
Appeal Decision

Site visit made on 27 January 2020 by C McDonagh BA (Hons), MA

by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/C2708/W/19/3240057

Land North West of St. Mary's Green, Carleton, Skipton, BD23 3DG

- 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 & Mrs R J Mason against the decision of Craven District Council.
 - The application Ref 2018/18918/FUL, dated 16 January 2018, was refused by notice dated 7 May 2019.
 - The development proposed is 2no detached single storey (bungalow) dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Since the application was determined and the appeal submitted, the Council has adopted the Craven Local Plan 2012-2032 (LP) (Adopted November 2019). While the reason for refusal does not reference any policies of the then emerging Local Plan, the appellant did make an assessment of the scheme against the emerging policy position in the appeal statement. Furthermore, both main parties have been given an additional opportunity to comment on the change to the development plan and I have had regard to any views expressed. It is my duty to determine the appeal against the most up to date development plan policies and I am satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the now adopted Craven Local Plan.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Carleton Conservation Area.

Reasons

5. The appeal site is located on agricultural land bound by the cemetery of St. Mary's Church and a residential development at St. Mary's Gardens. A public footpath links these two elements, while another runs north as the field

extends to this direction into open countryside from the edge of the village of Carleton.

6. The proposal involves the construction of two single-storey bungalows with access taken from Carla Beck Lane, where an existing track runs part way towards the appeal site around St. Mary's Gardens. The proposed bungalows would be built from stone with blue slate roofs and PVC doors and windows, while parking and garden space is also proposed.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 131, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. I note the contention from the appellant that the conservation area boundary was drawn erroneously in 1979 and not rectified in the 2016 Carleton Conservation Area Appraisal (CAA). I have no evidence of this before me and the plan included within the appraisal clearly shows the development site as within the Carleton Conservation Area. As such, I have assessed the appeal on this basis.
8. The CAA describes the area northeast of the Grade II Listed St. Mary's Church as making a strong contribution to the character and appearance of the conservation area. The footpath running from this field towards Skipton is highlighted as important for its views both into and out of the Conservation Area, which are described as significant. The paved footpath running from St. Mary's Gardens to St. Mary's Church contains views across this pastureland towards Skipton and Embsay Moor. Overall, the open views into and out of the village from this location make a significant and important contribution to the character and appearance of the conservation area.
9. The introduction of two bungalows in this location would erode this openness, interrupting these long-range views into and out of the village from key vistas such as the two footpaths, causing harm to the character and appearance of the conservation area as a result. While the bungalows are simple in their design, being of single-storey scale and using materials found in the village, it is the loss of these views and the suburbanising of an area of rural character which would cause harm. I take on board the appellant's argument that other buildings in the area, such as the houses at St. Mary's Gardens or the school, may not be in keeping with the established vernacular of this section of the village. However, every case must be assessed on its own merits and the unsuitability or otherwise of other built form does not warrant allowing further development which may cause harm to a designated heritage asset. Furthermore, I would not consider removing permitted development rights to control boundary treatments would alleviate this harm.
10. Therefore, the scheme before me would constitute a form of development detrimental to the character and appearance of the conservation area. I further note the objection to the scheme from Historic England. Given the importance of these views as expressed within the CAA, their loss would create a degree of harm that would be less than substantial for the purposes of paragraph 196 of

the Framework. This harm needs to be weighed against the public benefits of the proposal.

11. In this instance, I acknowledge that there would be some benefits, as the development would make a limited contribution to the supply of housing within the village and will assist in supporting the viability of existing local services. However, on the other side of the balance, the Framework indicates that great weight should be given to the asset's conservation. Accordingly, these benefits do not outweigh the harm to the conservation area that I have identified.
12. For the above reasons the proposal would fail to preserve or enhance the character or appearance of the Carleton Conservation Area and would be contrary to Policies ENV1, ENV2 and ENV3 of the LP and the aims of the Framework. Collectively, these seek to ensure Craven's historic environment will be conserved and development should show an appreciation of environmental features, including both natural and built elements such as landscape. In addition, for the same reasons the proposal would fail to comply with the weighty statutory requirements of the Act.

Other Matter

13. I note the different conclusions reached regarding the potential impact of the proposal on the setting of St. Mary's Church between the Council Conservation Officer and Historic England. While this is not referred to in the refusal reason, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building, or its setting.
14. The proposed development site is in the vicinity of the church but is much closer to the newer buildings at St. Mary's Gardens. The setting of the church is largely comprised of the views out of the village rather than the edge of the built form and in combination with the distance from the proposed development site, the setting of the heritage asset would be preserved.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR