



Appeal Decisions

Site visit made on 8 February 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th February 2022

Appeal A Ref: APP/E2734/W/21/3285869

Highfield House, 6 Hemsworth Walk, Ripon HG4 2SG

- 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 Snowden, YRE Ltd, against the decision of Harrogate Borough Council.
 - The application Ref: 21/02744/FUL, dated 21 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is described as 'retrospective planning permission for the installation of post and rail fencing to demarcate ownership boundaries and vehicular access road to rear courtyard.'
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Appeal B Ref: APP/E2734/Y/21/3285958

Highfield House, 6 Hemsworth Walk, Ripon HG4 2SG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Snowden, YRE Ltd, against the decision of Harrogate Borough Council.
 - The application Ref: 21/02745/LB, dated 21 June 2021, was refused by notice dated 15 September 2021.
 - The works proposed are described as 'retrospective planning permission for the installation of post and rail fencing to demarcate ownership boundaries and vehicular access road to rear courtyard.'
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** No action for the reason set out below.

Preliminary Matters

3. In relation to Appeal B, having regard to the detail of the proposal and section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the parties were asked to comment on the requirement for listed building consent. The appellant and the Council agreed that, as the proposal does not include the demolition, alteration or extension of a listed building, it does not require listed building consent. On this basis, no action is required on Appeal B.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This replaced the 2019 version. My Decision is made in the context of the revised Framework.
5. On my site visit I observed that a fence has been installed within the appeal site (the site) and I note that the application was submitted retrospectively. I

have therefore determined the appeal on the basis that the development has already occurred, having regard to the plans submitted with the application.

6. Paragraph 194 of the Framework advises that the significance of a heritage asset, including any contribution made by its setting, should be established to a level of detail proportionate to the asset's importance. This was not included as part of the application and its omission formed the Council's second reason for refusal. Nevertheless, the appellant's grounds of appeal includes a basic assessment of the relative significance of each part of the grounds around the building and the impact of the fence. I have had regard to this assessment in my determination of the appeal.

Main Issues

7. The main issues are whether the proposal: i) preserves the setting of the Grade II listed building known as Highfield House; and ii) preserves or enhances the character or appearance of the Ripon Conservation Area.

Reasons

Special interest and significance

8. Dating from the mid-19th century and Grade II listed, Highfield House is an impressive large villa constructed of hammer dressed stone with ashlar dressings and a slate roof. The building is set in generous grounds with mature tree cover.
9. From the evidence available to me, the special interest and significance of Highfield House are largely derived from a combination of its historic and architectural interest. The building's age, surviving historic fabric and features, imposing form, aesthetically pleasing design and use of traditional materials all make important contributions in these regards.
10. In addition and notwithstanding the presence of modern development nearby, Highfield House's immediate and wider landscaped surroundings, with which it is visually, physically and historically associated, provide a generally open and verdant setting within which its heritage merit can be appreciated. In these regards, the setting of Highfield House makes a positive contribution to its significance.
11. The site is located within sub-area D, 'Victorian Suburbs', of the Ripon Conservation Area (the CA)¹. The CA encompasses a large area that is centred on the historic core around the Cathedral precinct and the medieval city, but also includes surrounding later development. As a whole, the CA possesses a strong identity and unique sense of place.
12. The CA's special interest and significance are, in part, derived from the preservation of its historic core, along with the architectural richness and variety of its historic buildings that stem from its multi-faceted religious, industrial and commercial history. Highfield House and its grounds, as a component of the CA, positively contributes to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

¹ Ripon Conservation Area Character Appraisal, 2009.

Appeal proposal and its effects

13. The proposal comprises a post and rail fence which demarcates the ownership boundaries of Highfield House and that of the adjacent access road. The appellant declares that the Council does not object to the principle of a fence, but that a different design is preferred; and that the Council has suggested a metal fence as an alternative. However, these matters are not explicitly stated in the Council's submitted evidence.
14. A typical post and rail fence may not necessarily be an uncommon feature within the large grounds of a house. However, the installed fence is not befitting of this specific context. It inappropriately delineates and disrupts what was historically an unenclosed and boundless space. Moreover, although it is of an open form and natural material, its rudimentary construction and appearance detrimentally detracts from the aesthetic quality of Highfield House and its surroundings. These deficiencies are not sufficiently mitigated by the weathering of the wood or the adjacent planting which has yet to establish itself. As such, the fence fails to assimilate well into this sensitive environment.
15. The wider setting of Highfield House has already been compromised to a degree by modern development. Nevertheless, the installed fence additionally changes the relationship and undermines the associations that Highfield House has with its immediate curtilage and wider parkland surroundings. It negatively alters how Highfield House is experienced and its significance is appreciated. As a result, it diminishes the contribution that the setting of Highfield House makes to its significance.
16. By virtue of its length and form, the installed fence is unduly visible and its harmful effects are readily perceived when viewed from the public routes adjacent to the site.
17. I note the appellant's conclusion that the fence's 'magnitude of impact' is 'low adverse', eroding the understanding and appreciation of the building to only a minor extent. However, this assessment, in itself, verifies that the fence does not 'preserve' the setting of Highfield House and, by inference, causes harm to its significance, however negligible.
18. Given the building's prominence, the detrimental effects of the fence on its setting and thus its significance, also have a harmful effect, albeit very modest, on the character and appearance of the CA as a whole.
19. Drawing the above together, I find that the proposal fails to preserve the setting of the Grade II listed building known as Highfield House; and fails to preserve or enhance the character or appearance of the Ripon Conservation Area. As such, it harms the significance of these designated heritage assets.

Public benefits and balance

20. Paragraph 199 of 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 their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

21. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent and form of the development, I find the harm to be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight in the planning balance of the appeal. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
22. The appellant submits that the fence provides enhanced safety and security within the site. Nevertheless, these stated benefits arising directly from the proposal are principally of a private nature to any occupiers of Highfield House and are not experienced by the public at large².
23. There is no substantive evidence before me which confirms that there are any highway safety risks or security issues which fundamentally require the fence as installed. Moreover, there is no suggestion in the grounds of appeal that the optimum viable use of the building as a residential dwelling would be at risk if the appeal was to fail and the fence was not retained.
24. Whilst the retention of the existing fence may be more environmentally friendly in comparison to other options, it does not warrant allowing development which does not sustain and enhance the significance of designated heritage assets.
25. In the above respects, clear and convincing justification for the proposal has not been provided. In giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this is not outweighed by the public benefits arising from the proposal.
26. I conclude that the proposal does not preserve the setting of the Grade II listed building known as Highfield House. Nor does it preserve or enhance the character or appearance of the Ripon Conservation Area. As such, it fails to satisfy the requirements of sections 66(1) and 72(1) of the Act and Paragraphs 197, 199 and 200 of the Framework.
27. It also conflicts with Policies HP2 and HP3 of the Harrogate District Local Plan 2014-2035, adopted 2020; and The Harrogate District Heritage Management Guidance Supplementary Planning Document, 2014. Together, these policies and guidance seek development to conserve and enhance the historic environment and be of a high quality design.

Other Matter

28. The issue of the installation of unauthorised lighting within the site has been raised by Council officers and interested parties. However, as this does not form part of the proposal before me, I have not considered it in my determination of the appeal.

Conclusion

29. **Appeal A:** The proposal conflicts with the development plan. There are no material considerations which indicate that the decision should be made other

² What is meant by the term public benefits? Paragraph: 020 Reference ID: 18a-020-20190723, Planning Practice Guidance.

than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.

F Cullen

INSPECTOR