
Appeal Decision

Site visit made on 17 July 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7th August 2017

Appeal Ref: APP/V2723/W/17/3174335

Land adjacent to Archery Field, Hospital Road, Scorton, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Long against the decision of Richmondshire District Council.
 - The application Ref 15/00805/OUT, dated 7 October 2015, was refused by notice dated 26 October 2016.
 - The development proposed is described as outline planning permission for two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have dealt with it this way and on the basis that the submitted layout plan and alternative layout within the Landscape and Visual Appraisal (LVA) are for indicative purposes only.

Main Issues

3. The main issues are:
 - The effect of the proposal of the character and appearance of the area, including the setting of the adjacent Scorton Conservation area and;
 - The effect of the development on the health of future occupiers, with particular regard to the contamination of land.

Reasons

Character and appearance

4. The appeal site comprises a roughly rectangular parcel of land which lies in the south west corner of an attractive area of green open space known as Bridge Green within the village of Scorton. The site is positioned between Hospital Road, a main road running through the village and the 'Archery Field' to the south east. The site was previously occupied by a garage which has since been demolished and the land grassed over. The site lies adjacent to the north east boundary of the Scorton Conservation Area (SCA) and as such I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLCAA) which places a duty upon me to give special attention

to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5. The Council's Scorton Conservation Area Appraisal and Management Plan (2015) (CAMP) describes the significance of the SCA as a striking and attractive village arranged around a large dominant village green. There is a full range of size and scale buildings which follow a robust simple vernacular style constructed of the full variety of materials found in Richmondshire, dating from the 18th Century through to the present day. The CAMP states that extensive views and vistas towards and into the SCA are restricted by the flat terrain and high hedges on the approaching roads and that there are very few views out of the SCA from within. However, the view out of the Conservation Area east along Hospital Road to the bank of trees that is outside of the SCA along Scorton Beck is identified as the only view of interest. This view encompasses the appeal site which is currently free of development.
6. The National Planning Policy Framework (the Framework) clearly defines the setting of a heritage asset as the surroundings in which an asset is experienced and confirms that significance can be derived from a setting as well as the assets physical presence. There is no doubt that the appeal site forms part of the surroundings in which the SCA is experienced being immediately adjacent to its north east boundary. The site is an integral part of the spacious and verdant setting of Bridge Green both when approaching the Conservation Area and when leaving. The site contributes positively to the setting of the Conservation Area and the character and appearance of the area as a whole.
7. Irrespective of the potential layout, appearance and scale of the proposed development, the appeal scheme would result in an incursion of built development into the green space. The dwellings, their domestic curtilages and ensuing domestic paraphernalia would unacceptably erode the pleasing and unspoilt qualities of the site detracting from the spacious and verdant setting which is integral to the character and appearance of this part of the village. The erection of two storey dwellings would also obscure views out of the SCA towards the bank of trees along the Scorton Beck identified as the only view of interest out of the SCA. Despite its location adjacent to built development on Hospital Road, to my mind the site relates more strongly to the open space and the development of two houses would reduce its contribution as well as visually separating the connection of the 'Archery Field' to the wider green space. The proposal would be an incongruous intervention of built form into this attractive green space in close proximity to the Conservation Area. It follows that the proposal would have a materially harmful effect on the character and appearance of the area in general.
8. In reaching these findings I have had regard to the LVA submitted by the appellant and I was able to consider the viewpoints identified within the LVA at my site visit carefully. I note that an alternative layout to that shown on the submitted plan was modelled as it became evident this could potentially reduce predicted visual effects including the setting of the SCA. I agree that from longer views looking towards the north eastern edge of the SCA from the northern edge of Bridge Green, the houses would be seen in the context of the adjacent terrace and the view would be partially screened, in the summer months at least by vegetation. Nevertheless, from the remaining viewpoints the visual effect significance is classified as either moderate or moderate to major. Whilst I note that this does not necessarily mean that the site has no

capacity for change, I do not agree that this signifies that the development would result in no harm. Nor do I agree that the proposal would lead to an enhancement from any viewpoints.

9. Even taking into account the alternative layout, which I accept would reduce the impact of the development to a small degree, the views out of the Conservation Area would still be obscured considerably and the character and appearance of the appeal site unacceptably altered. Furthermore, the alternative layout would not alleviate the resultant visual separation of the Archery Field from the wider green space. Given the scale of the proposal, I do not necessarily disagree with the conclusions of the LVA in terms of visual effects and magnitude of change. However, the conclusions do not persuade me that the proposals would not result in harm to the character and appearance of the area or the setting of the SCA. Whether the changes are measured as slight or moderate, the proposal would still result in a noticeable change that would unacceptably alter the characteristics of the site and its contribution to the character and appearance of the wider area and the setting of the SCA.
10. I acknowledge that as all matters are reserved the impact of the scale, layout and appearance of the dwellings cannot be properly considered. Nevertheless, because of the often sensitive nature of such locations, combined with the statutory duty imposed by the PLCAA high levels of detail are often required in order to make an informed assessment. For the reasons I have explained above, I consider that the development of the site for two dwellings would have a materially harmful impact on the character and appearance of the area and the setting of the SCA and there is insufficient information submitted to persuade me that such details could lessen such harm in any way.
11. I therefore find that the proposed development would be harmful to the character and appearance of the area and the setting of the SCA. The proposal therefore conflicts with Policies CP3, CP4 and CP12 of the Richmondshire Local Plan Core Strategy (2014) which seek, amongst other things, to ensure that development does not impact adversely on the character and appearance of settlements, important open spaces or designated heritage assets and to support development that conserves and enhances the significance of designated heritage assets and that which promotes the historic, environmental and cultural features of acknowledged importance.

Contaminated land

12. Given the previous use of the site as a garage, the Council is concerned that there is a potential for land contamination and considers that insufficient information has been submitted with the application to show that potential risks from previous uses have been reasonably considered. Paragraph 109 of the Framework expects the remediation and mitigation of contaminated land where appropriate and Paragraph 120 expects the effects of pollution on health, amongst other things, to be taken into account.
13. Whilst I note the former garage use and accept that contamination cannot be ruled out on the evidence before me, neither is there significant evidence that the appeal site is particularly likely to be contaminated. Nonetheless, given the sensitive use of the proposed development, it would be reasonable and appropriate to carry out investigations to establish whether there is contamination at the site and if so, the remedial works to be undertaken. The

Planning Practice Guidance (the PPG) sets out that such investigations should be proportionate, and I consider that this matter could have been appropriately addressed by condition, in accordance with the PPG, had the appeal been allowed. Furthermore the Building Regulations also require reasonable precautions to avoid danger to health and safety caused by contaminants in the ground.

14. I therefore conclude that an assessment of the risks posed and remediation works if necessary could be adequately controlled through the use of suitably worded condition. The proposal would not pose an unacceptable risk to the health of future occupiers, with particular regard to contaminated land. It would therefore accord with the Framework in this regard.

Planning Balance and Conclusions

15. Whilst I have found no harm with regard to the health of future occupiers, I have found that the proposal would harm the character and appearance of the area and fail to preserve or enhance the setting of the SCA. The finding of harm to the character and appearance of a designated heritage asset is a consideration to which I must attach considerable importance and weight. However, given the scale of the development in relation to the Conservation Area as a whole, I would quantify the extent of this harm as being less than substantial having regard to paragraphs 133 and 134 of the Framework. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
16. The appellant asserts that the proposal would constitute redevelopment of previously developed land (PDL). However, there is no above ground evidence that a garage once occupied the site and the land has grassed over. The definition of PDL within the Framework specifically excludes land that was previously developed but where the remains of the permanent structure have blended into the landscape in the process of time. Nonetheless, the appeal scheme would provide two additional dwellings within a settlement which the development plan states is suitable in principle for additional housing. The agreed contribution towards affordable housing would also be a potential benefit and there would be social and economic benefits commensurate with the provision of two dwellings. These are matters that attract considerable weight in favour of the proposal. However, I consider the public benefits of only two additional dwellings would not be sufficient to outweigh the harm identified.
17. The proposed development would conflict with both the development plan and policies within the Framework. Consequently the proposal cannot benefit from the presumption in favour of sustainable development.
18. I note that the Council has raised no concerns with respect to highway safety and neighbour amenity. Although I have no reason to come to a different view, these matters do not justify the harm that I have identified above.
19. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR