



Appeal Decision

Site Visit made on 21 September 2021

by **S Watson BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/E2734/W/21/3274106

Field (Grid Reference 436632 450968) at Massey Fold, Spofforth, HG3 1AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval of details required by a condition of an outline planning permission.
- The appeal is made by Yorkshire Housing Limited against the decision of Harrogate Borough Council.
- The application Ref 20/00323/REMMAJ, dated 22 January 2020, sought approval of details pursuant to conditions Nos 1 and 2 of planning permission Ref 17/04102/OUTMAJ, granted on 4 March 2019.
- The application was refused by notice dated 20 November 2020.
- The development proposed is "all reserved matters other than the approved access for development of 72 dwellings".
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and reserved matters are approved for development of 72 dwellings at the field (grid reference 436632 450968) at Massey Fold, Spofforth, HG3 1AE in accordance with the terms of the application, Ref 20/00323/REMMAJ, dated 27 January 2020, and the plans submitted with it subject to the conditions in the attached Schedule.

Applications for costs

2. An application for costs has been made by Yorkshire Housing Limited against Harrogate Borough Council. This will be the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area, with particular regard to designated heritage assets.

Reasons

4. The site is part of a larger housing allocation for residential development within the Harrogate District Local Plan 2014-2035 (LP). The entirety of the allocation has an indicative yield of 97 dwellings. Outline planning permission, including access, has already been granted for 72 dwellings. The principle of whether the site is suitable for residential development has therefore already been accepted by the Council, including the density and access.
5. The site forms part of the rural pastoral setting to the village. It is adjacent to the Spofforth Conservation Area (the CA) and a small part of the site is within the CA. With all of this in mind, Policy SP6 sets out a number of development

criteria for the site. In respect of the main issues that I have identified, the criteria includes the following:

- (i) The site layout should provide an 8-metre easement buffer along the Crimple Beck which should be maintained as an undeveloped naturalised buffer.
 - (ii) Development should maintain important open space within the CA.
 - (iii) The boundary wall along Harrogate Road should be retained.
 - (iv) Development of the northern portion of the site that is within the CA area should minimise harm to, and seek to enhance, the significance of the CA. It should have particular regard to non-designated heritage buildings within the CA, such as those on High Street and the farm building associated with Low Lane Farm.
 - (v) Development of the site should minimise harm to All Saint's Church (Grade II* Listed Building) and The Chantry House at Massey Garth (Grade II Listed Building) and their settings, and seek to enhance their significance. This should include retaining the key views across both the field to the west of The Chantry House and from Harrogate Road.
 - (vi) Retain boundary trees and hedgerows and mature trees within the site, in particular, those identified as key features in the Council's CA appraisal.
6. Although the planning application was recommended for approval, it is the Council's case that the proposed development would be contrary to the existing grain because of the inclusion of cul-de-sacs and parking courts; that the development would break out into the fields and meadow land; and that the rural setting of the existing settlement, CA and Listed Buildings would be harmed.
7. The Council has not provided evidence that the proposal would not fulfil the policy criteria which I have listed above as (i), (ii), (iii) as (vi). Neither has it provided specific evidence in respect of the non-designated heritage assets that are referred to in (iv). My consideration therefore focusses on the areas of dispute between the main parties.

Setting of Listed Buildings

8. The Council has drawn my attention to three Listed Buildings in the vicinity of the site which are, Massey Garth and Chantry House (Grade II); Church of All Saints (Grade II*) and The Old Rectory (Grade II).
9. Massey Garth and Chantry House are two houses dating from the 18th and 19th century with 13th century remains. They are two-storeys high and constructed in coursed gritstone with a pitched Westmorland slate and 20th century pantile roof respectively. Both houses comprise three parallel ranges: the central range with 13th century features is part of Massey Garth and the rear ranges belong to Chantry House. The significance of these buildings are their age and development over the centuries; and vernacular style and materials.
10. The immediate setting of the two Listed houses is provided by their gardens and low stone walls. The wider setting is formed by the Church; historic

housing within the village; modern development at Massey Fold; a paddock; and the countryside beyond the village boundary.

11. Although the proposed housing would be in fields beyond the Listed houses, they would not be in the fields directly behind them or within the fields providing key views from the west. Therefore, the effect of the development upon important views of these buildings would be minimised. There would be no harm to the setting of Massey Garth and Chantry House and the significance of the Listed Buildings would be preserved.
12. The Church of All Saints is situated diagonally opposite the site on Harrogate Road on elevated ground above street level. It was rebuilt in the mid-19th century but the tower dates from the 15th century and the interior contains 12th century remains. It is constructed in coursed gritstone, with a pitched graduated Westmorland slate roof. The west tower has 4 stages, with off-set diagonal buttresses, a clock face and a battlemented parapet. Its significance derives from these architectural features, its age and the span of centuries during which it has evolved.
13. Its setting is the churchyard, surrounding built development, including modern development at Massey Fold and The Old Rectory next door; the small field opposite; and fields in the wider area. The fields comprising the appeal site are separated from the church by existing built development and do not make any significant contribution to its setting. Furthermore, the closest part of the fields forming the appeal site would not contain built development as the housing would be set back significantly from the road behind an area of open space so that the key view from Harrogate Road would be maintained. Given the distance between the church and the location of the proposed houses, together with existing intervening built development, there would be no harm to the church's setting and the significance of the Listed Building would be preserved.
14. The Old Rectory is adjacent to but further away from the site than The Church of All Saint's and is positioned behind walled gardens. Given the physical distance and intervening built development between The Old Rectory and the proposed housing, I consider that the development would not affect its setting.

Setting of the Conservation Area

15. The CA is characterised by buildings of different centuries. The most important buildings are the castle, church and the Old Rectory. The original castle had been built by the 14th century and was rebuilt by the middle of the 16th century. This castle is some distance from the appeal site on another side of the village. There are also other listed buildings, including vernacular cottages and farm buildings. There is also traditional housing along the High Street where the buildings are orientated parallel to the main street and are predominantly constructed of stone. Stone walls are also a notable feature within the CA. Roads are gently curving and the views of the surrounding countryside open up along the roads out of the village. The significance of the CA derives from its historic interest; rural connections; vernacular architecture and use of local materials; and its close-knit layout and topography.
16. The Council has commented that the inclusion of cul-de-sacs and parking courts would be contrary to the broadly linear form of development in the area. However, the adjoining development at Massey Fold is not linear and there are other numerous examples of non-linear housing layouts and cul-de-sacs in the

CA, particularly around the castle. Furthermore, the proposed housing is not in the conservation area.

17. There would be areas of car parking but these are necessary to avoid indiscriminate parking on the highway and car parking space is a normal visual feature of housing estates. I do not consider the extent of it to be excessive or dominant especially as it would be fairly well hidden by the proposed surrounding dwellings.
18. I note the Council's comments in respect of the parking for Plots 57-60. Whilst they are not directly behind those houses, they are directly behind other houses and therefore they are subject to informal surveillance from the occupiers of the houses that overlook them.
19. The Council says that raising of land levels would further add to the visual impact but this is needed for drainage purposes. The raising of the land is not significant and would have only a minor visual impact on the overall ridge height of the proposed dwellings. It would not have an appreciable effect upon the bulk or scale of the resultant development.
20. There would be several house types which would incorporate a variety of materials. Houses would be faced in reconstituted stone, render and brick. The roofs would be tiled in red or grey. These materials, although modern in comparison to the older buildings in the CA, would be sympathetic to the current mixture of materials found in the village. The use of projecting gable elevations would not be characteristic of nearby vernacular buildings. Nevertheless, the gables would add articulation and visual interest to the housing development which would be clearly physically set apart from the existing vernacular buildings.
21. I find the detailed design and layout of the proposal to be acceptable. However, the proposal would extend the built-up area of the site into the countryside. This would lead to a loss of open countryside and cause harm to the character and appearance of the countryside itself. Overall the scheme would diminish the rural setting of the CA and therefore somewhat fail to preserve the significance of the CA. However, this harm would be minimised because a large swathe of open space would remain adjacent to Harrogate Road which is the main visual approach to the village from the direction of the appeal site. Moreover, the principal of developing the site is already established.

Development within the Conservation Area Itself

22. Most of the site is outside of the CA. However, a section of the site, between Harrogate Road and the development at Massey Fold, is within the CA. This area provides an open buffer to the existing built area and positively contributes to the historic rural character of the CA. Furthermore, it is marked as Important Open Space on the Landscape Analysis map in the Spofforth Conservation Area Character Appraisal.
23. Although no houses would be built on this space, the new access road would cut through it. Access to the site has already been approved under the outline permission and therefore it is inevitable that the internal layout road would cut through this open space. Nonetheless, the introduction of the road would slightly diminish the rural character of this part of the conservation area. Therefore, the proposal would neither preserve nor enhance the character or

appearance conservation area. However, the harm would be minimised because this area would be retained as public open space and would be planted with trees and wildflowers. The stone wall marking the existing boundary with Harrogate Road would also be retained.

Conclusions

24. I find some harm to the character and appearance of the countryside, however, I find the internal layout and detailed design of the proposed housing to be acceptable.
25. The proposal would result in some harm to the setting of the CA. It would also result in limited harm to the CA itself. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Given that the proposal would affect only a limited part of the setting of the CA and a very small part of the conservation area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
26. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The public benefit of providing housing to meet an identified housing need is a clear public benefit that outweighs the totality of the harm to the designated heritage assets.
27. Due to the harm I have identified, I find some conflict with LP Policies HP2 and HP3 which, in combination, seek to retain local distinctiveness and to protect heritage assets. However, I find no conflict with LP Policy SP6 which allocates the site for housing and recognises that harm to heritage assets must be minimised. Therefore, overall, I consider that the proposal is in accordance with the development plan as a whole.

Other Matters

28. I note comments in respect of flooding, including that of adjacent property. However, flooding and drainage were considered as part of the outline proposal and conditions have been attached to the permission. Furthermore, the houses would be sited in Flood Zone 1 which is the lowest flood risk level. The Environment Agency has stated that it has no objection to the proposal.
29. Local residents have raised concerns about car parking and pedestrian and highway safety. The Local Highway Authority has confirmed that the amount of resident car parking would be sufficient and that there would be room to park on the highway for visitors. I accept that the footpaths along Harrogate Road into the village are narrow in places and it would be necessary to walk in single file on short sections of it. However, an alternative pedestrian route into the village would be provided through the park.
30. The proposed access road would be far enough away from The Bungalow on Massey Fold to avoid any unacceptable impact on the living conditions of the occupiers of the property and in any event, access is already approved. The site is also adjoined by dwellings on Massey Fold and East Park Road and the proposed dwellings would comply with the space distances suggested by the Council's House Extensions and Garages Design Guide. These guidelines are primarily aimed at extensions but the principals are relevant to new housing

development. I therefore consider that the proposals would not harm the living conditions of existing residents.

31. In respect of ecology, the site is predominantly low value arable grassland. However a wildlife corridor alongside the River Crimple would remain undeveloped. An ecological management and enhancement plan is also a condition of the outline planning permission.
32. I note comments in respect of construction traffic; the volume of traffic generated by the proposed housing; the vehicular access to the development; the level of affordable housing; and noise and air pollution. However, these matters are not before me as they were considered as part of the outline planning application.

Conditions

33. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interest of certainty. In the interests of the character and appearance of the area, I have imposed conditions in respect of materials; and landscaping. Conditions in respect of the implementation of the permission, tree protection and a construction management plan are unnecessary as these are already attached to the outline permission. It is not necessary for the tree protection fencing to be monitored by an arboriculturist as the condition imposed secures its retention.

Conclusion

34. The provision of housing outweighs the sum of the less than substantial harm to heritage assets and the harm to the character and appearance of the countryside. Therefore, I allow the appeal subject to the conditions below.

S Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans.

Location Plan drawing No P001B

Site Layout P002 Y

Boundary Treatment P003Q

Site Sections P006J

Elevation Treatment Plan P008G

Boundary Treatment 450mm Timber Knee Rail P010A

Boundary Detail Timber 1800mm Fence P011A

Boundary Detail Post and Rail Fence P012

Boundary Detail 1200mm Timber Fence with Trellis P013A

Boundary Detail 1800mm Stone Wall P014

Boundary Detail 900mm Stone Wall P015

Boundary Detail 1500mm Timber fence with trellis P016

A101 House Type – Stone P050C

Birkdale House Type – Stone P051B

Birkdale House Type – Brick P052B

Birkdale House Type – Render P053B

Littondale House Type -Stone P054B

Littondale House Type -Render P056B

Stonesdale House Type – Stone P057B

Stonesdale House Type – Brick P058B

Fossdale House Type – Render P060C

Garsdale House Type - Stone P061B

Garsdale House Type – Brick P062B

Garsdale House Type – Render P063B

Silverdale House Type –Stone P064B

Landscape Plan 6037.01E

Ecological and Landscape Enhancement and Management Plan (document reference 026 19 RE02 V6)

Construction Environment Management Plan (document reference 026 19 RE01 V6)

- 2) Prior to the commencement of the external walling of the dwellings hereby approved, sample panels of all external walling and samples of the external roofing materials shall be provided on site for inspection by the Local Planning Authority. The panels shall measure no less than one square metre and shall demonstrate the type, size, pointing dressing and coursing to be used. The commencement of the construction of the external walling and roofing shall not begin until these details have been approved in writing by the local planning authority. The sample panels shall remain onsite throughout the construction of the dwellings and the dwellings shall be constructed in accordance with the approved details.

- 3) The landscape plan hereby approved shall be implemented in accordance with a phased plan that shall be agreed in writing by the local planning authority before the first occupation of any dwelling. Any trees or plants which, within a period of five years of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.