
Appeal Decision

Site visit made on 16 March 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/N2739/D/16/3167711

The Stables, 55 Main Street, Monk Fryston, Selby, LS25 5DU

- 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 Lee Maiden against the decision of Selby District Council.
 - The application Ref 2016/0900/HPA (8/56/298/PA), dated 29 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is part retrospective planning application for the erection of 1no. outbuilding (including adaptation and alteration).
-

Procedural Matter

1. The description of the development stated on the banner headline above is taken from the planning application form. However, in my opinion the works proposed would result in a new building rather than the adaption of the existing timber shed. Consequently, I have considered the proposal as the removal of the existing timber shed and the erection of a new outbuilding. In reaching this view, I have taken into account the comments of both the appellant and the Council, who were consulted over the matter.

Decision

2. The appeal is allowed and planning permission is granted for the removal of existing timber shed and the erection of a new outbuilding at The Stables, 55 Main Street, Monk Fryston, Selby, LS25 5DU, in accordance with the terms of the application Ref 2016/0900/HPA (8/56/298/PA), dated 29 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Loc01; Lay02; 03; 04; 05; 06; and 07.
 - 3) No development shall take place until samples of the materials to be used externally in the construction of the roof and walls have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
-

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Monk Fryston Conservation Area (CA); and the effect of the proposal on the setting of The Manor House (a Grade II Listed Building).

Reasons

Character and Appearance

4. The appeal property (The Stables) is a detached dwelling, which is set back from the road frontage behind a single storey commercial building ('The Stoves Shop'). A detached garage (constructed of stone with a pantile roof) and also a close-boarded timber shed are positioned within the existing front garden of The Stables, between the house and 'The Stoves Shop'. Planning permission for the shed was refused by the Council in November 2015. The appeal proposal is to replace it with a single storey outbuilding that would be constructed of stone and pantiles. The proposal was submitted to the Council in response to its refusal of a planning application for the timber shed.
5. The site is situated within the CA, which encompasses the historic centre of the village. The Manor House abuts the appeal site boundary. In my opinion, a distinctive characteristic of the CA is that the buildings are constructed mainly of stone or with a rendered finish and with slate or pantile roofs. Many of the buildings are positioned close to the road frontage, but a significant number of ancillary buildings/structures are located at the rear of frontage properties. These ancillary buildings vary in terms of their age and appearance, but they also contribute to the character and appearance of the CA.
6. The proposed outbuilding would be sited alongside the existing garage. It would have a sloping gabled roof and would be constructed of stone and pantiles. Although it would be partially visible from Main Street, it would not appear out of context or at odds with its surroundings, because of its external materials; scale and height; and its positioning at the rear of frontage buildings.
7. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Saved Policy ENV25 of the Selby District Local Plan (LP) and Policies SP18 and SP19 of the Selby District Core Strategy (CS). Furthermore, Section 12 of the National Planning Policy Framework (the Framework) seeks to ensure that the historic environment is conserved and enhanced. For the reasons given above, I consider that the proposal would preserve the character and appearance of the CA. Therefore, it would not conflict with the Development Plan or with the Framework, as referred to above.

Setting

8. With regard to the setting of The Manor House, the appeal building would be positioned adjacent to the stone wall that forms the boundary between the Manor House and the appeal property. It would also be sited close to the rear/side wall of the listed building itself. Views of the boundary wall and the rear of The Manor House from Main Street are limited because of intervening vegetation and other buildings. In addition, the layout and juxtaposition of

buildings in the vicinity of the listed building are such that The Manor House has a close spatial and visual relationship with neighbouring structures, including the appellant's garage and 'The Stoves Shop'. Although the proposed outbuilding would be physically closer to the rear of the listed building and it would screen part of the boundary wall, I am not persuaded that the proposal would alter or have an adverse effect on the setting of this heritage asset.

9. The Council Officer's report also refers to the setting of the Monk Fryston Hall Hotel, which is a Grade II* Listed Building (although this does not form part of the Council's reason for refusal). The Hotel is located on the opposite side of Main Street and is well set-back from the road frontage. In my opinion, the appeal proposal would not harm the setting of The Hotel, or its grounds, because of intervening buildings and the separation distance between the two sites.
10. Consequently, the proposal would not conflict with the Framework or with Policies SP18 and SP19 of the CS; and Saved Policy ENV25 of the LP (which I consider to be the most relevant to this appeal). These policies generally seek to ensure that new development conserves historic assets and has regard to the historic context of its surroundings.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
12. To ensure a satisfactory appearance, a condition requiring the submission and approval of external materials is also necessary.

Conclusion

13. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR