclude that both proposals are unacceptable and the appeals should fail.

Michael R Moffoot

Inspector