



Appeal Decision

Site visit made on 25 April 2019

by M Seaton DipTP MRTPI

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

Decision date: 13 August 2019

Appeal Ref: APP/E2734/W/19/3220100

Land comprising field at Stockfield Lane, Marton cum Grafton, North Yorkshire

- 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 Simon Cornell against the decision of Harrogate Borough Council.
 - The application Ref. 18/03706/FUL, dated 4 September 2018, was refused by notice dated 7 November 2018.
 - The development proposed is the erection of 2 detached dwellings, creation of new access and works to various trees.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Marton cum Grafton Conservation Area.

Reasons

3. The appeal site occupies an area of paddock land towards the eastern edge of the village of Marton cum Grafton, with the broadly northern and southern boundaries of the site delineated by Stockfield Lane and Thorney Hill Lane respectively. The land to the west of the appeal site has planning permission for a single detached dwelling, whilst a parcel of land to the east towards the junction between Stockfield Lane and Thorney Hill Lane is indicated to be retained as paddock land.
4. The appeal site is highlighted as being set within the Marton cum Grafton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in the approach set out within the Framework, which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The Marton cum Grafton Conservation Area Character Appraisal 2011 (the CA Appraisal) highlights the local landscape as being of a gently undulating

landform, with field boundaries formed of hedgerows, or where grown out, small trees, both of which contribute to the landscape character. Hedgerows of particular significance are identified along both sides of Stockfield Lane and Thorney Hill Lane. The landscape character analysis for the village indicates the appeal site as being an important area of open space in defining the character and appearance of the Conservation Area, and also indicates a key view across the land towards the north-east and the Howardian Hills from Thorney Hill Lane. The CA Appraisal also highlights the impact of new development on the distinctive form and character of the Conservation Area as being a key consideration.

6. I have had regard to the conclusions of the appellant's Landscape Appraisal and Landscape & Visual Addendum, both of which were part of the submitted documents with the planning application. In particular, I have noted the appellant's conclusions regarding the importance of the appeal site within the Conservation Area.
7. I acknowledge that neither Thorney Hill Lane nor Stockfield Lane are identified as main approaches to Marton cum Grafton within the CA Appraisal, albeit as rural lanes I accept the Council's assessment that they contribute positively to the character of the Conservation Area. However, despite the generally low-lying nature of the site within the immediate landscape, I nevertheless regard it as occupying a prominent position on the approach to the settlement from the north-east.
8. The value of the appeal site as observed is at least in part defined by the current absence of development on the site across which a view to the north-east is identified. The appeal site provides a vacant foreground to views of the settlement which contrasts with the intermittent views of settled and established development at a more elevated position between mature trees and planting on the east side of the village. Whilst the submitted plans show the existing hedgerows around the appeal site on Thorney Hill Lane or Stockfield Lane to be largely retained I am not persuaded that in contrast to the effective screening currently provided of the existing open land, that either they, or other existing or proposed landscaping on the site would provide any significant screening of the proposed development.
9. I have noted the appellant's contention that the proposed development would to some degree screen less sympathetic development, and that the proposal would integrate with existing landscape features. However, from my observations of the locality any perceived need for the screening of less sympathetic development would not justify the development of the more prominently located appeal site.
10. In respect of wider landscape impacts, the proposed development would result in an extension to the existing settlement into the open countryside. I would agree with the appellant that the proposed development would essentially be restricted to a localised impact rather than having any significant impact on the wider landscape character of the area. However, whilst the appellant's submissions acknowledge the identification of the appeal site as important open space, it is contended that as a consequence of the landscape sensitivity of the site being less than elsewhere within the Conservation Area, that the site or its context is not especially important. For the reasons which I have set out, I disagree with this conclusion and do not consider that a reasonable case has

been made by the appellant as to why the identification of the appeal site as important open space in the CA Appraisal should be set aside.

11. I have also carefully considered the appellant's contention that the proposed design of the development, conceived as a farmhouse and closely related barn, would not appear as incongruous additions within the locality. Whilst I recognise that the proposed design has adopted a comparatively traditional approach within a modern format, I do not regard this as providing sufficient mitigation to the loss of the open space, with the retention of an area of paddock also failing to provide an appropriate level of mitigation.
12. The Framework makes a distinction between a development causing substantial harm to the significance of a designated heritage asset and works that would lead to less than substantial harm. Paragraph 196 of the Framework continues by stating that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. In this case, I find that the works would result in less than substantial harm for the reasons described. Whilst I note that the provision of two additional dwellings would make a limited contribution towards the housing supply and need of the area, and that there would also be some economic and social benefits related to the development and future occupation of the dwellings, I am not persuaded that this represents a level of public benefit which would be sufficient to outweigh the otherwise identified harm.
14. As a consequence, I find that the proposed development fails to preserve or enhance the character and appearance of the conservation area, contrary to the requirements of s72(1) of the Act. I find there to be conflict with saved Policies SG3, SG4, EQ2 of the Harrogate District Core Strategy 2009 (the Core Strategy), and saved Policies HD3 and HD20 of the Harrogate District Local Plan 2001: Saved Policy Version – Sept 2007 (the Local Plan), and the CA Appraisal. These policies address development within, and the conservation of the open countryside, the requirement for new development to take into account the spatial quality of the area, the local distinctiveness of settlements and their landscape setting, and the resistance of development which has an adverse effect on the character or appearance of a conservation area, including the loss of open space.
15. In addition, given the great importance of the heritage asset, the scheme fails to conserve the heritage asset in a manner appropriate to its significance, and is contrary to the Framework.

Planning Balance

16. The Council initially indicated that as at July 2018, it was only able to demonstrate a deliverable 5.02 year supply of housing land, which it regarded to be 'marginal'. The Council subsequently updated this figure as of October 2018, where a 5.18 year supply of housing land was identified. A further updated position was published in the Council's updated Housing Land Supply report (April 2019) with a 6.89 year supply of housing highlighted. On the basis of these figures and in the absence of any compelling evidence to the contrary, I am satisfied that the overall improved position should no longer be regarded as marginal.

17. Nevertheless, and even allowing for the age of the current Development Plan and continued progress on the emerging Local Plan, the presumption in favour of sustainable development and the 'tilted balance' addressed by paragraph 11 of the Framework, would not be engaged in this instance. This is due to paragraph 11(d) of the Framework setting out that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 to paragraph 11 clarifies that the policies referred to would include those in the Framework regarding land relating to designated heritage assets.
18. As I have already concluded, the proposed development would conflict with the Framework related to conserving and enhancing the historic environment, which for the reasons already set out provide a clear reason for refusing the development proposed. As a consequence, and even in the event that the Council was shown to be unable to demonstrate a deliverable 5-year supply of housing land, the 'tilted balance' would not be applicable.
19. Nevertheless, the provision of two additional dwellings to the local housing market would be an undoubted benefit of the proposed development, albeit given the quantum of development the weight to be attached would be limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers. Whilst there may be a certain degree of reliance on the private car to access employment, shopping, healthcare and secondary schooling, the proposed dwellings would be within walking distance of the services and facilities within Marton cum Grafton, to which it would provide support. This would attract some very limited weight as a social benefit.

Conclusion

20. For the reasons above, and having regard to all matters before me, the appeal must be dismissed.

M Seaton

INSPECTOR