
Appeal Decision

Site visit made on 14 July 2020

by M Seaton Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/W9500/W/20/3249308

Plot 6, Land off Hallgarth Lane, Thornton-le-Dale.

- 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 A & D Sturdy Ltd against the decision of North York Moors National Park.
 - The application Ref NYM/2019/0694/FL, dated 7 October 2019, was refused by notice dated 3 December 2019.
 - The development proposed is the construction of 1 no. open market dwelling with attached double garage, access, parking, amenity space and landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether the proposed development would be in an appropriate location for new housing, and the effect on the character and appearance of the area including on the setting of nearby Grade II listed building of Hallgarth Farm, and whether the proposal would preserve or enhance the character or appearance of the Thornton-le-Dale Conservation Area.

Reasons

3. The appeal site comprises an undeveloped parcel of land set on the southern developed limit of Thornton-le-Dale, and beyond the extent of the rear curtilages of the dwellings of Prospect Garth and Monks Barn located on Westgate, which appears to have been recently used for the storage of building materials and paraphernalia. The site adjoins Hallgarth Lane which is utilised as an access to the recently developed residential properties to the east of the site and south of Hallgarth Farm, a Grade II listed building. The land immediately to the west and south of the appeal site is open farmland and countryside.
4. On the basis of the submitted evidence and my observations of the land and area, I would agree with the assessment of the appeal site as being located beyond the extent of the main built-up area of the village, albeit adjoining the boundary. I am satisfied that the context of the site cannot therefore lead to the conclusion that it should be regarded as an infill plot for the purposes of saved Core Policy J of the North York Moors National Park Core Strategy and Development Policies 2008 (CS&DP). The proposed development would

therefore undoubtedly represent an encroachment of development into the countryside beyond the existing settlement.

5. I acknowledge that the recent residential development of Hallgarth Farm has effectively introduced development of a greater depth in the immediate vicinity, albeit that the relationship with existing development to the south and east clearly presented a different context to the appeal proposal. Although I have had regard to the appellant's contentions that the proposal effectively continues that development, the appeal site would clearly appear as an add-on to both the redevelopment and the settlement and a departure from the established grain of development.
6. I have carefully considered the location of the development as including a frontage on to the soon to be adopted Hallgarth Lane. However, as proposed the development would not relate well to that short frontage but would occupy a parcel of land divorced from the layout and form of the residential redevelopment and would appear as an *ad hoc* form of development occupying an uncharacteristic backland position to the rear of properties on Westgate, contrary to the established pattern and grain of the area.
7. I recognise that the proposed bungalow would incorporate some of the traditional design cues and a consistency in the use of materials as utilised on the Hallgarth Farm redevelopment. However, the complex form, substantial scale and design of the development would neither be reflective of the adjacent linear form adopted for the redevelopment of Hallgarth Farm, nor of the scale and form of other adjoining development. I agree with the Council that its design would not reflect the former agricultural or rural character of the appeal site but would appear as a modern detached bungalow unrelated in form and context to surrounding development.
8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker to consider the impact of the proposal on the special architectural and historic interest of the setting of nearby listed buildings. I have also had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which 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.
9. The National Planning Policy Framework (the Framework) 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.
10. The farmhouse at Hallgarth Farm is a Grade II listed building. It is highlighted as having been part of one of a number of farmsteads along Westgate but possesses a unique and extensive layout with a long linear outbuilding set on the road frontage with the farmhouse set perpendicular to the rear. The farmstead incorporated the development of ancillary agricultural buildings at depth, which is in direct contrast to the surrounding frontage residential development. It is evident that part of the significance of both the listed building and the conservation area has been the functional, physical and visual linkages to the adjoining farmland and open countryside.

11. The Council accepts that the recent residential development on the adjoining land in conjunction with the redevelopment of Hallgarth Farm itself, has eroded the setting of the listed building and conservation area. However, it is contended that the absence of development on the appeal site remains critical in order to maintain the linkages between the countryside and the heritage assets.
12. I have carefully considered the Council's contention over the importance of the appeal site with regards the contribution it makes to the setting and significance of the heritage assets. I note that the site occupies a more peripheral location within the setting of the listed building, being positioned to the rear of the residential curtilages of properties fronting Westgate and abutting the rear gardens of new properties on Hallgarth Lane. Nevertheless, despite this location and being mindful of the proposed layout, the effect of the proposal would be to further develop and strengthen the physical, visible and functional barriers between the listed building and the countryside and farmland to the south and south west of the listed building. This would undoubtedly further erode the setting of the listed building and the significance of the heritage asset.
13. Turning to the Conservation Area, I observed the gardens to the recently developed properties to be readily visible from Westgate and from within the Conservation Area along Hallgarth Lane rather than the appeal site itself. In this regard, whilst I have already concluded that the backland form of development as proposed would not be characteristic of the area, I am satisfied that the position and single-storey scale of the proposal would not result in the contended adverse impact on the character and appearance of the Conservation Area.
14. 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.
15. In this case, I find that the proposal would result in less than substantial harm to the listed building for the reasons described. In respect of public benefits, I have had regard to the public benefits of the proposals as contended by the appellant. However, it is quite evident that as listed these are not public benefits but instead form part of the specific mitigation of the impacts of the development and reasoning advanced by the appellant in support of the proposal.
16. Nevertheless, the provision of an additional dwelling would make a very limited contribution towards the housing supply and need of the area, and there would also be some economic and social benefits related to the development, and the future occupation of the dwellings. On this basis, I am not therefore persuaded overall that these matters represent any more than a limited public benefit which would be insufficient to outweigh the otherwise identified harm.
17. I have found that the proposal would preserve the setting, character and appearance of the nearby Conservation Area, and would therefore accord with Section 72 of The Act. However, the proposal would have an adverse effect on the special architectural and historic interest of the setting of the nearby listed

building, failing to accord with Section 66 of The Act. The proposed development would also have an adverse effect on the character and appearance of the area.

18. There would be conflict with saved Core Policy J and saved Policy 5 of the CS&DP. These policies address the delivery and location of housing development and seek to ensure that any development which would have an unacceptable impact on the setting of a Listed Building is resisted. In addition, given the great importance of the listed building as a heritage asset, the scheme would fail to conserve the heritage asset in a manner appropriate to its significance, and would conflict with the Framework in this regard, as well as failing to be sympathetic to local character including the surrounding built environment.

Other Matters

19. The appellant has referred me to several other sites within the National Park where it is contended that development has been permitted which maximises the use of land. However, it is evident that a number of the sites were in fact allocated for development in the adopted Helmsley Local Plan for housing, whilst the final site within Thornton-le-Dale was situated within the existing built up area. I am satisfied therefore that the sites referred to are not sufficiently similar in context and circumstance to the appeal site to have any bearing on my decision-making.

Planning Balance and Conclusion

20. The appellant has referred to the proposal as making an effective use of under-utilised land, with reference to paragraphs 117 and 118 of the Framework. However, despite the temporary storage of materials and equipment on the site I have no evidence before me of the land having been previously developed and that it would therefore meet the criteria of the Framework in this respect. I do not therefore find that this weighs in support of the proposal.
21. The provision of an additional dwelling 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 very 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. I have also noted that the appeal site would have access to the services and facilities of Thornton-le-Dale, including local bus services. These are all factors which would attract some limited weight in support of the proposed development.
22. However, I have found that the proposal would have an adverse effect on the special architectural and historic interest of the setting of the nearby listed building, and on the character and appearance of the area. I am satisfied that the benefits which I have summarised above would not be sufficient to outweigh the harm which I have identified in the main issues.
23. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR