
Appeal Decisions

Site visit made on 4 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 03 February 2017

Appeal A: APP/E2734/W/16/3158193

Rosecroft, Main Street, Great Ouseburn, North Yorkshire YO26 9RG

- 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 M Gath against the decision of Harrogate Borough Council.
 - The application Ref: 15/02061/FUL, dated 11 May 2015, was refused by notice dated 13 May 2016.
 - The development proposed is the erection of a 2 storey dwelling house with means of access to Main Street; change of use of land to form amenity area for a dwelling; demolition of 3 buildings within the curtilage of Rosecroft and the refurbishment of retained buildings.
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Appeal B: APP/E2734/Y/16/3158194

Rosecroft, Main Street, Great Ouseburn, North Yorkshire YO26 9RG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr M Gath against the decision of Harrogate Borough Council.
 - The application Ref: 15/02062/LB, dated 11 May 2015, was refused by notice dated 13 May 2016.
 - The works proposed are the erection of a 2 storey dwelling house with means of access to Main Street; change of use of land to form amenity area for a dwelling; demolition of 3 buildings within the curtilage of Rosecroft and the refurbishment of retained buildings.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the erection of a 2 storey dwelling house with means of access to Main Street; change of use of land to form amenity area for a dwelling; demolition of 3 buildings within the curtilage of Rosecroft and the refurbishment of retained buildings.

Preliminary Matters

3. As the proposal is in a Conservation Area and affects a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. Consequently,
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all outbuildings that have a principal and accessory relationship to the main building constructed before this date are also listed. I have determined the appeal on this basis.

Main Issues

5. The Council have not identified any direct impact on the listed building or any of its significant curtilage structures. After careful consideration of the proposal I agree that this would be the case. Consequently, the main issues of this appeal are whether the proposal would preserve the setting of a Grade II listed building, Rosecroft and Attached Garden Wall, Gate and Railings, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Great Ouseburn Conservation Area.

Reasons

6. The appeal site is situated towards the centre of Great Ouseburn and fronts onto the southern side of Main Street. The site comprises a rectangular plot with a residential dwelling on the northern section and a number of outbuildings on the southern section which are separated by an access track. The frontage comprises the farmhouse, gateway and a small outbuilding. They are on a similar building line which is set back from the carriageway by a small front garden and grass verges. The rear of the plot abuts agricultural land. The proposal would lead to the construction of a detached building to the rear of the plot, demolition of three curtilage structures and the renovation of a further two.
7. The Great Ouseburn Conservation Area (CA) was designated in 1994 and encompasses the majority of the settlement which has a strongly established linear character that arises from the arrangement of the buildings along Main Street, the principal thoroughfare. This road is tightly flanked by two storey buildings of largely vernacular design which gives rise to a sense of enclosure and continuity of the built form. The enclosure of Main Street is punctuated by gaps which are predominantly characterised by views of traditional agricultural buildings and mature gardens. These intimate views give way to more open views of the agricultural landscape beyond towards the northern and southernmost extent of the CA as building density declines.
8. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its vernacular agricultural character and rural setting.
9. The building was listed in 1988 and dates from the late 18th century with 19th and 20th century additions. It is of brick construction with render on the front and side elevations. The main roof comprises slate on the front slope and pantiles on the rear. A single story extension projects from the southern gable end which abuts the main access point leading to the rear of the appeal site and the agricultural land beyond. The land to the rear of the listed building is divided into two narrow strips, indicative of medieval burgage plots. The first extends immediately to the rear of the listed building whilst the second encompasses the access track and agricultural outbuildings. Differences in level and the remnants of a stone wall clearly mark this subdivision. The wall previously extended the full length of the plot, as on the 1852 OS map, according to the appellant's own evidence.

10. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the legibility of its linear subdivision and past agricultural function.
11. Turning to the effect on the CA, I observed from the plans and my site visit that the proposal would lead to the loss of a small skyline view. This would be replaced with a building that the Council acknowledges responds well to local distinctiveness in terms of its agricultural appearance. Given that the building would not lead to the loss of any views of the surrounding countryside and contribute to the predominantly enclosed character of the village I find that it would not be detrimental to this heritage asset. Furthermore, the position of the taller retained curtilage structure and location of the proposed dwelling to the rear of the plot would help to maintain the dominance of the principal elevation of the listed building, when viewed from Main Street. As the existing view does not contribute to the vernacular agricultural character or rural setting of the CA its significance would thus be preserved.
12. Turning to the effect on the setting of the listed building, I observe from the plans and my site visit that the detached dwelling would lead to a cramped overdevelopment of the site that would destroy the historic layout to the rear of the listed building. Whilst the agricultural character if its design would be sympathetic and preserve the significance of the CA, the overall massing of the building would be wholly inappropriate in such close juxtaposition to the more diminutive listed building, as experienced from within the appeal site. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or their setting can be gained. More importantly, the linear subdivision of the land to the rear of the listed building would be destroyed by the footprint of the new building, enclosure of the listed building garden and the proposed parking area to the northwest of the paved driveway.
13. Given the above, I find that the proposal would fail to preserve the setting of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
14. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the extent of the proposal and the nature of the impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it would lead to the removal and renovation of outbuildings, partially restore curtilage boundaries, improve the overgrown condition of the land and make a small contribution to housing land supply.
16. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. I accept that the

renovation of two of the outbuildings would help to maintain the agricultural setting of the listed building and that the removal of unsightly buildings would also benefit the CA. I also accept that there would be, an albeit small, contribution to housing land supply. However, none of these benefits would outweigh the harm that would be caused to the setting of the listed building.

17. I have found that the proposal would not cause significant harm to the CA and would therefore be consistent with saved policy HD3 of the Harrogate District Local Plan 2001. However, having regard to the information before me and my own observations on site, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 134 of the Framework.

Conclusion

18. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR