
Appeal Decision

Site visit made on 22 February 2017

by **B.Hellier BA(Hons) MRTPI**

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

Decision date: 28th February 2017

Appeal Ref: APP/C2708/D/16/3165741

Ingthorpe Grange, Ingthorpe Lane, West Marton, Skipton, BD23 3UH

- 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 My Toby Stephenson against the decision of Craven District Council.
 - The application Ref 56/2016/17389, dated 4 October 2016, was refused by notice dated 14 November 2016.
 - The development proposed is the construction of a tennis court and fence.
-

Decision

1. The appeal is dismissed.

Main issue

2. Ingthorpe Grange is a Grade II* listed building. The main issue is the effect of the proposal on the setting of this listed building and on the surrounding countryside.

Reasons

Planning policy

3. Saved Local Plan¹ Policy ENV2 states that development in the open countryside should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features. It should also have regard to public views.
4. The Local Plan does not have any saved heritage policies. As a listed building Ingthorpe Grange is a designated heritage asset. As such the National Planning Policy Framework (NPPF) requires the decision maker to: identify and assess the significance of the asset; consider the impact of the proposed development on the significance; and finally establish whether this would result in harm to the significance. Any harm should require clear and convincing justification. Where there is less than substantial harm then this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).
5. In relation to listed buildings Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains the following duty. *In considering whether to grant planning permission for development which affects a listed*

¹ Craven District (Outside the Yorkshire Dales National Park) Local Plan. Adopted July 1999

building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6. A Court of Appeal judgement² found that a decision taker, having found harm to a heritage asset, must give that harm considerable importance and weight. This is the case even when the harm in NPPF terms is less than substantial.

Landscape, visual and heritage impacts

7. Ingthorpe Grange is situated in a fold in an undulating pastoral landscape approached by rural lanes and for the last 800m along a bridleway which becomes an unmetalled track beyond the property. It is a seventeenth century country house of considerable architectural merit. The main elevations face to the east and south overlooking about a hectare of grounds. These are bounded to the east by a hedge and a line of evergreen trees. To the south the land falls away slightly to a flat marshy valley which winds away between drumlins, the land then rising again to a group of buildings in the distance at Mire House.
8. The setting of Ingthorpe Grange has two key elements. Firstly the east elevation with a small formal garden, gravel drive and lawn viewed from the access track at close quarters. Secondly the south aspect where the house, garden and farmland beyond form a unified parkland landscape contained within the steep slope of the valley side to the west and gentler slopes to the east. A green track from West Marton, now a public footpath, follows the valley and would in the past have been a rather grand, perhaps the main, approach to the house.
9. The surrounding landscape is not designated but because here it forms the setting to the listed building it has a high value and a high sensitivity to change. The tennis court would lie within the southern setting of the house. It would be at the lowest part of the grounds in the south east corner some 35m from the house. An engineered platform would be formed in the slope by cut and fill alongside the eastern line of trees. The court would be surrounded by black nylon coated mesh court fencing, 2.7m high at each end reducing to 1.0m along the sides. Having regard to its limited bulk and low elevation the magnitude of change would be low. Nonetheless the development would sit uncomfortably within the open pastoral setting.
10. Public views would be restricted to users of two footpaths to the south, one the green track referred to above and one slanting up the western valley slope. Even though the tennis court would be within the residential grounds it would appear intrusive, as would any domestic addition, simply because it is not an accepted part of a pastoral scene. The garden and the surrounding countryside should be considered as a continuum. The suggested tree planting would provide a visual filter but would itself reduce openness. In late Victorian times there were more trees within the garden area but they were scattered rather than in the form of a copse or screen³.
11. I find that there would be a significant adverse impact on both the character and the appearance of the surrounding countryside and as such the proposal would fail to satisfy the provisions of Local Plan Policy ENV2.

² Barnwell Manor Wind Energy Ltd v East Northants DC and others [2014] EWCA Civ 137

³ Ordnance Survey 1st edition 1893-94 (25" to 1 mile)

12. I also conclude that the proposal would cause material harm to the heritage significance of the parkland setting to Ingthorpe Grange. Since the harm is less than substantial it needs to be weighed in the balance with any public benefits. It is to the credit of the appellant that he has invested in the maintenance and restoration of the property but this does not support causing harm to its setting. The appellant also has a reasonable expectation that he can use his garden for his own recreation and enjoyment but this is not a public benefit. Nor is the development directly necessary in any way to secure the future of the property. The balance therefore is against the proposal. The statutory duty to preserve the setting of the listed building has not been met.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR