



Appeal Decision

Site visit made on 22 March 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/G2713/W/21/3287259

Village Farm, Nosterfield, Bedale DL8 2QX

- 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 TJ Collier against the decision of Hambleton District Council.
 - The application Ref 21/02122/FUL, dated 30 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is described as retrospective application for resurfacing works to existing driveway entrance from the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the address cited on the planning application form, decision notice and appeal form. From the site location plan and my site visit it is clear that these all relate to the same site. The above heading reflects the latter, being the most complete and recent address specified by the appellant.
3. During the course of the appeal, it was necessary for the Council to publicise the appeal proposal given that it relates to the setting of a listed building. This enables me, as the decision maker, to fully discharge my statutory heritage duty under section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990. No representations were received within the period specified in the public notice which has now lapsed.
4. Since the Council made its decision, a new development plan known as the Hambleton Local Plan ("the HLP") has been adopted. The Council has advised that all of the development plan policies cited in their decision notice have been superseded and the policies relevant to this appeal are Policies S1, IC2, E1, E5 and S7. The main parties have been given an opportunity to consider the implications of this change in circumstance and respond accordingly. The appeal proceeds on this basis.
5. During my site visit I observed that works reflecting the development for which planning permission was sought and refused had been undertaken and were substantially complete. From the submitted evidence, I am satisfied that this reflects the development for which planning permission was sought and refused. I therefore make my determination on the basis of that surfacing. However, the fact that the works have already been undertaken does not influence the outcome of this appeal.

Main Issue

6. The main issue is the effect of the appeal scheme on the character and appearance of the area, with particular regard to the setting of Village Farm.

Reasons

7. The appeal site is a small, irregular shaped parcel of land which facilitates vehicular and pedestrian access between Grade II listed Village Farm and the adjoining public highway. Whilst the ownership of this land is not contested, it falls beyond the enclosed, physically defined confines of the farmhouse and presides prominently within the public realm. The submitted photographic evidence shows that this area is a well-established access point serving Village Farm.
8. The appeal site forms part of the approach to and from Village Farm and is situated immediately within its foreground. Consequently, its functional and physical connection with this designated heritage asset means that the appeal site forms part of its setting. The heritage related evidence which has been submitted by the main parties is very limited. Therefore, necessarily I have determined that the significance of this listed building is derived from its agricultural history and architecture. The appeal site contributes to the way in which this important designated heritage asset's significance is experienced both close up and on approach in either direction along the road connecting Nosterfield to Camp House.
9. The submitted evidence shows that the materials used to cover this area have changed over time. Crucially, the submitted evidence shows that up until the most recent resurfacing works, there was a clear demarcation between the appeal site and the adjoining tarmacadam pin kerbed public footway, grassed verge and gravelled forecourt serving the farmhouse. The demarcation between the public highway and the appeal site is not as clearly discernible from the submitted photographs.
10. Nonetheless, what is clear is that collectively the material formerly covering the appeal site, its physical condition and its curved radii reflected the simple, rustic character and appearance of this listed farmhouse. Akin to the surface treatment of other access points along this road, the previous surface covering was recessive in its appearance in the wider street scene and was not jarring with the intimate and somewhat informal rustic character and appearance of Nosterfield. Consequently, although the nature of the previous surfacing is disputed and the most recent has been removed, from the submitted evidence I conclude that it made a positive contribution to the setting of Village farm and the character and appearance of the wider street scene.
11. The appellant has described their rationale for the materials chosen. However, it remains that the appeal scheme has introduced a modern, manmade, regularly sized and shaped block paviour material within the setting of the listed farmhouse. The definition of the curved radii adjoining the grassed verge has been lost. The particular colour way chosen exacerbates the significant contrast with the public highway and footway which was previously insignificant in the view and therefore did not harm the experience of the listed building. Notwithstanding the reference to lintels with herringbone tooling in the listing description, the resulting increased formality and urban appearance of this

- particular surfacing within this street scene is further emphasised by the pattern which the pavements are laid to.
12. Collectively, these components of the appeal scheme have significantly altered the simple and informal rustic character and appearance of the setting of this important designated heritage asset. That change is of a magnitude which constitutes less than substantial harm to the significance of Village Farm and the way in which it is appreciated. I attach considerable importance and weight to this harm.
 13. The health and safety benefits of improving the condition and drainage of the appeal site's surface attract moderate weight as public benefits weighing in favour of the appeal scheme. The ecological benefits arising from the limited associated planting that has taken place attracts limited weight. However, these public benefits do not outweigh the heritage harm that I have found. Therefore, the appeal scheme does not meet the requirements of paragraphs 200 and 202 of the National Planning Policy Framework ("the Framework").
 14. Due to the alignment of this road frontage, the visual effect of the appeal proposal harms the character and appearance of the wider street scene within which Village Farm is experienced. Whilst I observed the use of block pavements within the locality, these are not comparable. This is because they are situated where they are far less prominent within the street scene or are related to modern development which falls beyond the setting of this important designated heritage asset. They do not result in the same harm that I have found and therefore this argument carries no weight.
 15. For these reasons, the appeal scheme is harmful to the character and appearance of the area, with particular regard to the setting of Village Farm.
 16. Furthermore, the appeal scheme does not meet the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to which I attach considerable importance and weight.
 17. Policy S1 of the HLP sets out the sustainable development principles that new developments must follow. This includes enhancing the environment as well as protecting and enhancing the historic environment. In view of the identified harm the appeal scheme conflicts with this policy.
 18. Policy E1 of the HLP states that all development should be of a high quality, integrate successfully with its surroundings and reinforce local distinctiveness. Development should also respond positively to its context and draw inspiration from its surroundings, including the historic environment, as well as respecting local character in terms of visual appearance and relationships. Although the appeal scheme accords with the accessibility criteria of this policy, given the harm that I have identified, on the whole it presents a policy conflict in those other regards.
 19. Policy E5 of the HLP sets out the requirements for justifying impacts on heritage assets and their settings. Policy S7 of the HLP states that the area's heritage assets will be conserved in a manner appropriate to their significance. These HLP policies broadly reflect the Framework's approach to heritage. In view of the unjustified harm that I have identified, the appeal scheme conflicts with these policies.

Other Matters

20. The appellant has drawn attention to the quality and extent of the restoration works which they are currently undertaking at Village Farm. This does not justify or diminish the harm that I have found and carries no weight. It is clear that the appeal site was in need of maintenance and the need to balance the highway and heritage requirements are acknowledged. However, these matters attract very limited weight in favour of the appeal proposal. This is because the submitted evidence leaves me unconvinced that the identification of appropriate options in terms of the type, colour and profile of materials, the pattern they are laid to, and the alignment and finishing of the area are not possible.
21. The appellant states that they have been unable to reach an agreed position with the Council over an alternative treatment of the appeal site. However, the scope of the planning appeals procedure does not extend to me identifying a suitable alternative treatment to remedy the harm that I have found. Neither would the imposition of a planning condition to facilitate the agreement of alternative materials meet the prescribed tests for conditions in this instance. This is because the surface treatment detail in terms of material and laying forms the actual basis of the proposal before me.
22. My attention has been drawn to the North Yorkshire County Council Specification for Housing and Industrial Estate Roads and Private Street Works 2nd Edition document. This is a generic technical standards document which is not intended to reflect the site specific heritage sensitivities of the appeal site. Conformity with this document and Policy IC2 of the HLP which seeks to secure safe, accessible development does not outweigh the particular heritage harm and related policy conflicts that I have found.

Conclusion

23. For the reasons given above, the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations before me which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

C Dillon

INSPECTOR