



Appeal Decision

Site Visit made on 16 April 2021

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/Y2736/W/21/3267210

Partridge Hill, Main Street, Foston, Malton YO60 7QG

- 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 Mr Sam Snowdon against the decision of Ryedale District Council.
 - The application Ref 20/00643/FUL, dated 14 July 2020, was refused by notice dated 30 October 2020.
 - The development proposed is described as “conversion of 2no. barns to two holiday lets”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and heritage assets and (ii) the living conditions of occupiers of neighbouring properties with regards to noise.

Reasons

Character and appearance; and heritage assets

3. The appeal site sits within open countryside to the west of the settlement of Foston. The surrounding area is characterised predominantly by rural fields with buildings scattered over the landscape which are mainly of traditional design and materials. Part of the site is located within the Scheduled Monument (SM) of the Foston medieval settlement and moated monastic grange. Two buildings are located on site with the smaller of the two buildings described in the appellants Heritage Statement Addendum as being a non-designated heritage asset due to its possible connections with Foston Hall.
4. The existing buildings on the appeal site, whilst visible from the surrounding area, are subtle structures constructed from materials that are typical of barns found in countryside locations. The proposal would introduce a combination of timber cladding and glazing that would not create a harmonious composition and would appear as a dominant and unsympathetic structure within the rural setting.
5. The design of the proposal, with large amounts of glazed openings to the larger building, would detract from the understated appearance of the existing buildings and significantly compromise the local distinctiveness of the surrounding landscape. The smaller barn partly screens the larger barn with trees in the area that also provide some level of screening. Nevertheless, the buildings are in a prominent location readily visible from public viewpoints, and

- the proposed alterations would detract from the traditional agricultural appearance of the buildings and the surrounding area.
6. The agricultural character of the site would be fundamentally altered as the existing access would be used primarily by visitors to the site. The parking of vehicles associated with the holiday accommodation use would also be visually prominent from the immediate locality to the detriment of the agricultural feel of the site.
 7. The submitted plans show that there are proposed terraced areas which would likely result in paraphernalia such as garden furniture being visible which could further erode the rural character of the site and its surroundings. It has been suggested that a planning condition could control the use of domestic paraphernalia however, I consider such a condition would not be enforceable.
 8. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding area and heritage assets. The proposal would conflict with Policies SP12, SP13, SP16 and SP20 of the Ryedale Plan – Local Plan Strategy 2013 (RPLPS) which seeks Ryedale’s historic environment to be conserved, the character of Ryedale’s diverse landscape to be protected and development proposals to reinforce local distinctiveness and respect the character of the immediate locality.
 9. The proposal would be harmful to the existing buildings, the surrounding area and the setting of the SM, and thereby the significance of the heritage assets. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use.
 10. I have had regard to the appellants statement of case including that the proposal would be enabling development to secure the future retention of the smaller barn and that the proposal would not be viable without the conversion of the larger barn. There is however, no substantive evidence which has been submitted to convince me that the conversion of the larger barn is required to secure the optimal viable use for the smaller barn.
 11. The proposal would introduce tourist accommodation into the area which would contribute to the rural economy and facilities in the surrounding locality, offering some public benefit. I have had regard to the economic section of the appellants statement of case which includes reference to farm diversification, the UK Holiday Parks – Economic Impact Summary and a calculation that the proposal could contribute upwards of £50,000 into local businesses. Given the contribution towards tourism and the local rural economy I therefore attach moderate weight to these associated public benefits. They however, would not outweigh the significant harm I have identified above.
 12. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
 13. I have given careful consideration to consultation responses, including those from Historic England and North Yorkshire County Council Archaeologist however, they do not lead me to a different conclusion on the issues above.

Living conditions

14. The appeal site is located within 67 metres from the nearest residential property. The proposal, given its size, would be able to accommodate large groups and families and there would be associated noise and activity such as outdoor games, music and socialising from the outdoor areas.
15. There is no noise information submitted to demonstrate how noise would be managed or mitigated. Nevertheless, the expected noise and activities from the proposed holiday lets would not be dissimilar to what can occur in residential gardens. Taken this into consideration, as well as the proximity of the site to neighbouring properties, the proposal would not have an adverse effect on the living conditions of neighbouring occupiers in terms of noise and visitor activities.
16. Accordingly, the proposal would not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to noise. The proposal would be in accordance with Policy SP20 of the RPLPS which seeks, amongst other things, new development to not have a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings.

Other Matters

17. My attention has been drawn to paragraph 79c of the Framework which supports the re-use of redundant or disused buildings. However, I did observe during my site visit that the buildings are in use with the storage of agricultural machinery and materials, and are therefore not redundant or disused.
18. I have had regard to the appellants statement of case and appendices including reference to previous decisions¹. However, insufficient details have been provided on these development schemes or the circumstances that led to them being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of location and relationship with heritage assets. In any case, I have determined the appeal on its own merits.
19. There were no objections raised with the scheme in terms of highway, ecology and drainage matters. The appellant is critical of the Council's planning committee indicating that the drawings were not displayed and that the committee members were given incorrect information on the age of buildings. It is also noted that committee members were supportive in terms of the tourism offer of the proposal. The appellant has indicated that the proposal would be in accordance with other policies of the RPLPS that are not stated in the Council's decision notice as well as conforming with the approach taken by other Councils such as Cornwall Council. The appellant has also agreed to the imposition of a planning condition that would restrict occupancy of the buildings. These matters and benefits, that would amount to little weight, would not outweigh the harm I have described above or the conflict with the policies of the RPLPS as detailed in the Council's decision notice.
20. The appellant has stated that there is a fallback position where the buildings could be converted under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, there is nothing definite in the evidence before me to suggest how a scheme could be

¹ Local Planning Authority Reference Numbers: 14/01096/FUL; 17/00432/FUL; 19/01406/FUL.

developed under Class Q particularly in regards to access and the SM, and as such, this is no more than a theoretical possibility. Consequently, I attribute little weight to this matter.

Conclusion

21. I have found that the proposal would not compromise the living conditions of neighbouring occupiers and bring tourism to the area with subsequent economic advantages. However, these matters do not outweigh the harm I have identified with regards to character and appearance, and heritage assets.
22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
23. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR