



Appeal Decision

Site visit made on 22 June 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2021

Appeal Ref: APP/H2733/W/21/3268768

The Old Hall, West Lane, Snainton, Scarborough YO13 9AR

- 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 Mrs Helen Burrows against the decision of Scarborough Borough Council.
 - The application Ref 19/02909/FL, dated 13 December 2019, was refused by notice dated 14 August 2020.
 - The development proposed is Siting of 4 no. Shepherds Huts and 4 no. Glamping Pods.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework.
3. Also, the proposal has been amended through the planning process to omit the fourth Shepherd's hut and the glamping pods. The proposal is thus described by the Council as; *The use of 3 existing Shepherds Huts for holiday, the retention of an existing timber framed gazebo and the change of use of an area of land (south of the northern end of the gazebo) to use as an amenity area, additional car parking and highway access for use in connection with the 3 existing Shepherds Huts.*
4. There is disagreement between the main parties as to the lawful planning status of the three huts on site. It is not for me, under a section 78 appeal, to determine whether or not a use has subsisted for sufficient time to become lawful. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.
5. As is required of me I have considered the scheme as a whole, and this includes the siting of the huts.

Main Issues

6. Given the combination of reasons for refusal pertaining to the proposal's effect on heritage assets, the countryside and living conditions, I shall set out my considerations of the development in the context that the main issues of the proposal are:
- Whether or not the setting of the listed buildings would be preserved and whether or not the proposal would preserve or enhance the character or appearance of the Snainton Conservation Area (CA);
 - The effect on the open countryside; and
 - The effect on the living conditions of local residents.

Background and Reasons

7. The Old Hall is constructed of squared sandstone with herringbone-tooled quoins and slate roof, Grade II Listed and set in grounds of approximately four acres. Historically, it was built as a Manor House, and originally formed part of a larger farmstead together with a number of other associated farm buildings. It is set back from West Lane and accessed from a private drive with gardens flanking the driveway. Whilst tall trees line the inside of the perimeter stone wall with West Lane, its significance can be appreciated from the main road as a fine example of a Manor House dating from the mid-eighteenth century.
8. From the evidence before me, the Hall's significance is largely derived from its evidential, historical and aesthetic values. The building's pleasing vernacular form, using traditional materials and construction techniques, has a formality to it. Further, the appeal site potentially has heritage dating from the sixteenth century and even medieval origins.
9. The appeal site is partially located within the Snainton CA. Its significance stems from its association with the agricultural industry and a diffuse built form. Snainton dates from before 1086. It is broadly a linear village. The principal historic core of development along High Street with West Lane, a further area of stone buildings of various heights and patterns, make up the loose historic development of traditional farmsteads and barn conversions. They have grown organically along West Lane in an unregimented pattern. The land behind buildings here is one of green pastures typically associated with farming.
10. The long strip of agricultural field and paddock land to the rear of the Old Hall is out-with the CA. However, it contributes to the pattern and complex field system that is a defining characteristic of Snainton and its non-designated historic landscape which is thought to pre-date the Norman Conquest.
11. The Shepard's huts are located adjacent to the Hall and are intended to be used for the purpose of holiday lets to serve the tourism sector.
12. The site is located outside the development limits of Snainton and within the open countryside.

Effect on the setting of listed building and character and appearance of the CA

13. In terms of the setting of the Old Hall, it is experienced in a setting of spacious grounds with a wide frontage set back from West Lane. Despite the close

relationship with other houses and residential barn conversions, the site takes on a rural and tranquil sense of place. The undesignated historic landscape is one of a traditional farmland to which the site is associated and experienced within.

14. As the Old Hall is a designated heritage asset, I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). When considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, the protection of the heritage asset is given considerable importance.
15. In addition, as the site is located within the CA, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
16. The Framework acknowledges the contribution made by the setting of a listed building. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification. Furthermore, in the words of the Framework, great weight should be given to the asset's conservation.
17. The huts are visible upon arrival to the Hall. They are seen as a group of three, and have been designed as an idiom of a traditional Shepherd's hut. Shepherd's huts may have historically been used within the countryside and there may be evidence of this type of building here at one time. However, the huts before me are not experienced in a farming context. They are located on tended garden land. Whilst they are physically separate from the Hall, they are nevertheless closely associated with it.
18. Further, their design does not resemble a traditional Shepherd's hut. They are positioned on a gravel surface with short gravel paths leading through the grass to each building. They are set on a raised platform with veranda area, under a part covered awning and external furniture present. These features and formal access paths create a sense of domesticity to the buildings that would not be typical of traditional farm buildings.
19. Their location and sense of ordered arrangement would only seek to further emphasise their discordant and obtrusive appearance. They appear out of character in this environment and their close relationship with the listed building compromises the setting of the heritage asset. No planning condition to restrict the permission to strictly the type and size of huts on site would be reasonable to impose given these findings.
20. The gravelled parking area close to the huts was previously unkempt in appearance and used for agricultural purposes. This area is given over to informal visitor parking. The appellant indicates only three spaces would be allocated to the huts although they go on to explain that there is sufficient space to park up to twelve vehicles. The addition of extra cars to the site, over and above the normal expectations of a residential dwelling, would only seek to reinforce harm to the setting of the listed building.

21. Even if this land returned to one associated with agriculture, this would not be an uncharacteristic use given its long association with farming. There is nothing before me to suggest that if so, its condition would not preserve the setting of the Hall.
22. Taking into account the location of the site in the CA, the huts may only be seen in glimpses from West Lane. Nevertheless, they are within the CA but do not follow the organic grain of farmstead development or reflect these traditional characteristics. In the wider context, the Hall and other surrounding listed buildings are experienced in a simple rural setting that contributes to the overall historical integrity of the local area.
23. The rural setting includes the large linear agricultural field and paddock behind the Hall that meets Foulbridge Lane. Whilst beyond the designated boundary of the CA, the land is closely related to it, and together with the distinctive field pattern associated with Snainton, that is appreciated through the Snainton Conservation Area Character Appraisal & Management Proposal, its contribution to the heritage assets is a positive one.
24. The submitted plans illustrate both the field and paddock area subdivided with a large portion given over to a designated pedestrian route leading from the late arrivals parking area. A gazebo structure is currently in place as well as other ornamental features. Together with the private amenity spaces for use by the occupants of the huts, this acts to splinter and detrimentally erode the rural and historic field pattern. Even if a planting scheme could be controlled by way of condition, this would not mitigate the harm arising from the effect of the development.
25. Drawing all the above points together, I conclude that the proposal would not preserve the setting of the adjacent Grade II listed Old Hall and would not preserve or enhance the character or appearance of the CA.
26. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposal would be limited to the setting of the listed building and to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
27. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
28. The appellant asserts it would be a source of financial income that could go towards the future safeguarding of the heritage asset and its grounds, as well as ensuring the Hall would be continuously occupied although is unspecified how this would be secured. They also comment it would negate the use of the main dwelling for bed and breakfast purposes although this is not raised as a matter in contention between the parties.
29. Farming practices and machinery could be removed from the site as a consequence of the proposal. How this claim would be substantiated is not evidenced. Further, I find no significant benefit given the site is a rural location where farming activities are part of its fabric.
30. Some economic benefits would be derived as a result of local spend and it could create the potential for full time employment. These public benefits carry

moderate weight in its favour. Nevertheless, in my judgement, the public benefits identified are not of a sufficient weight to outweigh the considerable importance and weight that I attach to the harm I have found. As such, the proposal would fail to satisfy the requirements of the Act and Paragraph 202 of the Framework.

31. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the development does not exist. In addition, the scheme would conflict with the design, heritage conservation and enhancement aims of policies DEC1, DEC5 and TOU4 of the Scarborough Borough Local Plan 2017 (LP).

Effect on countryside

32. Local Plan Policy ENV6 recognises that the countryside should be protected, maintained and where possible enhanced. This is also broadly echoed within LP policy TOU4.
33. In terms of scale, the huts would be small in scale and have limited impact on the character of the countryside. However, the consequences of the proposal taken as a whole, are on a much larger scale that also affects the open and historic parcel of agricultural land.
34. The proposed holiday use may be in a rural, peaceful and private environment that could appeal to the tourist industry. Parts of the land may already be planted as a wildflower meadow and other hard and soft landscaping. However, based on the proposal before me and evidence of how the land on site has been tended, the traditional rural appearance of the area would be permanently changed to one specifically designed in a formal landscaping approach, more akin to the domestic aesthetic qualities of a residential garden environment. Its use would thus be changed, and the character of the countryside would be detrimentally eroded.
35. Therefore, to conclude on this matter, the proposal would be contrary to LP policies ENV6 and TOU4 in their combined aims for development not to have an unacceptable impact on the character and appearance of the countryside.

Living conditions

36. Holiday lets would attract additional visitors to the site. As a consequence of this intensification, it would lead to increased vehicular movements to the site with parking to be located on the boundary with residential Cliff House. Noise would arise from vehicular comings and goings further intensified by noise from the gravel drive, and visitor voices.
37. There is nothing before me to substantiate the appellant's claim that a maximum of three cars per day would visit the site, or how this would be effectively controlled given the parking area could accommodate significantly more vehicles. Late arrival parking could occur at the rear of the site although I am not of the view that this would have a significant bearing to negate noise that would be associated with the general parking area.
38. As the huts are located close to the perimeter boundary with Cliff House, with a raised veranda area and outside seating, users would be encouraged to sit

outdoors generating an increased level of noise and disturbance. The huts may have been occupied by family members, but they would not be used in the same way as one associated with tourist accommodation. Noise levels would inevitably be beyond that of normal residential noise.

39. I have taken into account the appellant's comments that when the huts have been occupied by non-family members and essential workers, there has been no history of complaints, albeit it is not substantiated by evidence from the Council.
40. Visitors would also avail of the landscaped grounds with sunken seating areas with fire pit, which also encourages users to congregate in these spaces. This would also lead to noise disturbance to both Cliff House and the cluster of dwellings located adjacent to the appeal site.
41. The appellant sets out their management plans as a means to control disturbance at the site. Even if the owner lives at the site and manages their lettings, and if huts are to be occupied by adults and only in the summer months of the year, I am not sufficiently confident that they could be successfully managed without causing harm to the living conditions of local residents. Further, I am not of the view that the management plan would be reasonable or enforceable to meet the requirements of Framework Paragraph 56.
42. The proposal may remove agricultural machinery and its use. However, there is no mechanism presented to demonstrate this would be the case, or that it leads to noise pollution and disturbance to local residents.
43. To conclude on this main issue, for the reasons of noise and disturbance generated by the proposal, it would therefore be contrary to LP Policy DEC4 in its aims to protect amenity.

Other Matters

44. In support of the scheme, the appellant explains that the appeal site was in a poor state of condition prior to them purchasing it and undertaking significant works that have been listed within their Statement of Case. It is clear from site visit and the evidence presented of the former condition of external land that the site is well maintained, and is an asset to the appellant.
45. My attention has been drawn to permission granted for extensions to residential buildings located close to the appeal site and domestic paraphernalia to other listed buildings, and within their grounds. However, their precise details are not before me to comment upon.
46. I recognise the support generated to the proposal. However, given the harm I have identified, it would not lead me to reach an alternative decision.
47. The huts may be able to be brought to site under the provisions of the Caravan Sites and Control of Development Act 1960, although there has been no definitive evidence provided that it would meet the regulations to be permitted development under the General Permitted Development (England) Order 2015. Further, the proposal seeks a change of use to holiday letting and other proposed development, and is a new permission in any case.

48. The appellant raises complaints regarding the Council's service including questioning the reasons behind returning the Listed Building Consent planning application. However, these matters are not within my scope to comment upon.

Planning Balance & Conclusion

49. Bringing all matters together, in the final balance, there are some identified but limited benefits to the proposal. However, I have found that as a consequence of the heritage harm, harm to the countryside and living conditions, these benefits do not clearly outweigh the totality of the harm.
50. Therefore, the proposal would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR