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## Appeal Decision

Site visit made on 28 July 2020

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2020**

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**Appeal Ref: APP/C2708/W/20/3252843**

**Unit 1, Paget Hall, 15 Church Street, Gargrave, North Yorkshire BD23 3NE**

- 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 David Hillam against the decision of Craven District Council.
  - The application Ref 2019/20574/FUL, dated 30 May 2019, was refused by notice dated 5 March 2020.
  - The development proposed is described as "3 bedroom house/integral garage plot of land/grazing with drive constructed 1982".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In the banner heading above, I have used the description of development as it is set out on the application form. However, the Council, in its formal decision, describe the development as 'erection of one 3 bedroom dwelling with integral garage'. This description is also used on the appeal form and appears to be a more accurate and succinct description of what is proposed. Therefore, I have dealt with the appeal on this basis.

### Main Issues

3. The main issues in this appeal are:
  - Whether the appeal site is a suitable location for residential development, having regard to the local development strategy for the area;
  - The effect of the proposed development on the character and appearance of the surrounding area, with particular reference to the setting of the Gargrave Conservation Area and its effect on a protected tree;
  - Whether the proposal would preserve the setting of nearby listed buildings; and,
  - The effect of the proposed development on the living conditions of the neighbouring occupants at Paget Hall, with particular regard to their outlook.

### Reasons

#### *Suitability of the location*

4. The Council's spatial strategy for housing growth is set out in Policy SP4 of the Craven Local Plan 2012 to 2032 (adopted November 2019) (the CLP). It sets

out a hierarchical approach to growth to ensure that a sustainable pattern of development is promoted and delivered over the plan period. To this end, CLP Policy SP4 limits residential development in the countryside to specific types as set out in criteria K. a) to d) of the policy. These being: a) housing to meet an essential need for a rural worker; b) proposals that are required to secure significant improvements to the environment or designated heritage assets; c) the re-use of one or more redundant or disused buildings; and, d) proposals where the design is of exceptional quality and in accordance with the National Planning Policy Framework (the Framework).

5. It is common ground between the parties that the appeal site is located beyond the main built up area of Gargrave and outside of the Settlement Boundary set by the Gargrave Neighbourhood Development Plan (adopted July 2019). Given its undeveloped character and surrounding rural context, to its east, south and west, it is clear to me that the appeal site is located within the countryside for the purposes of applying CLP Policy SP4.
6. The appellant seeks to advance the policy exception for proposals where the design is of an exceptional quality, applying this to the appeal proposal to justify residential development in the countryside. The Framework advises<sup>1</sup> that a design of exceptional quality is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and, would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
7. The proposal is for a two storey detached property laid out with an 'L-shaped' foot print and with a traditional pitched roof. Materials would include Yorkshire stone roofing slates, stone elevations and timber doors. Stone mullioned windows are also proposed to reflect the style found at the neighbouring Paget Hall. However, no evidence has been presented to explain how the proposed design is 'truly outstanding or innovative'. Indeed, the proposed design and use of local materials is more akin to that of a traditional building that, to a degree, takes its cue from the existing local vernacular. There appears to be nothing outstanding or innovative about this approach and therefore the proposed design does not amount to exceptional quality.
8. Given the proximity of the site to the edge of the settlement and the adjacent buildings to the immediate north, the proposal would not result in an isolated dwelling in the countryside. However, this does not in itself provide a justification for allowing a dwelling at this location, where doing so would clearly conflict with the Council's spatial strategy and undermine the plan-led approach to sustainable growth.
9. Consequently, the proposed development would not meet the exception set out in Policy SP4 K. d) and would therefore frustrate the spatial strategy of the CLP. For these reasons, I conclude that the appeal site would not be a suitable location for residential development, having regard to the local development strategy for the area. It would be contrary to Policy SP4 of the CLP, the aims of which are set out above.

#### *Setting of the Gargrave Conservation Area and effect on a protected tree*

10. The Gargrave Conservation Area (the CA) is characterised by a tight urban grain of traditional stone built buildings and pockets of open land, reflecting the

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<sup>1</sup> At paragraph 79. e)

historic growth of the village along the banks of the River Aire and influenced by its location along a busy trans-Pennine trade route. The CA is predominantly focused on the built up area of the village, with its significance in part derived from the well-defined and compact historical form of the settlement. Its significance is emphasised by the open countryside which surrounds the village, providing a mix of flat river valley and rolling pasture intersected by a patchwork of traditional drystone walls, hedgerows and occasional trees. Accordingly, the interface between the arrangement of built form, much of which comprises traditional vernacular buildings, and their rural surroundings, results in an attractive open and largely undeveloped rural setting to the village and the CA.

11. The appeal site is a small pastoral field on the periphery of the village, with its northern boundary abutting the CA. It includes a large sycamore tree that is protected by a Tree Preservation Order (TPO). The absence of built form gives the site an open agricultural character that contrasts with the built form and associated sense of enclosure that is found within the village to its immediate north. Given its elevated position, the site is prominent in views along Church Street, with the protected sycamore being a highly visible landscape feature of significant amenity value to the surrounding area.
12. In combination with its open agricultural character, proximity to the CA and its physical relationship with the built form of Gargrave, the appeal site enables an appreciation of the historic character and traditional built form of the settlement. As such, the appeal site, including the mature sycamore tree, makes a positive contribution to the undeveloped rural setting of the village and forms part of the surroundings in which the CA is experienced, adding to its overall significance and local distinctiveness.
13. Despite the use of an appropriate suite of materials, the introduction of a dwelling at this location, as proposed, would have a notable physical presence that, owing to its elevated position, would result in a prominent form of development that would detrimentally alter the site's open and undeveloped agricultural character. Thus, the proposal would encroach into the rural landscape setting of the village adversely affecting the surroundings in which the CA is experienced, harmfully disrupting key views along Church Street into and out of the CA, and thereby diminishing its overall significance.
14. An Arboricultural Constraints Appraisal (including a Tree Survey, Tree Constraints Plan, Root Protection Area Plan and a temporary Protective Fencing Specification) (the ACA) prepared by Bowland Tree Consultancy Ltd was submitted in support of the proposal. The ACA considers the sycamore to be a category B1 tree – of moderate quality and value, in such a condition as to make a significant contribution for a minimum of 20 years. The appraisal suggests the use of protective fencing and a construction exclusion zone to protect the tree throughout the construction period. However, it reaches no firm conclusions over the appropriateness, or likely success, of these measures in the context of the proposal.
15. Given the proximity of the proposed dwelling to the tree's Root Protection Zone (RPZ) a plan has been provided to show the use of piled foundations. However, this is not discussed in the ACA and therefore I have no detailed specifications for these measures nor any assessment of their suitability. There is also some disparity between the submitted drawings which show differing extents to the identified RPZ. Moreover, no evidence has been presented to address the

Council's concerns in relation to the change in ground levels which is likely to have an impact on the health of the tree. The ACA is silent in this regard and overall, I find it to be lacking in substance.

16. Furthermore, given the proximity of the tree's canopy to the elevations of the proposed dwelling this is likely to result in dark and gloomy conditions within the dwelling, restricting the outlook from north facing habitable room windows. I therefore consider it likely that future occupiers would request substantial pruning or permission to fell the tree in order to improve their living conditions. This would further endanger the long-term health and amenity value of the tree.
17. While the appellant suggests that other measures could be taken to avoid these eventualities, no such measures have been put forward for my consideration. I am also not persuaded by the proximity of other trees in the locality to other buildings as I cannot be sure they offer a direct comparison to the appeal scheme in relation to their location, the level of amenity which they afford the surrounding area and whether they share the same level of protection as the tree in this case.
18. In the absence of any substantive evidence to the contrary, I am left with considerable doubt in my mind as to whether the proposed dwelling could be constructed without harm to the health of the sycamore tree or its eventual loss. It has therefore not been demonstrated that the proposal would adequately safeguard the tree in the interests of the amenity of the surrounding area. Accordingly, any harmful effects to the health of the tree, as a consequence of the proposal, could result in its eventual premature loss. This would cause additional harm to the verdant rural setting of the village and CA, further detracting from its overall significance.
19. Taking the above points together, I find that the proposed development would have a harmful effect on the character and appearance of the surrounding area, with particular reference to the setting of the CA and its effect on a protected tree. It follows, that the proposal would have a negative impact on the experience of the CA within its setting, harming its overall significance. Therefore, I find conflict with Policies ENV1, ENV2, ENV3 and ENV4 of the CLP which together, amongst other things, seek to conserve and where appropriate enhance Craven's countryside, landscape and historic environment; achieve good design standards; and, the retention of existing mature and healthy trees that make a contribution to the character, appearance and setting of an area.
20. In the terms of the Framework, the harm to the significance of the CA as a whole, by virtue of the harm to its setting, would be 'less than substantial', as its effects would be limited to the site's immediate surroundings and specific views into and out of the CA. Policy ENV2 of the CLP states that harm to designated heritage assets will be permitted only where this is outweighed by the public benefits of the proposal. This approach is echoed by the Framework and one which I return to in my overall planning balance.

#### *Setting of nearby Listed Buildings*

21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

22. Paget Hall and its former outbuilding (now converted) are Grade II Listed Buildings dating from the early 17<sup>th</sup> century. The setting of these designated heritage assets comprises their spacious surroundings and includes the open countryside which surrounds it to the south and east. This surrounding land contributes to the significance of the Listed Buildings as they are redolent of the historical character of the property and its relationship with the surrounding countryside, emphasising its status as the first and last dwelling in the village along Church Street.
23. The appeal site forms part of this setting, with its undeveloped rural characteristics affording views of the Listed Buildings on the approach from the south and alongside which the buildings can be experienced and appreciated. For these reasons, the appeal site makes a positive contribution to the setting of the hall and outbuilding within which the architectural and historical significance of these buildings can be appreciated.
24. The proposal would introduce a sizable two storey detached dwelling onto the appeal site. This would completely alter the appearance and character of the site from open agricultural land to a suburban form of development, diminishing its spacious and undeveloped characteristics. As such, it would detract from and cause harm to the significance of the Listed Buildings as a prominent part of their rural setting would be lost. Furthermore, the elevated nature of the site would accentuate this harm, resulting in a highly prominent development that would be an overly assertive addition to the street, competing with the Listed Buildings and dominating key views of the buildings on the approach from the south.
25. Consequently, I conclude that the proposed development would fail to preserve the setting of nearby Listed Buildings. This is contrary to Policies ENV2 and ENV3 of the CLP which together require proposals to demonstrate good design and to conserve the historic environment.
26. The level of harm would be 'less than substantial' and therefore, in accordance with the requirements of the Framework and CLP Policy ENV2, this is to be balanced against any public benefits in my overall planning balance.

#### *Living conditions*

27. Paget Hall is set within substantial grounds which afford its occupants a good standard of outlook. The Council estimate that there would be a separation distance of 17 metres between the north facing elevation of the proposed dwelling and the residential boundary with Paget Hall, with a further 17 metres between that boundary and the nearest elevation of Paget Hall. Furthermore, there are no habitable room windows on the south facing elevation of Paget Hall.
28. Despite the appeal proposal being situated on higher ground, the separation distance between Paget Hall and the proposal is considerable. As such, I am not convinced that this would have any adverse effect on the outlook from either within Paget Hall or within its garden area. Consequently, this would not result in an overbearing effect and a sufficient standard of outlook would be maintained.

29. For these reasons, I find no harm to the living conditions of the neighbouring occupants at Paget Hall, with particular regard to their outlook. In this regard, the proposal would not conflict with Policy ENV3 of CLP or the associated provisions of the Framework which together require development proposals to protect the amenity of existing residents and future occupiers. However, the lack of policy conflict in this regard is not a positive benefit of the appeal scheme and only has a neutral effect on the overall planning balance.

### **Other matters**

30. In support of the appeal the appellant asserts that the proposal marks the final stage in an overall development plan, realising their vision for the site which began in 1979 following the purchase of the land and adjacent buildings from North Yorkshire County Council. However, I have no evidence to suggest that the appellant's vision/plans amount to, or form part of, an adopted masterplan for the site and while it appears that they have restored and converted the adjacent buildings to a high standard, these matters do not lead me away from my findings in this case.
31. In relation to the other developments cited by the appellant, I do not have the full details of these other cases before me and therefore cannot be certain that they represent a direct parallel to the appeal proposal. In any event, I have determined the appeal on its own individual merits and on the basis of the evidence put before me.

### **Overall Balance and Conclusion**

32. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
33. In this case, due to the extent of the proposed development's impacts, I find that it would cause less than substantial harm to the significance of the Gargrave Conservation Area and nearby Listed Buildings by virtue of harm to the setting of these designated heritage assets. However, less than substantial harm does not equate to less than substantial weight in the planning balance and therefore, in accordance with the Framework, it attracts considerable weight and importance. Under such circumstances, the Framework advises, at paragraph 196, that any harm should be weighed against the public benefits of the proposal.
34. I accept that the proposal would provide an additional dwelling with good access to a range of services and facilities within Gargrave, thereby contributing to local housing supply. Public benefits, both economic and social would accrue as a result of this, which weigh in favour of the appeal scheme to a moderate degree. However, given the identified harm to the historic environment, there would be no environmental benefits. Nevertheless, the harmful effects to the significance of both the CA and nearby Listed Buildings, are considerations to which I attach great weight and importance, and their combined weight tips the balance against the appeal scheme. Consequently, the proposed development would not amount to sustainable development as it

would conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

35. Furthermore, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which, in respect of Policies SP4, ENV1, ENV2, ENV3 and ENV4 the appeal proposal would clearly conflict.
36. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Jeff Tweddle*

INSPECTOR