



Appeal Decision

Site visit made on 4 January 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/H2733/W/22/3308437

The Old Hall, West Lane, Snainton, Scarborough YO13 9AR

- 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 Helen Burrows against the decision of Scarborough Borough Council.
 - The application Ref 21/01983/FL, dated 11 August 2021, was refused by notice dated 8 April 2022.
 - The development proposed is the change of use of paddock to allow the siting of 2 shepherds huts for holiday letting and retention of timber gazebo.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is the 'proposed siting of 3 shepherds huts for holiday letting'. The scheme was amended during the Council's consideration of the application. The description of the development proposed in the banner heading is taken from the Council's decision notice and appeal form rather than the application form as it more accurately describes the proposal. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would preserve the setting of the nearby listed building and whether it would preserve or enhance the character or appearance of the Snainton Conservation Area (the CA);
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of neighbouring residents with regard to noise and disturbance.

Reasons

Setting of the Listed Building and the Character and Appearance of the CA

Listed Building

4. The Old Hall, a Grade II listed building (list entry no. 1173085), was part of a farmstead together with a number of farm buildings, several of which have been converted to residential use. From the evidence before me and my site visit observations, the significance of the listed building as it relates to the

proposal is mainly derived from its historical associations with the area's farming industry and the evidence it provides of the architectural style and building techniques of the time. It is set within spacious grounds with a wide frontage set back from West Lane. This sense of space around the property gives it a particular prominence within the area.

5. The listed building's wider setting, in particular the open fields to the south which are part of the historic landscape of traditional farmland around the village, is an important element of its significance. These fields provide an open aspect that enhance its setting and prominence in the landscape and reinforces the links with the area's farming history. Despite the physical separation, the development would be located on land which positively contributes to the setting and significance of the listed building.

The CA

6. The significance of the CA is derived, in part, from the architectural and historic interest associated with the development of the area and the village's relationship with the surrounding countryside, reflecting the area's farming legacy. A positive contribution to the character and appearance of the CA is its rural setting. This includes the historic field pattern around the village. Although the site is outside of the CA, it is closely associated with it given that it sits within the long strip of paddock land to the rear of The Old Hall and within its rural setting. The site therefore contributes positively to the significance of the CA.

Effect of the Proposal on Heritage Assets

7. I appreciate that shepherds huts have been used historically within the countryside. However, the huts would be located on a gravel base, they would have a veranda area with an awning over and would be sited within a landscaped area that includes the existing wooden gazebo. The result would be a development with quite a formal and domestic appearance. This would contrast markedly with the simple rural landscape setting of the listed building. The proposal would therefore appear as a discordant form of development that would visually distract from the historic and rural setting of the listed building, especially when viewed from the south across the historic field system.
8. Consequently, the proposal would reduce the legibility of the listed building in its wider environment and so would diminish the ability to understand its historical context. I therefore conclude that the proposal would not preserve the setting of the listed building and would cause harm to its significance.
9. Due to their proposed location and the screening effect of the existing built form and vegetation, the shepherds huts and gazebo would be unlikely to be particularly visible from public vantage points within much of the CA. However, as identified above, the proposal would be visible in views from the south including along Foulbridge Lane towards the CA, in which the distinctive field pattern is clearly discernible.
10. The proposal would impede legibility and undermine an appreciation of the relationship of the listed building to its surroundings (which speaks to its history in the present). Thus, it would result in harm to the setting and significance of the listed building, thereby entailing harm to the historic integrity of the CA and therefore its significance as a designated heritage asset.

Furthermore, for the reasons stated above, the proposal would introduce an inharmonious development into the landscape setting of the CA, which would erode the historical integrity of the area. Accordingly, I conclude that the proposal would not preserve or enhance the CA and would harm its significance.

Balance and Conclusion on Heritage Assets

11. In terms of the National Planning Policy Framework (the Framework), I assess the harm to the listed building and the CA as less than substantial. That is as only part of the setting of the listed building would be affected, and a smaller part still of the CA. Even so, the harm that would be caused is of considerable importance and weight. Paragraph 199 of the Framework directs me to give 'great weight' to the conservation of such assets. Accordingly, paragraph 200 of the Framework sets out how any harm should require 'clear and convincing justification'. Paragraph 202 of the Framework further requires that the harm should be weighed against the public benefits of the proposal.
12. There would be some economic benefits from visitors making use of local businesses in terms of local spend, which in turn could help to maintain or increase local employment. In addition, the information on the application form states that the proposal would increase employment at the site by 0.5 full time equivalent. I ascribe these public benefits moderate weight.
13. The proposal may provide a source of income to help with the upkeep of the listed building. However, although information on costs has been provided, this is not sufficient to persuade me that the proposal is necessary to, or would, secure the future conservation of the listed building.
14. The appellant states that the proposal would replace the current 12 person holiday rental at the host property and so would lead to a reduction in potential noise and disturbance at the site. However, there is no mechanism to secure this.
15. The appellant indicates that there is a fallback position involving the retention of the three shepherds huts that are currently located at the host property. The appellant highlights that an application for a certificate of lawful use has been submitted and is pending determination. The fallback position is therefore a relevant consideration. The fallback position would likely have a greater negative effect on the living conditions of nearby residents compared to the appeal scheme by virtue of the siting and larger number of units. Nevertheless, I am mindful that there does not appear to be a Lawful Development Certificate attesting to the planning status of the siting of the three shepherds huts or their use as holiday lets. Consequently, I give only limited weight to the fallback position in the absence of greater certainty as to its achievability.
16. The public benefits of the proposal do not represent 'clear and convincing justification' for harm to or loss of significance of the designated heritage assets. Accordingly, the proposal would conflict with the design and heritage conservation aims of policies DEC1 and DEC5 of the Scarborough Borough Local Plan, adopted 2017 (the Local Plan), the heritage objectives of chapter 16 of the Framework, the most relevant of which have been summarised above, and the design objectives of chapter 12 of the Framework which seek to ensure that development is sympathetic to local character amongst other matters.

Character and Appearance

17. The site is located outside of the Development Limits of any settlement as defined in the Local Plan. It is therefore classed as open countryside. Policy ENV6 of the Local Plan allows for development relating to an appropriate recreational or tourism related activity requiring a countryside location, provided that its scale is compatible with its surroundings, and it does not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape. Policy TOU1 is supportive of new tourism facilities, while Policy TOU4 broadly reflects the requirements of Policy ENV6 specifically for visitor accommodation in the countryside. Local Plan Policy ENV7 requires proposals to protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area and take into account the sensitivity of the landscape to change.
18. The proposal would be of a relatively small scale. Nevertheless, as stated above, it would introduce a sense of domesticity to the site, which would be incongruous at this rural edge of the village, notwithstanding the materials proposed. It would be at odds with the distinctive character of the site's surroundings, which is one of a simple rural landscape.
19. There is a relatively tall hedge along the western and southern boundary of the area where the shepherds huts would be located and where the gazebo is. This would provide some screening when viewed from the south. I appreciate that further planting could be undertaken to augment these hedges. However, this would add to the fragmentation of the field pattern that is an important part of the character of the landscape around the village.
20. I therefore conclude that the proposal would not integrate into the surrounding landscape and would cause unacceptable harm to the character and appearance of the area. Consequently, it would conflict with the requirements of Local Plan Policies ENV6, ENV7 and TOU4 which have been summarised above. There would also be conflict with paragraph 174 of the Framework which states that the intrinsic character and beauty of the countryside should be recognised.

Living Conditions

21. The Smithy and Cliff Grange are dwellings that sit relatively close to the site access. As this is an existing vehicle access to the host property, noise arising from vehicle movements will already be experienced by residents of these properties to a degree. Given that the proposal is for two shepherds huts, any additional noise and disturbance from vehicles using the access would be relatively limited.
22. Although the proposed parking area is not specifically laid out on the submitted plans, a general parking area is shown on what is a gravelled area near to the boundary with Cliff Grange. The appellant states that two spaces would be allocated to the proposed shepherds huts. There would be some increase in noise and disturbance in this area arising from the proposal from engine noise, slamming doors and voices. However, there would be a degree of separation between this area and the rear elevation of Cliff Grange, and it would be separated from its outdoor amenity area by boundary features.

23. There would be some intensification of traffic movements at the site. However, the additional vehicle movements likely to be generated by two shepherds huts would not increase noise or disturbance to a point that would significantly harm the living conditions of nearby residents.
24. The proposed location for the two shepherds huts would be further from neighbouring properties than where the three existing huts are positioned. Although they would be reasonably close to the host property's boundary, there is a relatively high stone wall that separates this area from the neighbouring land to the east. There would be a reasonable degree of physical separation between the proposed huts and neighbouring properties and land in other directions.
25. The internal space of the shepherds huts is relatively compact, which could result in greater use of the outdoor space during the day and on an evening. In addition, they would have a veranda area which could encourage visitors to sit outdoors. I note the appellant's proposed management plan. However, I am not satisfied that it would meet the requirements of paragraph 56 of the Framework in terms of enforceability. Nevertheless, each hut would be unlikely to be occupied by more than two people. In addition, the site is close to the facilities in Snainton so guests would not be wholly reliant on the outdoor space for socialising. Accordingly, the use of the outdoor space within the site would likely be of a relatively low-key nature.
26. I accept that there may be more use of the outdoor space than would be expected from a dwelling that is not in holiday use. However, given the scale of the development and the factors set out above, I am not persuaded that the proposal would give rise to noise and disturbance that would exceed what may be expected in a quiet residential area to such an extent that it would significantly harm the living conditions of neighbouring residents.
27. For these reasons, I conclude that the proposal would not have an unacceptable impact on the living conditions of nearby residents with regard to noise and disturbance. Accordingly, it would comply with the residential amenity requirements of Policy DEC4 of the Local Plan.

Other Matters

28. The existing three shepherds huts within the grounds of the host property were the subject of a planning application¹ that was subsequently dismissed on appeal. As noted above, the appellant indicates that the retention of these three shepherds huts would represent a fallback position. I have found that the current appeal scheme would also give rise to unacceptable harm to the identified designated heritage assets and the character and appearance of the area, although not to the living conditions of nearby residents which does not appear to be the case with the fallback position. However, as stated above, I give this fallback position only limited weight.
29. My attention has been drawn to permissions granted for works done to, and domestic paraphernalia associated with, nearby listed buildings. However, the precise details are not before me, and they relate to a different type of development. In any event, I have evaluated this appeal scheme on its individual merits.

¹ Application reference 19/02909/FL

30. I acknowledge the effort that the appellant has put into the host property and its grounds over a considerable period of time. This is evident in the well-maintained appearance of the site.

31. These matters would not outweigh the harm that I have found.

Conclusion

32. There would be some benefits from the proposal, and I have found that it would not cause unacceptable harm to the living conditions of nearby residents. However, these matters do not, individually or cumulatively, outweigh the harm to the heritage assets or the character and appearance of the area.

33. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR