
Appeal Decision

Hearing Held on 7 January 2022

Site visit made on 10 January 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal Ref: APP/G2713/W/21/3277151

Land off Stockton Road, Thirsk Easting (x) 442931 Northing (y) 482648.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Barker against the decision of Hambleton District Council.
 - The application Ref 20/00949/OUT, dated 13 May 2020, was refused by notice dated 18 December 2020.
 - The development proposed is outline planning permission with all matters reserved except for access for the development of up to 17 no. dwellings along with public open space and related infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application to which this appeal relates was partly refused on the basis that it was not accompanied by a signed planning obligation. Without this, the proposal would have lacked an appropriate mechanism to secure the affordable housing required in line with Policy CP9 of the Hambleton District Council Core Strategy (2007) (CS) and Policy DP15 of the Hambleton District Development Policies (2008) (DP).
3. However, a completed planning obligation was submitted prior to the hearing. Both parties agreed that in light of this, the proposal would meet the affordable housing requirement. There was agreement therefore that the second refusal reason was no longer applicable.

Main Issue

4. The main issue therefore is the effect of the proposal on the character and appearance of the Thirsk and Sowerby Conservation Area (the Conservation Area) including the effect of the proposal on the setting of the Conservation Area.

Reasons

5. The appeal relates to a parcel of land to the north of the town centre of Thirsk, to the south of houses on Shire Road and to the west of housing that fronts Stockton Road.
6. Whilst the application was in outline with all matters reserved except for access, and was accompanied by an indicative masterplan, it was agreed at the

- hearing that more weight should be afforded to the development parameters plan, which shows the developable area of the site intended for residential development (DA). This is the northern half of the site to the rear of the semi-detached properties on Stockton Road.
7. This would see the southern section of the site provided as public open space. There was also suggestion at the hearing that other adjacent land within the appellants ownership could be provided as public open space as part of the proposal.
 8. Whilst the southern section of the site falls within the Conservation Area, it was agreed at the hearing that only a small section at the southern end of the DA falls within its boundaries.
 9. The application site therefore includes and closely borders Conservation Character Area 1 – The Holmes - as defined by the SPD¹. This area is part of the reasonably large wider Conservation Area and is largely formed of open space adjacent to the banks of Cod Beck. To its eastern banks, footpaths wind through the trees and hedging. Further to the north east the land including and adjacent to the application site has a more open appearance consisting of rough grassland, formerly in agricultural use.
 10. The significance of The Holmes sits with its peaceful and tranquil character along with its open and rural appearance. Along with Sowerby Flatts to the south, The Holmes makes a positive contribution to the attractive landscape setting of the Conservation Area and helps to allow the surrounding countryside to penetrate into the heart of Thirsk.
 11. Although the DA would largely be situated outside of the Conservation Area, it shares identical characteristics with land that is within it and therefore makes a positive contribution to its setting.
 12. The introduction of dwellings into the DA at the level indicated would completely alter the existing quiet, rural, and open character and appearance of the site and would jar considerably with the defining characteristics of The Holmes. Subsequently, the proposal would harm the significance of the Conservation Area through development within its setting.
 13. Further, the inclusion of part of the DA within the Conservation Area would further harm the significance of the Conservation Area and harm its character and appearance as residential development would contrast sharply with the character of The Holmes.
 14. Views towards the site from Cod Beck are at some points more restrained, particularly by boundary hedging on the edge of Carrs Field, however the views become more open further north.
 15. Within these views, the rear elevations of the modern semi-detached properties on Stockton Road can be seen. However, their visual impact is somewhat mitigated by the distance at which they are set from Cod Beck. The DA is located on a section of raised land and combined with its greater proximity to Cod Beck the provision of dwellings on the appeal site would be more visually noticeable. The existence of these dwellings and their partial visibility does not provide justification for the proposal.

¹ Thirsk and Sowerby Conservation Area Appraisal December 2010.

16. Overall, the proposal would lead to less than substantial harm to the significance of the Conservation Area. I am required to weigh this harm against the public benefits of the proposal.
17. There would be public benefits in terms of the provision of new market and affordable dwellings within close proximity to the wide-ranging services within Thirsk and other financial benefits that are always usually associated with major housing schemes, along with the potential for ecological enhancement.
18. However, these benefits would be relatively limited in light of the modest scale of the proposal and there is nothing within the evidence to indicate that such housing is in short supply.
19. There would be public benefits in terms of provision of additional and improved public open space at the site, however, significant levels of open space are already available close to the site at and around The Holmes.
20. The opportunities to improve pedestrian connectivity from residential areas to the north towards the Town Centre would be beneficial, but there is already a pleasant route available through The Holmes towards the Town Centre via a path just to the north of Shire Road.
21. The proposal would cause less than substantial harm to the significance of the Conservation Area. I do not consider that the public benefits of the proposal outweigh the harm.
22. The development would fail to preserve the character and appearance of the Conservation Area. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area by attaching considerable importance and weight to that desirability.
23. The proposal would conflict with Policy CP16 of the CS and Policy DP28 of the DP which amongst other things require that development should preserve and enhance the District's natural and man-made assets and protect and enhance Conservation Areas. The proposal would also conflict with the heritage protections offered by the Framework².

Other Matters

24. It was discussed at the hearing that the emerging Hambleton Local Plan is progressing towards adoption. However, it was also identified that the aims of Policies E5: Development Affecting Heritage Assets and S7: The Historic Environment have similar aims and offer similar protections to the current local plan policies.
25. It was discussed at the hearing whether the progress of many smaller sides had constrained the supply of affordable housing, however the Council is confident this matter is being addressed and nothing within the evidence indicates that this is not the case.
26. Although plans for residential development have been scaled back from those associated with a previously dismissed appeal (APP/G2713/W/19/3233515) for the reasons above I do not consider that this proposal addresses all the previously identified concerns.

² National Planning Policy Framework 2021.

27. It was suggested at the hearing that other housing has been allowed within the locality that provides justification for this scheme. However, no detailed argument was put forward as to why this was considered to be the case and I have subsequently afforded this matter limited weight.

Planning Balance and Conclusion

28. The proposal would cause less than substantial harm to the significance of the Conservation Area and no public or other benefits would outweigh this harm.
29. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR