



Appeal Decision

Site visit made on 5 January 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/C2708/W/21/3282878

Natwest, Market Place, Settle, BD24 9EF

- 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 ARBA Group against the decision of Craven District Council.
 - The application Ref 2020/21883/FUL, dated 31 July 2020, was refused by notice dated 25 March 2021.
 - The development proposed is described as 'proposed change of use and rear extension, following demolition of existing rear single storey extension, to former NatWest Bank, to provide retail or café/restaurant use (A1/A3) at ground floor with 4 no. residential apartments (C3) above, and the conversion of existing outbuildings to a store'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by ARBA Group against Craven District Council. The application is the subject of a separate decision.

Procedural Matters and Background

3. Since the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The appeal proposal concerns the change of use of the building and its extension. It is the re-submission of a scheme which was refused planning permission¹ but with the omission of a previously proposed new dwelling in the rear garden. I am aware that the listed building consent application² which accompanied that planning application was approved. The consented works include internal alterations to the building, the demolition of the existing single storey extension along with the erection of a new rear extension and are identical to that proposed under this appeal. Applications to discharge some of the conditions of that consent have recently been approved and the appellant considers these works can be lawfully implemented with the consent thereby being extant. The Council does not dispute these matters.
5. Despite this situation, I understand that the appellant submitted a further application for listed building consent³ alongside the appeal proposal which was

¹ 2019/20759/FUL

² 2019/20760/LBC

³ 2020/21884/LBC

refused. Be that as it may, there is no listed building consent appeal before me. As a consequence this appeal relates only to the planning merits of the case, and my decision does not conclude in relation to any works which would require listed building consent, but not planning permission.

6. I am also aware that the Council has recently granted a certificate of lawfulness⁴ to change the use of the ground floor of the building to either retail or café use (as sought as part of the appeal scheme). Nevertheless, even taking this into account and the listed building consent described above, I am mindful that when taken as a whole, the proposal before me also requires planning permission and could not otherwise be implemented. In these circumstances, whilst having regard to the context as outlined, it remains for me to consider the planning merits of the case.

Main Issues

7. The main issues are:

- whether the proposal would preserve the grade II listed building National Westminster Bank, Market Place, Settle (Ref: 1301216) and any of the features of special architectural or historic interest that it possesses, and whether it would preserve or enhance the character or appearance of the Settle Conservation Area; and
- the effect of the proposal on the living conditions of the occupiers of Constantine Cottage; and
- the effect of the proposal on highway safety with particular reference to car parking.

Reasons

The listed building and the conservation area

8. The appeal building is an impressive 18th century former merchant's house which sits in an irregular terrace of two and three storey buildings on the north side of the Market Place in the centre of the town. It is built in stone over three storeys, has three bays and a rear garden area with a stone outbuilding. Notably it has a distinctive full height central staircase window on its rear elevation which consists of six windows set in stone surrounds and mullions. This faces out onto Howson's Yard to the rear and is a prominent feature.
9. The building has been altered and extended, and has a substantial single storey pebble dashed vault extension to the rear. This partially obscures the staircase window at ground floor level. Nevertheless, the building remains an attractive and imposing example of a high status 18th century Georgian building within Settle that is reflective of the prosperity of the town at this time.
10. I therefore find that the significance of the listed building, insofar as relating to this appeal, is primarily associated with its elegant proportions and pleasing symmetry and balance, along with its historic fabric and architectural features commensurate with its role and status as a fine merchant's house.

⁴ 2021/23102/CPL

11. The appeal building is within the Settle Conservation Area and occupies a key location on the Market Place. The conservation area covers much of the historic core of the thriving historic market town and is remarkable for the survival of its many 17th and 18th century buildings. These date from the early industrial and commercial origins of the market town. The historic street pattern centred on the Market Place still survives and the unbroken street frontages are an essential element of Settle's historic character.
12. The building is within Character Area 1 as defined in the Conservation Area Appraisal. This incorporates the town's compact core that is centred on the market square and is characterised by its intimate scale which is derived from the 17th century layout of the Market Place and the early development of buildings around it. This includes older houses built for landowners, farms and merchants (such as the appeal building) and terraces of workers' cottages. Howson's Yard is to the rear of the appeal building and includes a number of cottages and the Coop store and warehouse. Whilst it has been somewhat altered over time, it is one of several yards and ginnels leading off the Market Place which are also important to the character and appearance of the conservation area.
13. As an imposing and attractive higher order property which is prominent on the Market Place and in Howson's Yard and has helped to shape the historic layout of the Market Place, the appeal building adds to the architectural richness of the conservation area. As such, insofar as relating to this appeal, I consider that the significance of the conservation area is mainly derived from Settle's history and development as a prosperous market town and the historic status and importance of the buildings which define the Market Place and its associated yards. Thus, the appeal property contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

The effect of the proposal on the listed building and the conservation area

14. The appeal proposal seeks to change the use of the former bank to either retail or café at ground floor level with the creation of residential apartments above. It also includes the demolition of the existing single storey rear extension and its replacement with a two storey rear extension which includes an external staircase and raised external entrance/landing area. Additionally the existing historic stone outbuilding would be used for residential storage purposes.
15. The first reason for refusal for the planning application refers to the proposal's adverse and unacceptable impact on the listed building and the conservation area. No further details as to the particular nature of the Council's concerns have been provided. However, a number of objections are raised by third parties. Amongst other things, these refer to the over-development of the site, the height and scale of the proposed extension, its effect on the building's rear elevation including the staircase window, and the use of inappropriate materials.
16. Although the existing 1980's pebble dashed extension is a somewhat incongruous addition, it is centrally located on the rear of the building and due to its limited height and flat roof design is to some extent screened in views from Howson's Yard by the rear boundary wall. It maintains the generally symmetrical proportions of the building's rear elevation and does not obscure sight of the historic fabric of the rear elevation above ground floor level. Thus

it allows an appreciation of the upper floors of the rear of the building and in particular the distinctive fenestration pattern of the staircase window.

17. In contrast, the proposed two storey rear extension would be wider and taller than the existing extension and would be more visible from Howson's Yard. It would result in changes to the fenestration pattern on the rear elevation at ground floor and the replacement of a first floor window with a door, and would conceal more of the historic fabric of the building's rear elevation at first floor level than is currently the case. It would also reduce visibility of the distinctive staircase window from Howson's Yard. In introducing a number of unsympathetic and competing roof lines, along with an uncharacteristic and incongruous external staircase and raised entrance/landing area, in my view the design of the proposal would also upset the simple proportions, symmetry and balance of the building's rear elevation. This would serve to further detract from the visual prominence and importance of the historic central staircase window as an historic architectural feature.
18. I acknowledge that the proposed extension has been designed to ensure that the staircase window is retained and not further concealed. The first floor element of the proposed extension would be narrower than its ground floor extent such that its gable end would be offset from the staircase window. This would ensure that some limited views of the staircase window above the open raised entrance/landing area are maintained from parts of Howson's Yard. The extension would also be stepped back from the rear of the building before increasing in height at first floor level with a pitched roof and linked to the building with a single storey element beyond the staircase window. Furthermore, it would be of a generally traditional design and incorporate materials including brick, stone and pale stone coloured render, with stone quoining and architraves and natural slate roof tiles which would be generally sympathetic to host building and the surrounding area.
19. Nevertheless, even taking these factors into account, and having regard to the existing extension, I find that the proposal would be an unduly large and dominant addition. It would obscure part of the building's historic fabric and further mask an important architectural feature. In doing so it would erode the historic proportions and stature of the rear elevation of the building, thus detracting from its authenticity. As a result the proposal would impair the listed building's historic legibility when viewed from the rear and fail to preserve its special interest.
20. Third parties are also concerned about the creation of the proposed parking spaces in the rear garden area and the demolition of part of the rear stone boundary wall which they consider to be evident on the tithe map of 1844. The appellant indicates that the wall was infilled in the 20th Century and the re-opening of this section of it would restore the site to its former layout. The Council agrees that the boundary wall post-dates July 1948 and raises no objection to this element of the proposal. Based on the evidence before me I see no reason to come to a different view to the Council on this matter and am content that the alterations to the wall would not be harmful.
21. Part of the existing garden area would be retained and the outbuilding would be converted to a cycle/bin store. Both would be used in association with the reinstated residential use of the building. Based on the evidence before me,

and my own observations on site, I am therefore satisfied that this element of the proposal would not be harmful.

22. Even so, overall the main parties are agreed that some harm would arise to the listed building. The Council's Heritage Advisor finds a low level of harm to the building, particularly sight of it from Howson's Yard and the appellant refers to a very low level of harm to the fabric of the listed building. For the reasons given above, I also regard the proposal to be harmful to the special interest of the listed building.
23. I accept that there are some elements of the proposal that would improve the heritage asset in this case and contribute to its significance. Whilst the removal of the existing unsympathetic vault extension would be an improvement, I am mindful that the appeal scheme would see it replaced with a larger structure.
24. That said, other elements which would improve the architectural and historic significance of the building include: the reinstatement of a residential use to the upper floors of the building in line with its historic use including the use of the principal front rooms as living rooms and bedrooms; internal alterations including the reconfiguration of the ground floor and the removal of the late 20th century additions such as room partitions and modern staircases to better reveal the internal historic fabric and architecture of the building; the restoration of the existing ATM void on the building's front elevation and its reinstatement with matching stonework; and the retention and re-use of the dilapidated stone outbuilding as a cycle and bin store ancillary to the residential use of the building along with the reinstatement of a residential garden area.
25. However, I confirm that, even when taken together these matters are insufficient to outweigh the harm to the significance of the listed building that I have identified.
26. As set out above, the listed building is a prominent feature on the Market Place and in the conservation area and I have found that it contributes to the character and appearance of the conservation area. In causing harm to the significance of the listed building, it would fail to preserve or enhance the character or appearance of the conservation area.
27. I therefore conclude on this main issue that overall, the proposal would fail to preserve the special interest of the listed building and would fail to preserve or enhance the character or appearance of the conservation area. I give this harm considerable importance and great weight in the balance of this appeal.
28. The National Planning Policy Framework (the Framework) indicates at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to the listed building and the conservation area to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

29. The National Planning Practice Guidance (the Guidance) advises that where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of proposed development.
30. The appeal building has been vacant for a number of years and is dis-used. I appreciate that its condition is likely to deteriorate unless it is returned to beneficial use. The proposal would see the restoration and re-use of all the floors of the building as well as utilising the historic outbuilding and so would remove this possibility. The proposal is also considered by the appellant to provide a viable use for the building which would secure its protection and restoration and help to ensure its future maintenance and upkeep in order to provide longevity to the heritage asset.
31. Whilst a consideration of alternative uses for the building has not been put to me, the Council and the appellant are agreed that the proposed use of the building for a retail/café use at ground floor and residential above is the optimum viable use for the building. Based on the evidence before me, I see no reason to come to a different view on this matter and am satisfied that the proposal would secure the building's long-term conservation.
32. The Guidance also indicates that public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework. The commercial use proposed on the ground floor of the building would contribute towards Settle town centre's vitality and economic prosperity, create jobs and assist in economic growth. Whilst third parties refer to concerns about an unbalanced mix of business types in the town with too many food and drink outlets, I have seen no substantiated evidence to support this assertion or to demonstrate the scale of any such problem or to lead me to believe that the appeal proposal would bring the situation to any sort of a tipping point. It remains that putting the vacant building back into commercial use at street level would contribute positively to the vitality of the town centre and is a public benefit of the proposal.
33. In providing new residential units the proposal would also contribute to housing land supply and in particular provide flats to meet an identified local market need for smaller and more affordable units suitable for first time buyers and people in retirement. Although third parties question the need for smaller flats in the town based on the continued availability of similar units nearby, I have seen no substantiated evidence to rebut the housing need evidence that has been provided as part of this appeal. Consequently, this is a further public benefit of the proposal.
34. The improvements to the heritage asset itself are also public benefits of the proposal. These are set out above and include the re-introduction of a residential use commensurate with the historic use of the building, the removal of the existing extension, internal alterations, the restoration of the existing ATM void to the front elevation and the retention and reuse of the outbuilding along with the reinstatement of a residential garden area.
35. Taking all these factors into account, on balance I consider that the public benefits of the proposal when taken together are of such a magnitude that they would outweigh the less than substantial harm to the designated heritage assets I have identified, and the considerable importance this carries.

36. For these reasons the proposal would satisfy the requirements of the Act and paragraph 197 of the Framework. It would also align with Policy ENV2 of the Craven Local Plan (Local Plan) which states that Craven's historic environment will be conserved, and where appropriate enhanced by ensuring that proposals affecting a designated heritage asset conserve those elements which contribute to its significance, and advises in criterion (b) that harm to such elements will be permitted only where it is outweighed by the public benefits of the proposal.

Living Conditions

37. Constantine Cottage adjoins the appeal property to the east. Its western flank elevation extends well rearwards of the appeal building and follows a staggered line such that it is set in for a short section closest to the rear of the appeal property's rear elevation. This section of Constantine Cottage's western flank elevation facing the appeal site has a ground floor window serving a shop and first floor window serving a bedroom. Constantine Cottage also has a first floor lounge/dining room window situated further rearwards on its western flank elevation.
38. The windows on the rear of the appeal building already allow views northwards towards the rear of the adjacent properties including Constantine Cottage and the properties in Howson's Yard. This is so under the permitted use of the building and would be so under the appeal scheme. However, the appeal proposal also includes an extension to the building that includes new openings. The first floor of the proposed two storey rear extension would have two new windows to apartment 1 which would face eastwards towards Constantine Cottage.
39. The window closest to the rear of the main building within apartment 1 would serve a corridor. The second window further towards the rear of the building would serve the lounge. Whilst I note that these windows were added to provide elevational balance and interest at the request of the Council, the lounge window in particular would have a close and direct relationship with the first floor lounge/dining room window at Constantine Cottage. It would allow uninterrupted views at rather close quarters of that room from apartment 1.
40. The appellant indicates that both windows could be obscured glazed and fixed closed. This could be secured via a planning condition. The corridor is not a habitable room and the lounge in apartment 1 forms part of an open plan living/kitchen/dining area which is served by another window on its western side. On this basis I am satisfied that the imposition of such conditions would be reasonable and could be imposed in order to protect the privacy of the occupiers of Constantine Cottage in this particular regard.
41. That said, to provide access to the flats the proposal also includes an external staircase which would lead to a raised entrance/landing area at first floor level immediately to the rear of main building. This would extend close up to the inset section of Constantine Cottage's flank wall. At its nearest point the submitted plans indicate a separation distance of only 300mm. Apartment 1 in the extension would be accessed via its own door from the western end of the raised entrance/landing area. The three other apartments in the main building (apartments 2, 3 and 4) would be accessed at the eastern end of the entrance/landing area via a new door which would replace an existing window on the rear of the main building adjacent to its boundary with Constantine Cottage.

42. Proposed apartments 1 and 4 are intended for occupancy by a single person, apartment 2 has one bedroom and is intended for 2 people, and apartment 3 has two bedrooms and is intended for 3 people. Whilst I note the appellant's view that the footfall/use of the of the staircase and entrance/landing area would be minimal, in my view the comings and goings that would be associated with the new residential units (including those arising from visitors and deliveries as well as the occupants themselves) would be significant.
43. Moreover, they would take place at first floor level in very close proximity to the first floor bedroom window at Constantine Cottage. The appellant confirms that the cill of the bedroom window is 18000 mm from the level of the proposed entrance/landing. As such, the window would be at around head height for those using the entrance/landing area and access door to the main building and direct and uninterrupted views of the window would be possible at very close quarters. To my mind this would be unacceptably intrusive and would lead to an undue and unsatisfactory loss of privacy that would be harmful to the living conditions of the occupiers of Constantine Cottage.
44. I note the Council's view that the noise and activity associated with the proposed uses would be unlikely to exceed that which would be generated from the existing lawful use of the building. However, in addition to my concerns regarding privacy, I am also concerned about the impact of noise and disturbance to the bedroom at Constantine Cottage. This would result from the comings and goings of those accessing the apartments as described above, and would arise from such things as footsteps, the opening and closing of the access door, the potential use of any door bells/intercoms, as well as conversations between occupiers and visitors etc.
45. In comparison to the established commercial use of the building, it seems to me that this residential activity would be likely to be more sustained throughout the day and evening and would take place throughout the week. Crucially, it would also take place in much closer proximity to the flank bedroom window at Constantine Cottage than is currently the case. Taking these factors into account, I consider that the proposal would give rise to undue noise and disturbance to the occupiers of Constantine Cottage that would cause further harm to living conditions.
46. Additionally, concerns are raised by third parties regarding a loss of light to the ground floor shop window. As set out above, the proposal would project further into the existing void between the existing vault extension and Constantine Cottage. In doing so would bring development very close up to that window. Although I am aware that the occupier of Constantine Cottage disputes the measurement, at its closest point the submitted plans indicate a separation distance of only 300mm between the new raised entrance/landing area and the ground floor window. The tall 3 metre high flank wall of this structure (with railings above) would thus be in extremely close proximity to that window.
47. I accept that the existing vault extension at the appeal site already somewhat dominates and hems in the ground floor window at Constantine Cottage and limits the amount of daylight reaching that room. Even so, the proposal would be taller and closer than the existing extension and would lead to the further enclosure of the existing void area. This would be so even though a maintenance strip between the properties would be retained. I acknowledge

that the rear of the buildings on the terrace face north and in this context no direct sunlight would be lost as a result of the proposal. Nevertheless, there would be a loss of daylight to the window and the room it serves would become even more gloomy as a consequence. I am not convinced that the open stair design of the external staircase would mitigate this impact to any meaningful extent.

48. Taking all these factors in to account, whilst I appreciate that the external staircase has been positioned to avoid visual interruption of the listed building and its rear staircase window, for the reasons given the proposal would be harmful to the living conditions of the occupiers of Constantine Cottage and would unacceptably diminish their quality of life and standard of living.
49. The appellant highlights the scale and massing of the extension as approved and built at Constantine Cottage, including its large open garden balcony and issues of overlooking from there of the cottages in Howson's Yard. However the merits of that existing development are not before me to consider and do not alter my findings in relation to the appeal scheme.
50. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of the occupiers of Constantine Cottage. This would be contrary to Local Plan Policy ENV3 (e) which concerns good design and states that development should protect the amenity of existing residents and business occupiers as well as create acceptable amenity conditions for future occupiers; and be able to demonstrate that they will secure a good standard of amenity for all existing and future occupants of land and buildings (f). It would also conflict with paragraph 130 of the Framework which requires that planning decisions should ensure that developments (amongst other things) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

51. The proposal would provide three off-street car parking spaces in the existing garden area to the rear of the building which would be accessed from Howson's Yard. Howson's Yard already provides vehicular access for a number of properties including some cottages and the Coop's rear servicing bay. The spaces would be laid out within the appeal site and an opening in the existing rear boundary wall which separates the appeal site from Howson's Yard would be created.
52. The parking spaces would be utilised by the occupiers of the apartments. The two bed apartment and the two largest one bed apartments would each be allocated a parking space. Only apartment 4 would have no allocated parking space. There are currently no parking spaces at the site. The previous commercial use of the building took place without any on site or dedicated car parking for staff or customers. This situation would remain.
53. The appellant has submitted a Transport Statement which concludes that the site is in a highly sustainable town centre location, with public transport connections and opportunities for bus and train travel. It also includes a car parking survey which identifies alternative on-street and off-street car parking within 200 metres of the site in order to demonstrate that proposed development can be safely accommodated.

54. The pre-application advice from the Council suggests that the proposal would require a minimum of 20 car parking spaces to be compliant with the standards set out in North Yorkshire County Council's Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans (2015). The appellant's Transport Statement concludes that the proposal should provide 9 spaces (5 for the residential units and 4 for the ground floor unit) but sets out the reasons why these are not required.
55. Local Plan Policy INF4 concerns parking provision and requires proper provision and management of parking for cars and other vehicles which will be achieved via (a) the provision of safe, secure and convenient parking of an appropriate quantity and (b) the provision of appropriate parking space having regard to the nature and circumstances of the proposed development. The policy is also clear that the Council will adopt a flexible approach with each case being determined on its own merits, enabling good design solutions to be achieved.
56. In line with this flexible case by case approach, the Highway Authority raises no objections to the proposal and concurs with the appellant that the site is located within close proximity to a number of public car parks as well as being well connected to public transport. The Highway Authority concludes on this basis that a refusal of the proposal based on a lack of parking would be difficult to justify.
57. I am also mindful of the certificate of lawfulness referred to above which allows the change of use of the ground floor of the building to a retail or café use (as sought by the appeal scheme). This could be implemented without the need for planning permission or the provision of any on site car parking for customers or staff associated with the commercial use of the ground floor of the building.
58. On this basis, whilst I accept that the proposal would not meet the Highway Authority's stated parking standards, I see no reason to come to a different view to the Council or the Highway Authority on this matter and am content that the proposal would be acceptable in this regard.
59. Additionally, third parties are concerned about the loss of existing car parking spaces in Howson's Yard. The Coop has also raised concerns regarding the capacity of Howson's Yard to accommodate additional vehicles and the difficulties faced by HGVs accessing Howson's Yard and is concerned about any increase in vehicular or pedestrian numbers there. I understand that the situation there can be tense and congested and saw at a number of vehicles using the yard at the time of my visit.
60. The land in Howson's Yard was sold by the appellant's predecessor to the Coop to facilitate HGV access to the area and is required to be kept clear for deliveries accessing the Coop's servicing bay. However, the title deeds for the appeal site allow the appellant legal right to access the appeal site by vehicles from Howson's Yard. This was drawn up in agreement with the Coop.
61. Notwithstanding this arrangement, three spaces have been marked out within Howson's Yard immediately adjacent to the rear boundary wall of the appeal site and are being used by the occupiers of the cottages in Howson's Yard. Local residents are concerned that these would be lost as a result of providing vehicular access to the rear of the appeal site and the removal of the section of the rear boundary wall as proposed.

62. That said, the occupiers of the cottages accept that they have been allowed to park opposite their homes by the Coop under a longstanding arrangement that is based on a 'goodwill understanding'. The area is not an allocated or designated car parking area, and I am mindful that this informal agreement could be subject to change at any time. Whilst I appreciate that the appeal scheme would result in the loss of some existing parking spaces as described, such a situation could not be ruled out in its absence or in the context of an alternative use of the appeal building.
63. Although I am sympathetic to the views of local residents, given the limited number of existing parking spaces that would be affected, and in light of the findings of the Transport Statement regarding parking provision in the town more generally as well as the absence of objections from the Highway Authority on this point, I am not persuaded that any undue harm would arise to highway safety in this regard. Whilst it would be a matter for the landowner, I am also conscious that alternative parking provision within Howson's Yard for the occupiers of the cottages cannot be ruled out. Nor do I see any reason why the appeal proposal would necessarily lead to any significant increase in vehicle numbers in Howson's Yard, or unduly worsen the Coop's ability to access Howson's Yard with HGVs, or prejudice its required access.
64. The occupiers of the cottages are also concerned about vehicles turning in front of their homes. However the submitted plans show a vehicle manoeuvring area within the appeal site adjacent to the parking spaces. As such, and in the absence of any objections from the Highway Authority in relation to the detail of this design or concerns as to the sufficiency of the space available, I see no reason why this arrangement would lead to vehicles associated with the appeal scheme turning in front of the cottages.
65. The servicing of the proposed shop/café use and the use of Howson's Yard for this purpose is also raised by third parties. Paragraph 5.3 of the Transport Statement deals with servicing arrangements and states that refuse collections for the proposed commercial and residential would be made from the rear of the property via Howson's Yard. No further details of this or how the shop/café use would be serviced or receive deliveries are provided.
66. Nevertheless, the building has an established commercial use which would have been likely to have seen some servicing and deliveries. It has not been put to me whether these were undertaken to the front or the rear of the building. I am also mindful of the certificate of lawfulness relating to the use of the ground floor as a shop/café. As set out above, this fallback position could be implemented without the need for planning permission, or any consideration of or provision for servicing or deliveries. In this context, I do not regard this to be a reason to withhold planning permission for the appeal scheme.
67. Having regard to all these matters, I am content that the proposal is acceptable in highway safety terms. In coming to this view, I have considered the concerns of local residents and the North Craven Heritage Trust and Settle Town Council regarding the accuracy of the appellant's Transport Statement, and in particular the availability of parking in the town centre. However, having made my own observations on site, and since the Council and the Highway Authority raise no such objections to the methodology or findings of

the assessment, I see no reason to dispute its overall findings in relation to the appeal proposal.

68. I therefore conclude on this main issue that the proposal would cause no harm to highway safety with particular reference to car parking. There would thus be no conflict with Local Plan Policy INF4.

Planning Balance and Other Matters

69. As set out above, I am content that the public benefits of the proposal would outweigh the less than substantial harm to the heritage assets that I have identified. I have also found that the proposal would cause no harm to highway safety. The absence of harm in both these regards counts neither for nor against the proposal.
70. As set out above, I have also found that the proposal would lead to a number of public benefits including those to the listed building. However, I confirm that even taken together and in combination with any private benefits of the proposal, these are insufficient to outweigh the considerable harm to the living conditions of the occupiers of Constantine Cottage that would arise. I regard this harm, along with the conflict with the development plan and the Framework that would arise, to provide compelling grounds alone to dismiss the appeal.
71. The accuracy of the submitted plans is questioned by third parties and the appellant also raises discrepancies between the approved and constructed development at Constantine Cottage as well as matters of land ownership. Additionally issues of land stability and drainage are raised. Important as these matters are, given my conclusion in relation to the second main issue in this case, it has not been necessary for me to consider them further as part of this appeal.
72. The appellant refers to the Council's handling of the planning application including the decision to call it in to planning committee and the circumstances under which consideration of the scheme was deferred. I am also aware of the pre-application advice and comments received from the Council regarding the re-submission of the previously refused scheme. Additionally, I appreciate that the proposal was refused by planning committee contrary to the recommendation of officers. Although a number of these points are considered in my Costs Decision, I confirm that they are matters between the appellant and the Council. I am also aware of points made by the appellant with regard to the potential conflict of interest arising from local affected residents being members of Settle Town Council. Nevertheless, those also have no bearing on my decision and I confirm that I have considered the proposal before me on its individual planning merits, and made my own assessment as to its impacts.

Overall Conclusion

73. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR