



Appeal Decision

Site visit made on 27 June 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/Y2736/W/23/3316600

Former Abattoir, Nunnington YO62 5UU

- 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 Nunnington Settlement Trustees against the decision of Ryedale District Council.
- The application Ref 22/00691/FUL, dated 14 June 2022, was refused by notice dated 30 November 2022.
- The development proposed is demolition of outbuilding and erection of 1 dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Ryedale District Council has merged with other councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effects of the proposed development on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Nunnington Conservation Area.

Reasons

4. The development of Nunnington has been influenced by the presence of Nunnington Hall and its estate, together with its agricultural setting in a rural landscape. The layout of the village is based on a square shaped street pattern, with parallel roads connecting around the village to the north and south. Development is mainly aligned with the street frontages, often in a raised position from the road level due to the sloping verges. Dwellings constructed from stone with pantile roofs is the predominant built form. Green spaces within and on the edge of the village contribute to its historic form and layout and reinforce its rural qualities and relationship with the surrounding countryside. The significance of the Nunnington Conservation Area (the CA) is in part derived from these aspects.
5. In addition to the registered Park and Garden and areas designated as Visually Important Undeveloped Areas in the 2013 adopted Ryedale Plan – Local Plan Strategy (the LP), the green spaces referenced above comprise roadside verges, domestic gardens, hedges and paddocks.

6. The appeal site is described in evidence as a small paddock. Although the appellant states that the site has been used as amenity space associated with Smith's Cottage, the application form indicates that it is vacant. At the time of my visit the site was overgrown. Although not a defined Visually Important Undeveloped Area, the site nevertheless makes a positive contribution to the character and appearance of the CA. This is mainly through its predominantly open and verdant character and appearance, which helps to reinforce the rural qualities of the village. This is enhanced by the presence of the outbuilding within the paddock. Furthermore, a wider area of open land to the west is clearly discernible in views across the site, which reinforces the links with the rural surroundings in this location, notwithstanding how it may have historically been mapped.
7. The location of the dwelling fronting onto Rectory Lane would reflect the prevailing alignment of the built form, as would its elevated position above the road. The materials proposed would be consistent with the predominant palette of materials used in buildings in the village.
8. The scale of the proposed dwelling would not be dissimilar to a number of nearby dwellings such as Ryemoor Cottage, Smith's Cottage or Oak House. Due to the topography, which slopes downwards from the south, the proposed dwelling would sit higher than those further north on Rectory Lane. The dwelling would therefore have more prominence in the street scene compared to those at a lower level when viewed from certain vantage points. Nevertheless, this would be similar to the relationship that the properties here have with each other. Furthermore, the appellant's evidence indicates that the ridge height of the proposed dwelling above the road would be similar to Moss Cottage opposite and would not be substantially higher than the ridge height of Smith's Cottage above the road.
9. Although most properties on Rectory Lane are orientated north to south, the proposed car port would be consistent with the orientation and roof style of the existing outbuilding on the site, and with other ancillary buildings that I saw, such as the garage to the rear of nearby Honeysuckle Cottage.
10. In terms of general alignment, design and scale therefore, the proposal would be broadly reflective of the character and appearance of the prevailing built form within the CA. It would not have an overly dominant presence in the street scene in respect of these aspects.
11. However, the development of a dwelling on the site would change its character from a predominantly open and green space to one containing a more substantial and domestic form of built development. This would have an associated urbanising effect which would be markedly at odds with the existing modest outbuilding and the mainly undeveloped and verdant appearance of the site, even accounting for a modest domestic character that may have been associated with its use as an amenity space. The proposal would therefore detract conspicuously from the open and rural character and appearance of the site. It would also noticeably reduce existing views to the wider open area beyond from vantage points along Rectory Lane. Furthermore, removing the existing outbuilding would also diminish the rural character of the site and the historic form of the village.
12. The proposed development would not be readily visible from the public right of way (PRoW) to the east of Rectory Lane. The site is screened in views from the

PRoW to the west of Rectory Lane, and this would limit visibility from vantage points here at least when the vegetation is in leaf. Nevertheless, the proposed development would be clearly visible from public vantage points along Rectory Lane and from nearby properties.

13. I therefore conclude that, in this respect, the proposal would harm the character and appearance of the area and would not preserve the character or appearance of the CA.
14. In terms of the National Planning Policy Framework 2021 (the Framework), I assess the harm to the CA as less than substantial. Even so, paragraph 199 of the Framework directs me to give 'great weight' to the conservation of such assets; less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met.
15. The proposal would contribute to housing supply on a site within the defined development limits of the village, and which the Council considers to be an infill site under the terms of Policy SP2 of the LP. However, I do not afford such a benefit very significant weight in the context of the local planning authority being able to demonstrate a five-year supply of deliverable housing sites, which has not been contended by the appellant, and given the quantum of housing proposed. Furthermore, there is no evidence that indicates the extent to which the proposed dwelling would benefit the longevity of the Estate.
16. There would be some economic benefits, for example via local spend and support given to local services and facilities. Those implications may be considered public benefits, however the weight that I can ascribe them in terms of one dwelling is limited. The proposal may be acceptable in terms of its effect on the living conditions of nearby residents, highway safety and ecology, but a lack of harm is neutral in the balancing exercise. There is no evidence to suggest that the repair and maintenance of the stone wall could only be achieved as part of the proposal.
17. Collectively, I find that the above public benefits are not sufficient to outweigh the less than substantial harm caused to the CA. They do not represent 'clear and convincing justification' for harm to or loss of significance of the designated heritage asset, as required by paragraph 200 of the Framework.
18. Consequently, the proposal would be contrary to Policies SP12, SP16 and SP20 of the LP, which, amongst other considerations, seek to protect heritage assets and require development to respect and reinforce local distinctiveness. There would also be a conflict with the objectives in sections 12 and 16 of the Framework in the same respects.

Conclusion

19. The proposal would conflict with the development plan taken as a whole. 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 be dismissed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR