

Appeal Decisions

Hearing held on 18 & 19 October 2022

Site visit made on 19 October 2022

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2023

Appeal A Ref: APP/C9499/W/21/3280553

Marske Hall and the Sawmill Marske, Richmondshire DL11 6HB

- 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 Rural Heritage Property (Marske) Ltd - The Heritage Property Group (Marske Hall) Limited against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref R/31/22R, dated 28 April 2020, was refused by notice dated 9 February 2021.
 - The development proposed is the conversion of Marske Hall from 10 open market apartments to an aparthotel and conversion of basement to associated facilities which include a gym, sauna, laundry, retail space, cellar bar and tasting rooms. Conversion and extension of the kennels to an events space and conversion of the Sawmill to an events space.
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Appeal B Ref: APP/C9499/Y/21/3280554

Marske Hall and the Sawmill Marske, Richmondshire DL11 6HB

- 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 Rural Heritage Property (Marske) Ltd - The Heritage Property Group (Marske Hall) Limited against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref R/31/22S/LB, dated 28 April 2020, was refused by notice dated 9 February 2021.
 - The proposed works are those for the conversion of Marske Hall from 10 open market apartments to an aparthotel and conversion of basement to associated facilities which include a gym, sauna, laundry, retail space, cellar bar and tasting rooms. Conversion and extension of the kennels to an events space and conversion of the Sawmill to an events space.
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

The appeal proposal and preliminary matters

3. Marske Hall is a grand country house of 17th Century origins with later 18th Century classical features¹. The house has in the past been converted into 10 self-contained residential units and there is no dispute that, whilst most of the units are vacant, that use could continue into the future. The appeal proposes a change of use of the Hall to an Aparthotel which would include 20 apartments/guest suites² available as a tourist facility. The rooms could also be let to support proposed events which would include weddings to be held in the converted Kennels³ and/or within the Sawmill⁴. There are no general catering facilities proposed within the Hall. The basement area of the Hall is also proposed for conversion to a gym, sauna, laundry, cellar bar, tasting rooms and associated retail space. These facilities would be used for the benefit of guests staying in the Aparthotel.
4. The proposed scheme has been presented as being an association of uses of buildings which would support an events business offering the Sawmill and Kennels as event venues, either jointly or separately, along with the possibility for guests to stay in the Hall or in the established self-catering accommodation at the Stables⁵ which stands close to the Sawmill.
5. Whilst the Hall, the Kennels and the Sawmill are distinct, separate buildings they occupy the wider grounds of Marske Hall and, along with the Stables, still retain the discernible association of Estate buildings as an expression of a bygone age of grand living at Marske Hall.
6. In my judgement planning permission has been sought for these proposed uses to be linked, whether through their interdependent use for larger events, their physical location one to another, their relationship as buildings contributing to the character and historic interest of the Marske Hall Estate or the linkage of surrounding spaces, including circulation routes through the appeal site and areas of car parking.
7. The still visibly discernible elegance of this group of buildings with Marske Hall at its centre, set in treed, landscaped grounds, including the stately gardens, ponds and pasture which follow the curve of the Marske Beck, beyond Cat Bank present a desirable historic environment which, I have no doubt, would appeal to guests and visitors alike.

¹ Grade II* listed.

² Of varying sizes but including studio, one bed and two bed accommodation

³ Proposed events space with a capacity of 30 guests – Listed Grade II.

⁴ Proposed events space with a capacity of 70 guests. Listed Grade II - Both changes of use are included as part of this appeal.

⁵ 9 units.

8. Leading up to the Hearing and as the event unfolded it was apparent that the appellant wished to change the proposed scheme, in particular, to delete the conversion of the Sawmill from the proposal as well as changing the nature of the events intended to be held at the Kennels. Further the location of car parking, along with amendments to the proposed vehicular circulation around the complex, were also proffered.
9. The Sawmill was granted planning permission in 2016 for conversion to two 3 bedroom dwellings or holiday lets with associated parking and landscaping⁶. At the site visit I saw that works of conversion were underway but by no means complete. Whilst acknowledging the commencement of works on this earlier permission it would still be possible for the building to be further altered to an event space. Therefore, I have considered the proposed change of use and works of conversion as integral parts of the proposed appeal.
10. I am conscious that the appeal process should not be a vehicle to enable a scheme to evolve as the Hearing unfolds responding to the direction of travel of the discussion and given evidence. As already highlighted this scheme is one of interdependence between the various aspects of the proposal. Therefore, I have determined it on the basis of the general proposal as originally submitted and which the Council determined.
11. I also considered whether it would be appropriate to issue a split decision should one aspect of the scheme prove acceptable. However, much of the evidence goes across the various buildings and uses and it would be difficult and problematic to try to extract elements of the evidence specific to individual aspects of the proposal. Therefore, I do not favour this approach.
12. Should the appellant wish to re-consider the nature and extent of the uses across the site, as well as any appropriate restrictions, a fresh planning application would be an appropriate vehicle.

Main Issues

13. The main issue common to both Appeals A and B:

- Whether the proposed changes of use and works would preserve the special architectural or historic interest of the Listed buildings and their setting and their effect on the character and appearance of the Marske Conservation Area;

The main issues for Appeal A only are:

- The impact on highway safety both for road users and pedestrians alike of the proposed access and on-site car parking arrangements;
- The impact of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance;
- The impact of the proposal on the well-being of bio-diversity and protected species;
- Whether any harms identified would be outweighed by other considerations so as to justify the development.

⁶ Planning permission reference/31/106B.

Highways impact and car parking⁷

14. The appeal site currently has three points of entry and exit from Hard Stiles and Cat Bank all of which have deficiencies in respect of visibility for emerging vehicles onto the highway.
15. An Access Strategy was submitted by the Appellant⁸ which promoted the following scheme of circulation within the site. Entry to the Aparthotel at Marske Hall would be via the side entrance from Hard Stiles to the north of the Kennels⁹. This would be for entry only. Vehicles would then exit via the access close to the Sawmill with an unused circulation track passing behind the Hall being re-instated¹⁰.
16. Guests attending for events on the Estate would enter via the main access from Cat Bank, along the gravelled drive up to the front and side of the house. Guests would exit the same way¹¹. It is proposed in the run up to an event and when it would be in progress, at all times, the Cat Bank access would be attended by a Banksman who would direct traffic and check for on-coming vehicles to secure highway safety for all road users.
17. The main source of control would be via instruction to guests prior to their visit as to how to approach the site and where to take access and exit from.
18. The Highway Authority, having investigated with the Appellant the actual visibility splays achievable at the access points onto Hard Stiles was satisfied that subject to suitable signage, both on-site and highway prior warning signs as the Estate is approached, the presented strategy was acceptable and would overcome concerns relating to highway safety¹². Whilst, it does seem somewhat contrived in respect of event access relying on the services of a Banksman I have no reason to question the agreement of the Appellant and the Highway Authority.
19. Guests staying at the Stables would be similarly advised before arrival. In this way an in-out arrangement could be established which would include delivery vehicles to the Estate.
20. The only exception would be access for the Farmer who uses the farm access between the Sawmill and the Stables. This is a long-established right of way and clear and unimpeded access should be maintained for the Farmer. To minimise any conflict between entry by farm vehicles and guests wishing to exit onto Hard Stiles, a raised table feature is proposed with a combination of stop and give way signage which would essentially give priority to on-coming farm vehicles¹³.
21. The proposed uses all seek to cater for visiting guests whether they are staying at the Aparthotel or attending on-site events. Due to the appeal site's

⁷ Appeal A only.

⁸ Dwg no 2020-F-039-007 Figure CJT-2.1 - Carl Tonks Consulting Transport and Highways Report.

⁹ An access with particularly poor visibility close to the bend in the road.

¹⁰ This would be controlled through the use of directional road signage to establish the intended flow of traffic around the Estate.

¹¹ Carl Tonks Consulting Transport and Highways Report - para 2.4.1

¹² Hearing Doc 19.

¹³ Hearing Doc 17.

rural location, it is likely that many will come in private cars. I heard from local residents that in the past there have been problems with parking spilling out from the Estate onto the local roads and verges particularly that at the junction of Hard Stiles and Cat Bank.

22. Drawing no 19/03-202 shows the layout of car parking around the Estate. It was agreed that at least 72 car parking spaces could be provided across the appeal site, that this would be adequate for the proposed uses and, in the circumstances of the location and combination of uses this would meet the standards of the Highway Authority¹⁴.
23. Having established an appropriate strategy for vehicular access to accommodate the proposed uses, whether in combination or separately, and confirmed that adequate car parking could be provided across the site, the terms of the Yorkshire Dales National Park Local Plan 2015-2030 (LP) Policy SP4 g) and k) would not be compromised, there being no prejudice to highway safety and consequently would not weigh against the proposal¹⁵.

Effect on living conditions

24. Local residents from the village and the immediate surroundings were particularly concerned in relation to noise and resultant disturbance from the proposed development. I judge that this centres on the use of the Kennels and the Sawmill for events¹⁶. The Aparthotel in providing self-catering accommodation would be unlikely to generate disturbance such as music and party noise. This is borne out by the lack of concern from the residents about the use of the Stables by self-catering guests. It was accepted that the open day at the Stables, which did include music and outside socialising, was not a regular occurrence. The proposed uses in the basement of Marske Hall would be contained by the building.
25. The event uses, particularly weddings or parties, which would continue into the evening are the aspects of the proposed use which give me cause for concern. The proposed hours of operation would continue up until midnight¹⁷ on each day that events would be held which could be 7 days per week.
26. The appeal site lies on the sloping side of a river valley where the Stables and Sawmill stand up slope of the level of the Hall itself, with the Kennels tucked in behind the Hall. On the opposite valley side is the village of Marske which steps down the slope with many homes facing directly towards the appeal site. There is a thick belt of mature trees along the lower slopes of the Estate which screen much of the Hall, Kennels and Sawmill from view. At my site visit, however, I was able to see the Stables on the upper slope of the valley from the homes on the opposing slope within the village. I am also conscious that during the winter months tree cover may not be so dense.

¹⁴ Hearing Doc 19 – answers to Inspector's questions.

¹⁵ There was no substantiated evidence that unacceptable levels of traffic would be generated that would harm the environment or capacity of the local road network.

¹⁶ Event spaces.

¹⁷ Executive Summary Nova Acoustics report. Reason for refusal 1 indicates the events continuing until 0100 hours but it was agreed this extra hour would be in respect of staff clearing up and leaving and guests moving off-site or back to their accommodation. Aparthotel and Events Management Plan also gives more detail on operating times.

27. The character of the village, valley and Estate are all bound together and present a quiet rural location where passing traffic is probably the only interruption to the tranquillity which pervades the valley. It is not, however, silent, but the nature of the sounds I experienced, which I have no doubt is relatively typical of the area from the evidence of local residents, was firmly based in the sounds of the countryside, woodland and waterway. This would include noise from farming activities as well as those connected to domestic activities such as children playing.
28. The potential events which could be held within the event space would be very different in nature. Who doesn't love a wedding or a party¹⁸? An excuse to get together with family and friends and celebrate. The object of the proposal is to create a business which would allow for such events across the site and it was mentioned by the Appellant this could even include erecting a marquee which would increase numbers.
29. Framework¹⁹ paragraph 174 sets out that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of amongst other things noise pollution.
30. Framework paragraph 185 goes on that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
31. The appellant submitted a comprehensive and detailed noise survey in respect of an events development. It concluded that the Entertainment Noise Assessment showed that provided mitigation measures were followed there would be no adverse impact at the closest Noise Sensitive Receptors due to noise breakout from either the Sawmill or the Kennels. Mitigation measures are set out in the Noise Management Plan²⁰ - Operational Noise Management Guide (ONMG). Appendix E outlines the measures which would be adopted to ensure that noise emission levels during operation of the premises meet the relevant criteria outlined in the body of the report. It also outlines other actions that could be used to minimise noise.
32. The nature of the events which the Appellant applied to undertake is such that it is likely to include the playing of music. The ONMG proposes that at all times the music systems²¹ will have automated controls to ensure that an appropriate music limit level is not exceeded.

¹⁸ The intention to hold such events was confirmed by the Appellant at the Hearing. Also at paragraph 2.4.1 of the Heritage Appeal Statement dated 4 August 2021 weddings were referred to.

¹⁹ This is the July 2021 version not the 2019 version quoted in the Appellant's noise report.

²⁰ Nova Acoustic report Section 5.

²¹ A distributed and zonal PA system.

33. However, this relies on the system not being tampered with to increase music sound levels. Also, that doors and windows remain closed other than entering and exiting the premises. An acoustic door or a double door/lobbied entrance would also be required. The containment of the playing of music within the buildings would rely on staff managing the entrance to limit the opening of the exterior door. Both the Sawmill and the Kennels have a number of exterior doors and window openings none of which include a double door/lobbied entrance. In the case of the Kennels this event space opens out onto a 40 seat terrace area extending out onto the open grass behind the Hall. This would imply the intention for guests to spill out into the open air to enjoy a warm summer evening socialising and enjoying the event. The Sawmill has an external central paved area, although part of that is shown to provide some car parking spaces.
34. I am not convinced that on a hot summer afternoon/evening that staff are going to be able to control the behaviour of guests sufficient to prevent doors and windows being opened to ventilate the spaces. Further I have no doubt that guests will want to enjoy the gardens and seating areas of the Hall grounds close to the event spaces as well as around the wider Estate.
35. It is highly likely that the sound of music, talking, singing would be audible outside of the event spaces. As the event extends into the evening it is also likely that the volume of people talking etc would increase as the level of enjoyment increases.
36. Whilst the theoretical measured background noise levels in the Nova Acoustic report factored into the impact of the level of sound from the events space suggest it would be inaudible within the village and in neighbouring properties, I consider that it is the nature of the sound which needs to be considered.
37. As already set out above the Hall, valley and village are set in a relatively quiet environment where the running of the stream is probably the most variable constant background noise depending on how much it has rained. However, this is not an unexpected sound and one characteristic of the countryside setting. Music being played, however distant, along with the sound of revellers, possibly late into the evening 7 days a week would cut through the tranquillity of the valley. It is reasonable to suppose that the valley itself would serve to amplify the sound from one slope to another. This is borne out by the anecdotal evidence of village residents who report hearing conversations and music clearly when the open day at the Stables was held.
38. In this way the living conditions of the neighbouring residents would be unacceptably harmed by reason of noise and disturbance caused by the use of the proposed event spaces and associated outside areas. In this way the terms of LP Policies SP2 and SP4 n) and s) would be compromised as the harm to the amenities of neighbours cannot be satisfactorily mitigated.
39. I am aware that at the Hearing and through the proposed schedule of conditions which were discussed, the Appellant attempted to draw back from the notion of holding events late into the evening suggesting finishing at 22.30 on any day²², as well as having no amplified music or speech²³ to be played

²² Condition 3 of the Schedule of Conditions.

²³ Condition 4 of the Schedule of Conditions.

within the event spaces or within the grounds. As indicated earlier such a change in the operation of the proposed event spaces beyond that which was determined by the Council would need to be properly evaluated through a clear and precise plan for the use of the spaces and with proper and meaningful consultation with local residents. This appeal is not the vehicle to make such on the hoof amendments.

*Effect on Bats*²⁴

40. The recent presence of bats was detected in the Hall in the separate roof space above the rear two storey annex²⁵. The roof is identified as including new roof timbers and roof lining which would indicate a recent re-roof. Listed Building Consent R/31/22T/LB was granted on 30 August 2022 for internal works to regenerate the existing 10 apartments. It was not suggested that works to the roof of the annex were necessary, and this seems to have been carried forward to the Appeal B scheme.
41. The BRA found no evidence of Bats in the Kennels. The roof also appears to have been re-roofed with new timbers and lining and it lacks a roof void which would have been attractive to roosting Bats.
42. Works to the roof of the Sawmill to make it sound and weather tight have already been carried out as part of the earlier permission/consents for conversion to two units.
43. The area of focus for concerns relating to the impact of the proposals on Bats, centres on the roof of the Hall annex and the potential loss of trees. Impacts on other species were only briefly touched upon within the BRA assessment and proffered mitigation measures were only general. Tree planting was promoted as part of an enhancement scheme, but this needs to be better related to the needs of resident Bats and factored into the weighing of the impacts within an assessment.
44. I agree that the BRA does not adequately address the impact on Bats in the context of the specifics of the proposed scheme. Further, the proposed mitigation and scheme of enhancement needs to be better related to the consequences of the development and changes of use proposed.
45. So, the appeal proposal generates conflict with LP Policies W1 and W2 which results in harm which would weigh against the proposal.

Trees

46. In February 2021 a woodland Tree Preservation Order was placed on four areas of trees within the Estate. Areas W1, W2 and W3 may require some management for the long-term well-being of the woodland but in respect of the impact of this appeal proposal specifically, it would be area W4 adjacent to the Sawmill that would be most affected.
47. 14 car parking spaces are proposed to the side of the Sawmill within the adjacent woodland. This would require the removal of a goodly number of trees to create the proposed access and parking. Some of the trees in this area are very bunched together and a heap of spoil against the side and rear

²⁴ European Protected Species.

²⁵ PEA Bat Risk Assessment (BRA).

walls of the Sawmill does have an impact. It is clear that some work would be required in any event to secure a healthy and well-balanced woodland in this location.

48. However, LP Policy W3 requires that where the loss of trees is unavoidable a scheme of replacement or mitigation that will compensate for the loss will be required.
49. The proposed removal of a significant number of trees is solely to provide car parking. These trees are of landscape value and could be considered to have some heritage value standing in the immediate setting of the Sawmill which would have milled the trees from the woodland of the Estate.
50. The Appellant has submitted an arboricultural impact and method statement to outline the extent of works and future management of trees within the appeal site. A new woodland block has been offered in mitigation for the loss of trees as a result of the appeal proposal.
51. I have noted that the Council's Tree and Woodlands Officer considers that given the site constraints, characteristics of the new woodland parking and the level of compensatory planting proposed, the development could be considered acceptable²⁶.
52. That said, even taking into account the assessments already submitted, it would be necessary to have a more detailed survey of condition and assessment of the impact on the trees and a management plan for the woodland areas to consider the future management of the trees. Therefore, in the absence of such detailed evidence and without a strong case that the proposed removal of the preserved trees is unavoidable, the terms of LP policy W3 would be compromised, and the resultant harm should weigh against the development.

Heritage effects

53. As decision-maker I must consider this appeal in light of the statutory duties placed upon me in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
54. The significance of Marske Hall is embedded in its physical presence as a grand country house 'classicised' in the 18th century. It is prominently located on the lower slope of the valley looking out across the associated open grounds down to Marske Beck which winds its way through the landscaped gardens separated from the Hall by Cat bank.
55. The ensemble of ancillary estate buildings, including the Stables, the Sawmill and the Kennels are important contributors to the significance of Marske Hall and its wider Estate. They all, whilst, in the main, are disused from their original purposes, still retain the character and appearance of their estate

²⁶ Planning Officer's report dated 9 February 2021 paragraph 61.

function. The Kennels, particularly, has a close relationship with the Hall both spatially and in terms of expressing a functional link to the rear of the Hall where all the service functions of the running of the house and Estate would have proceeded out of view of the resident family and their guests. The Kennels are very visible from the back of the Hall across the open grass with a backdrop of mature trees. Even though the appeal site includes some wooded areas there are some locations, mainly within the grounds, where an up or down slope view can be achieved to see the Estate buildings in the context of the Hall itself²⁷.

56. The relationship of the Hall with the village is also an important contributory factor to significance²⁸, as well as to the setting of the Marske Conservation Area²⁹. The close proximity of the village on the opposing valley slope is an expression of the likely connection of the villagers to the Hall, many of whom would have worked at the Hall or on the Estate. The Hutton Family, the landed gentry who occupied the Hall in the 17th/18th centuries and onwards had close ties with the village and contributed to the Church, evidence of which is still discernible on visiting the Church interior.
57. Marske Hall and its associated Estate buildings make an important contribution to the character, appearance and quality of the valley environment. The proposed use for events would undermine that contribution by reason of the noise and activity in and around the Kennels and Sawmill which would diminish the rural character of the tranquil valley which is central to the significance of the listed buildings.
58. The proposed use as event spaces would neither preserve nor enhance the character or appearance of Marske Conservation Area nor would it preserve the setting of the listed buildings within the appeal site.
59. I have considered the Appellant's proffered argument that Marske Hall in its heyday would have been a place of welcoming guests of the Family, of socialising and of parties. I have no reason to doubt that. However, that was of another time when the Hall was in single family occupancy and the landed gentry, in the main, oversaw the workings of the surroundings. The activities of the occupiers of the Hall centuries ago does not now justify the use of the Sawmill and Kennels as proposed, as some recollection of a society which is generally unrecognisable in our modern day nation.
60. The internal changes proposed to accommodate the new uses within Marske Hall, both within the basement and on the ground and upper floors are relatively minimal and amount, in the main, to the removal of some studwork, much of which is likely to have been associated with the earlier conversion to 10 residential units. Some details of sound proofing and wall insertion have been submitted but would need further clarification. The external changes, which involve the replacement of modern garage doors on the north elevation, as well as new basement access on both the north and south elevations, are sympathetically designed and involve limited work to

²⁷ All the buildings are equally and mutually important in the setting of the listed buildings as interdependent elements of this historic Estate grouping.

²⁸ The village and its moorland surroundings are integral to the setting of Marske Hall and its Estate buildings as a group.

²⁹ Hearing Doc 3.

existing openings or the restoration of an original doorway and steps. Subject to more detailed plans of these works being submitted³⁰ I do not consider they would unacceptably impact on the architectural or historic interest of Marske Hall.

61. The Sawmill is located close to the Stables, a building now sympathetically converted into self-contained holiday units. The appeal proposes a change of use of the Sawmill to an events space to accommodate 70 guests. This change of use would involve the removal of a number of substantial internal stone walls which appear to be original to the layout and subdivision of the Sawmill into small functional spaces. It is a requirement of the scheme to open up the internal space to create a kitchen, bar, lounge, toilets and flexible events area. In doing so, I consider, the historic interest of this estate building would be undermined leaving just a shell of what was an important, utilitarian building of special architectural interest. This would be an unjustified loss of historic fabric within the building and a retrograde step affecting how the building is read internally as an expression of its original use which would diminish the significance of this Estate building and in its relationship with Marske Hall and the other associated buildings.
62. The Kennels is proposed to be extended by means of an infill from the back curving wall of the building to link to the existing free standing garden wall behind. The Kennels, in the main, whilst dilapidated, still retains the character of the dog kennels, including the rear yard. The proposed works of conversion maintain the internal layout of the Kennels. The proposed covering over of the rear yard area with a glazed roof would still allow an appreciation of the relationship of the yard with the functionality of the Kennels. I am not clear why it is necessary to set the end proposed glazed wall back on the western elevation with the consequence that the large existing end opening is cut across. Dissecting this opening would create an awkward intersection at the cost of preserving the original layout and the character of the building and a diminishing of the expression of its original function and form.
63. So, for the above reasons in relation to the proposed loss of historic fabric within the Sawmill and the cutting across of the existing rear wall opening in the Kennels, I judge that these works would neither conserve or enhance the significance of these designated heritage assets and would be contrary to the terms of LP Policy L1.
64. Considering the appeal proposal as a combination of associated uses of designated heritage assets my concern lies specifically with the required level of on-site car parking and its location with its resultant impact on the significance of Marske Hall and its Estate buildings.
65. The appeal proposal provides some 72 on-site car parking spaces which the HA agreed was the minimum required for their purposes. The proposed layout as shown on drawing no 19/03.202 RevD shows parking for the Hall and the Kennel event space to be located to the side and behind the Hall as well as 12 spaces end to end following the edge of the open grass area

³⁰ Could be dealt with by condition.

between the two listed buildings³¹. Cars parked in the area along the edge of the grass would create a visual division between these associated buildings, along with an erosion of the grassed area by the digging out of the car parking spaces. This would unacceptably undermine the significance of these heritage assets.

66. This identified harm would be developed further by the proposed parking areas noted as A and B on Hearing Doc 1³². These plans show 23 car parking space across the two areas. Areas A and B are proposed to be located on the northern side of the sweeping drive which comes up from the grand entrance off Cat bank. The parking would be on high ground above the landscaped gardens of the Hall through which Marske Beck flows. It also would be above Cat Beck itself which is set downslope walled in on both sides but with clear views whether walking or driving passed up to the Hall. Cars parked in these locations would block views from the north and would interrupt the open grandeur of the position of Marske Hall and the appreciation of its classical façade cluttered by vehicles parked in such an elevated position.
67. I am conscious that this proposal is for the use of the Hall and Estate buildings 7 days per week so parking in the identified areas may be frequent and prolonged. This would further compound the harms identified to significance and would not preserve the setting of Marske Hall, undermining an appreciation of its features of special architectural and historic interest.
68. For the above reasons I find that the development proposal would not represent a total loss of significance but would lead to less than substantial harm to the significance of designated heritage assets³³. In my judgement this would be on the upper end of a sliding scale of less than substantial heritage harm.
69. It is now necessary to weigh the identified less than substantial harm against the public benefits of the proposal³⁴ including, securing its optimum viable use.

Public benefits as proffered by the Appellant - these are not listed in order of importance³⁵

70. The provision of sustainable rural tourism development related to the diversification of heritage assets by bringing them back into viable re-use.
71. The heritage assets will be conserved for future generations with past unsympathetic interventions, which harm significance, being made good. The proposed new lease of life for the site would increase accessibility and enable the assets to be appreciated by a greater number of visitors.
72. As the site has few constraints the proposal represents high-quality bespoke units and an events venue which can be delivered efficiently and quickly.

³¹ This proposed car parking would involve the excavation of the sloping grassed area to accommodate the parking spaces which would further erode the character and openness of this area behind the Hall.

³² Dwg no 19/03-202 dated Oct 2022, Dwg no 19/03-202 RevD & 2020-F-039-007.

³³ Framework paragraph 202.

³⁴ Paragraph 202 of the Framework requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal.

³⁵ Source Planning Statement and Appellant's appeal statement.

73. The construction of a place which respects but uses this historic site beneficially by ensuring the surrounding green infrastructure³⁶ will create a healthy place to visit.
74. Provides a small-scale, well-designed tourist use which would conserve the landscape character of the locality by respecting its sensitivities.
75. The proposal would increase the amount and quality of tourist accommodation within the National Park, thereby providing an opportunity for all to understand and enjoy the special qualities of the National Park whilst conserving the landscape character of the locality. Would be an additional tourism 'attractor' for the National Park and Welcome to Yorkshire.
76. It would conserve and enhance the biodiversity of the site and locality in general.
77. It would generate an increase in the number of visitors to the National Park which would increase expenditure in the village and the wider local economy.
78. It would result in significant economic benefits by the provision of positive but limited scale rural growth. This would include jobs connected with the running of the Aparthotel and the event spaces.
79. The proposal would create indirect jobs and economic activity from the increase in the number of homes in the locality. There would also be temporary benefits in the construction industry for the duration of works on the development.
80. The Appellant has also offered the events spaces to the local community for their use for meetings or other community uses.

Heritage balance

81. The public benefits identified by the Appellant vary in weight with the restoration of and bringing back into use of these heritage assets being the most weighty. They do present cumulatively considerable weight in favour to be added in the heritage balance set out in Framework paragraph 202, along with the presumption that preservation is desirable.
82. However, great weight and considerable importance should be given to the conservation of assets³⁷ irrespective of any further identified harm. The loss of historic fabric, the dominance of the proposed intervening on-site car parking and the resultant noise and levels of activity generated by the proposed event spaces would not preserve the setting of the listed buildings, nor would it preserve or enhance the character and appearance of the Markse Conservation Area in the circumstances of the overall scheme as currently proposed³⁸. Whilst constituting less than substantial harm in Framework terms, this would result in an inordinate amount of harm to heritage assets. The considerable importance and great weight which I ascribe to this

³⁶ Including new woodland block and existing woodland management.

³⁷ Framework para 199.

³⁸ Statutory duties placed upon decision-maker in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The terms of LP Policy L1 would also be offended.

identified heritage harm³⁹ would outweigh the public benefits which would ensue from the development.

83. As part of this balance I have taken into account the proposed use of Marske Hall which would reflect its current sub-division into residential units, albeit that residents are likely to be short term, for long weekends and holidays. I consider the proposed use of Marske Hall to be consistent with its conservation⁴⁰. The use for events spaces has not been shown to be the optimum viable use of the Sawmill and the Kennels. The granting of planning permission for the use of the Sawmill for residential purposes rather bears this out.

Planning balance

84. On the face of it then the heritage harm would be enough to reject the proposal. However, it is clear that there is identified conflict with the Development Plan as a whole, resulting in consequential harm to which substantial weight should be ascribed⁴¹. The proposal has also been assessed against the Framework as a whole and when specifically assessed against paragraph 202, it is found in the balance of the decision that specific policies in the Framework indicate development should be restricted, a finding which similarly weighs significantly against the proposal.
85. The harms identified in respect of the proposal as applied for are sufficiently weighty to clearly out-weigh its benefits and provides clear reasons for the rejection of both appeals.
86. Consequently, I dismiss both Appeal A and Appeal B.

Frances Mahoney

Inspector

³⁹ Framework para 199.

⁴⁰ Framework paragraph 197.

⁴¹ This includes conflict with the other relevant Development Plan policies already identified in this decision.

Hearing Documents (Doc)

Doc 1 – Dwgs nos 19/03-202 & 2020-F-039-007 – Proposed additional parking areas A & B in front of Marske Hall

Doc 2 – Comments concerning Ecological impacts from the Council dated 17 October 2022

Doc 3 – Plan of Marske conservation Area

Doc 4 – Relevant policy extracts from Yorkshire Dales National Park Local Plan 2015-2030

Doc 5 – Statement of Lindsey Wilson - Scientific Officer, Environmental Health Department, Richmondshire District Council

Doc 6 – Statement of Marske and New Forest Parish Council

Doc 7 – Statement of Laura Ridley

Doc 8 – Statement of Maggie Tillotson

Doc 9 – Statement of Trish Allison

Doc 10 – Statement of Lynne Wallis

Doc 11 – Statement of Naomi Meredith

Doc 12 – Statement of Philip Simpson

Doc 13 – Statement of Stephen Clark

Doc 14 – Statement of Alan Matthews

Doc 15 – Statement of Stephanie Villiers

Doc 16 – Population of Marske and New Forest Parish over 170 years

Doc 17 – Figure CJT-5.1 Proposed Raised Table arrangements

Doc 18 – Yorkshire Dales National Park Authority Planning Committee 9 February 2021 Late Consultations Summary Sheet

Doc 19 – Highway Matters Agreement dated 19 October 2022.

APPEARANCES

For the Council

Mark Williams - Senior Planning Officer Yorkshire Dales National Park

Alexander Gardner – Highways Department, Richmondshire District Council

Lindsay Wilson – Environmental Health Officer

For the Appellant

Fiona Tiplady – Associate Director Planning – Rural Solutions

Carl Tonks – Director Carl Tonks Consulting

Ian Morton - Appellant

John Hinchliffe – Hinchliffe Heritage

Jane Brown - Manager of The Stables

Interested Parties

Nigel Phillips – Representing Marske and New Forest Parish Council

Laura Ridley – Local Resident

Maggie Tillotson - Local Resident

Trish Allison - Local Resident

Lynne Wallis - Local Resident

Naomi Meredith - Local Resident

Philip Simpson - Local Resident and Farmer

Stephen Clark - Local Resident

Alan Matthews - Local Resident

Deborah Fitzgerald - Local Resident

Lynn Hibberton - Local Resident

Nick Hibberton - Local Resident