



Appeal Decision

Site visit made on 9 May 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/G2713/W/23/3314581

Land South of Lead Lane, Brompton, Northallerton DL6 2RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Harry Dee against the decision of Hambleton District Council.
 - The application Ref 22/02168/OUT, dated 7 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed was originally described as erection of 4.no dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline application with means of access to be considered. Appearance, landscaping, layout and scale are reserved matters for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes.
3. On 1 April 2023 Hambleton District Council was dissolved and merged with other Council's to form a new Unitary Authority known as North Yorkshire Council. Regulation 26 of The Local Government (Boundary Changes) Regulations 2018, allow for any extant development plans to have effect as if adopted by the new Unitary Authority until such time as the new Unitary Authority adopts a plan covering the whole of its area. For the purposes of this appeal, the development plan comprises the Hambleton Local Plan (2022) (LP).

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Brompton Conservation Area (CA).

Reasons

5. The appeal site is adjacent to the built form of Brompton and comprises an agricultural field adjoining Lead Lane. My attention has been drawn to the Brompton Settlement Character Assessment. The site forms part of character area B. The document sets out constraints for the area and does not preclude development on Lead Lane.
6. The appeal site is situated within the CA. The CA covers a large amount of the village including the medieval settlement core around The Green and St

Thomas's Church, Brompton Beck and later development. Buildings are predominantly two-storeys in height, set to the pavement edge and constructed in a vernacular style with relatively simple detailing. The predominant building material is red brick or render coating with pantile or Welsh slate roof covering.

7. The appellant's Heritage Statement sets out that the site forms part of the historic agricultural setting of the village. The appeal site makes a positive contribution to the character and appearance of the area, including the CA, as it forms part of a number of elongated strip fields which extend towards the village to the A684. The field patterns are indicative of pre-enclosure field divisions and are significant in illustrating the historic agricultural basis of the settlement. They have remained largely undeveloped and play an important role in the historic layout and general character of the village and the immediate surrounding countryside.
8. Thus, Lead Lane is an important historic route into the village and connects the village centre to the A684. The appeal site sits on higher ground than the historic village core and there are mature trees to the west of the appeal site. As such there is no significant inter-visibility.
9. This part of Lead Lane is characterised by dwellings situated on the northern side of the road whereas the opposite side of Lead Lane, which the appeal site forms part of, is characterised by verdant agricultural land. The design, scale and massing of the dwellings on the northern side vary, and they do not significantly contribute to the CA. When viewed from the road, the boundary hedge and associated height difference between the site and highway screens views into the appeal site. Nonetheless, it is evident that the site does not contain built development and it provides a sense of openness.
10. Notwithstanding that the evidence suggests that the development would be comprise four bungalows, the erection of four dwellings, and associated works, would remove elements of openness of this part of the CA. The appellant sets out that the proposed scheme retains all field boundaries and the existing field pattern. The field pattern would remain legible to the east and south of the site. However, the development of the site would result in the loss of part of the linear strip field¹.
11. Accordingly, the proposal would diminish the historic agricultural landscape setting to the village. As set out in the submitted Landscape Visual Appraisal, no long-distance views of the site can be achieved because of the nature of the existing landscape. Nonetheless, the proposed development would have a detrimental impact on the character and appearance of the village and immediate surrounding countryside that makes a significant contribution to the character and setting of this part of the village. The proposal would result in the loss of the special qualities of the site that positively contribute to the character and appearance of this part of the CA. For these reasons, it would not preserve or enhance the character or appearance of the CA and would cause harm to its significance.
12. The appellant refers to a planning application nearby, granted permission². I do not have the full details of that case. In any case, that scheme cannot be

¹ As stated in paragraph 4.07 of the Built Heritage Statement and paragraph 2.10 of the Heritage Technical Report
² 17/00611/FUL

directly compared to the proposal before me as it is located on the opposite side of Lead Lane and outside of the CA. Furthermore, the approved scheme follows the linear form of development along the opposite side of Lead Lane.

13. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. Policy E5 of the LP states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is also reflected in Framework paragraphs 200 and 202.
15. In this regard, my attention has been drawn to a planning application³. Although I acknowledge the points highlighted by the appellant and an interested party regarding that planning application, that development cannot be directly compared to the scheme before me. This is because that site is located outside of the conservation area boundary⁴, and the context of the appeal site and number of dwellings differ.
16. The level of harm would be less than substantial. This is due to the scale of the proposal within the context of the CA as a whole, there is no significant inter-visibility between the historic core of Brompton and the appeal site, as well as some of the field pattern would remain and views into the appeal site are restricted. Nevertheless, this is a matter which I attach considerable importance and weight.
17. The appellant sets out the benefits of the proposal⁵. These include that it would provide new housing in a sustainable location, economic benefits (during construction and subsequently through additional households in the village), social contribution to village life, mix of dwellings which accords with the identified need within the district and biodiversity net gain. Although the proposal is in outline, I acknowledge that to mitigate the extent of impact it has been suggested that the dwellings would be of bungalow design in a linear format, and the hedgerow boundaries would be retained and reinforced as far as practical through an appropriate landscaping scheme. Having said that, the erection of four dwellings, and introduction of associated gardens, parking and domestic infrastructure would fundamentally change the character of the site and result in the loss of an open field with historic field pattern.
18. When drawing this together, it results in a finely balanced decision. In my view, the public benefits associated with the proposed development are not sufficient to outweigh the harm that I have identified.
19. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposed development would be visually harmful to the character and appearance of the surrounding area, and would

³ 21/02712/FUL

⁴ Paragraph 5.37 of the Officer's Report

⁵ As set out in the appellant's statement of case and appendix 12

fail to preserve or enhance the character and appearance of the CA. Therefore, it would fail to satisfy the requirements of the 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would conflict with Policy HG5 of the LP which states, amongst other things, that a proposal for housing development on a site adjacent to the built form of a defined village will be supported where it will have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village. It would also conflict with Policy E5 of the LP which seeks to protect and conserve the district's heritage assets, and where possible enhance them. Furthermore, the proposal would not be in accordance with chapter 16 of the Framework which seeks to conserve and enhance the historic environment.

20. The Council has set out that the proposal would be contrary to criterion d) of Policy HG5. I have found that the site is important to the historic form and layout of the village and would result in the loss of open agricultural land. Nonetheless, based on the evidence presented and considering the policy evolution, policy construction and reasoned justification, I am not convinced that for the purposes of this policy that the site constitutes "open space". In any event, that does not alter my findings above as I have found that the proposed development would conflict with criterion e) of Policy HG5.

Other Matters

21. In addition to matters relating to the main issue, the appellant has drawn my attention to a range of other matters. These include that the proposed development constitutes sustainable development, complies with other local and national planning policies, audit confirmed Brompton as a sustainable location for further residential development and tilted balance engaged. In addition, a support comment highlights that they would be interested in buying one of the dwellings, potentially as a self-build.
22. There is no information before me which demonstrates that the proposal complies with the relevant legal definition of self-build housing or in line with the definition provided in planning policy. The appellant sets out that paragraph 11 of the Framework has been triggered and the tilted balance engaged. However, they have not provided any clear evidence to demonstrate why this is the case. Even if I were to agree that the tilted balance is engaged, based on the information presented, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The other matters raised, and benefits of the proposal, do not outweigh the harm identified above. Therefore, the proposed development would not represent sustainable development, as defined by the Framework, given the harm I have found.

Conclusion

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR