



Appeal Decision

Site visit made on 24 May 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/E2734/W/23/3316726

Vine House, Main Street, Great Ouseburn, York, North Yorkshire YO26 9RQ

- 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 Mr and Mrs John Allen against the decision of Harrogate Borough Council.
 - The application Ref 22/02541/FUL, dated 23 June 2022, was refused by notice dated 18 August 2022.
 - The development proposed is described as 'erection of detached dwelling and single storey annexe; repair/conversion of existing outbuilding to utility accommodation; adaptation of workshop to provide separate access to Vine House.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was determined by Harrogate Borough Council. Since 1 April 2023, Harrogate Borough has become part of the new unitary authority of North Yorkshire Council. However, the planning decision subject to this appeal is unaffected.
3. As part of the appeal submission, the appellant has put forward revised drawings for the scheme. However, I am mindful that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal.
4. Applying the 'Wheatcroft principles'¹, it is my view that the appeal must be determined on the basis of the plans as originally submitted and upon which the Council based its decision. To do otherwise would prejudice the interests of third parties and consultees, who have not been consulted on the revised scheme. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

5. The main issues are the effects of the proposal on:
 - The character and appearance of the area, including Great Ouseburn Conservation Area (CA, in respect of its setting, and of Vine House, as a non-designated heritage asset (NDHA); and
 - Highway safety.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Character and appearance

6. Vine House is a large, detached, house, that fronts the road through the village of Great Ouseburn. The entrance drive at one side serves a rear parking area and a range of single storey, brick outbuildings. On the other side of the site, is a two-storey range of outbuildings, with single storey workshop, attached to the gable elevation of the house.
7. To the rear of the parking area is a walled garden with lawns and flower beds. Beyond this is a more informal area of garden with a large pond and small trees where the proposed house and annexe would be located. This in turn leads to an orchard and woodland area.
8. Vine House, whilst not listed, is considered to be a building of local interest and as such, in the terms of the National Planning Policy Framework (the Framework) is a NDHA. The building has been altered and, at some point, integrated with the adjoining Vine Cottage. This, the appellant considers, limits its aesthetic merit or architectural value. However, many heritage assets will have seen significant change throughout their history, so the house and its outbuildings, are not untypical in this respect.
9. The brick-built house and adjoining stable block are reputed to pre-date 1850. The significance of the site results from its traditional vernacular character, in association with the stable, plus its formal garden. Other features, such as the cobble wall with brick coursing that runs along the driveway adjoining Yeoman's Cottage, contribute to this.
10. Vine House and outbuildings are located within the Great Ouseburn CA, whilst the proposal lies just outside. The CA straddles either side of Main Street which runs through this linear village and is flanked by two storey buildings. The significance of the CA is the almost continuous frontage of historic buildings, including that of Vine House, along the street. This pattern gives a coherence to the character and appearance of the village and the CA. These buildings, including outbuildings to the rear and the adjoining field patterns, provide evidence of the historic farming community that existed in this area.
11. At the front of the site the proposal would reconfigure the workshop to provide vehicular access for Vine House. The area of land in front of this building had been cleared at the time of my site visit, including a collapsed boundary wall. It is intended, however, that repairs to the front boundary wall would be part of the development. The use of the workshop, which makes no particular contribution to the NDHA, would, however, retain the form and size of the building, and despite the creation of a new entrance from Main Street, would not harm the NDHA.
12. The outbuildings have previously had permission for conversion to a separate dwelling². These are now proposed to be ancillary accommodation for the new dwelling.
13. The proposed house and annexe would be outside the CA, and like the rest of the village is within Landscape Character Appraisal Area (LCA) 92, Ouseburn³.

² 19/03086/FUL

³ Harrogate District Landscape Character Assessment, 2004

The proposal site is within an area used as an extended garden, with industrial buildings along its flank, and beyond that a caravan site.

14. The proposed new dwelling and annexe would be built to the rear of the brick garden wall which separates the formal garden from the secondary garden containing the pond. The house would be bigger than a typical utility outbuilding and have a footprint less than 50% of the host property. However, Vine House is a large dwelling, and the proposal also includes a sizeable single storey annexe. Whilst the proposed house would be lower than Vine House, it would be visible above the garden wall and so intrude into views from the host property and its environs.
15. The walls and roof of the buildings would be of slatted timber, such as larch or chestnut, designed to naturally weather, and purported to reflect modern farm buildings and the varying materials found around the site. Although the appellant contends that farm buildings can be built within the defined settlement development limit around the village, the proposal, despite its design, is for a house and annexe, not a farm building. Furthermore, despite a traditional courtyard form, the buildings combined would introduce a sizeable new development at the rear of the site.
16. Whilst there would be minimal fenestration on three of the elevations of the house in order to avoid overlooking, the east elevation would have a significant area of glazing which would have views over the garden. Although this would be within a setting of trees, the proportion of openings to solid wall and the inclusion of a Juliet balcony, would appear incongruous to the form of the building and the characteristics of the site.
17. The appellants have referred to and provided some details of a planning permission⁴ for a new dwelling within Great Ouseburn which made extensive use of glazing. This involved the conversion of an existing building, as opposed to a new build. The details of the second case⁵ for a modern designed house on the edge of the CA, was permitted within the context of the Council being unable to demonstrate a 5-year housing land supply. Notwithstanding this, I must look at the merits of this appeal where the host property is within the CA and is a NDHA, which would not appear to apply in the cases that have been cited.
18. The proposal seeks to avoid a pastiche with its use of timber, minimalist detailing, and a contemporary design. Despite this, it would detract from the traditional form of buildings and materials within the site which are inherent to the overall significance of the site and the NDHA. The proposal would be built close to the traditional brick wall of the enclosed garden and the scale and contemporary nature of the proposal would create a discordant addition to the site and its vernacular characteristics.
19. The proposal is not justified as a screen to the long-established industrial buildings located nearby. These are single storey and of a muted colour. They appear as small-scale industrial or agricultural buildings and form an established part of the settlement, causing no harmful impact upon its character and appearance.

⁴ 16/03179/FUL

⁵ 17/04658/FUL

20. A caravan park runs from this side of the village into countryside. This is an entirely different form of development to what is proposed, and the extension permitted to this provides no reasonable comparison with this proposal.
21. The prevailing pattern is road fronting development, either facing the main street, along lanes branching from this or in small estates. The tandem arrangement proposed would result in an incongruous form of back garden development that would be harmfully out of character with this prevailing built pattern.
22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the CA, great weight should be given to the asset's conservation. Furthermore, any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
23. The proposal, would, because of its large scale and close position, harm the setting of Vine House and its outbuildings; a NDHA. Whilst the proposal is outside the CA, it would encroach into its setting, provided by a back garden with open countryside beyond. A large development within this back garden area would erode this open, countryside setting detracting from the significance of the CA. This would fail to preserve or enhance the character or appearance of the CA.
24. Whilst this harm would be 'less than substantial harm', it should be weighed against the public benefits of the proposal. The proposal would secure the retention and rebuilding of the outbuildings and rebuild a collapsed portion of the front wall of Vine House. However, it has not been shown that other than these, the benefits from the development would purely be any more than a private benefit, and as such this would not outweigh the harm to the designated heritage asset.
25. Therefore, the proposal would not accord with Harrogate District Local Plan 2014-2035 (LP) Policy HP2 which requires proposals affecting a heritage asset to be determined in accordance with national planning policy. It would also not accord with LP Policies HP3 and NE4, which collectively seek to protect and enhance local distinctiveness and the character and appearance of the landscape.

Highway safety

26. The reconfiguration of the workshop attached to Vine House would provide access from Main Street to the rear of the house. This would provide a parking and manoeuvring area for the host dwelling, with the new house using the existing entrance to the site. This provides a similar situation to the planning approval for the conversion of the outbuildings to a separate residential unit approved in 2019⁶, although in that case the outbuilding, through which the access would be created, would have been demolished.
27. The Council's parking guidance states that for dwellings with four or more bedrooms, three parking spaces are required. A floor plan, drawing 020 Rev A,

⁶ 19/03086/FUL

shows that for the new house, two garage spaces have been provided, a turning area between the buildings, and space to park a further car.

28. I could see from my site visit that there would be adequate room for parking at least three cars in the area behind Vine House and that there would be space to manoeuvre. Therefore, it is unlikely that the proposal would result in cars parking on Main Street. With reference to paragraph 111 of the Framework, the proposal would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. I therefore find no highway safety harm to arise.

Balance and conclusion

29. Great Ouseburn is defined as a service village in LP Policy GS2, whilst Policy GS3 defines its development limits. Within these limits, proposals for new development will be supported where they are in accordance with other relevant LP policies. Outside these limits, development will only be supported where it is expressly permitted by other LP policies, neighbourhood plan policies or national planning policy. Furthermore, where there is an absence of a 5-year housing land supply, proposals for new housing development on sites outside the development limit of a settlement will be considered in accordance with the presumption in favour of sustainable development set out in national planning policy, and consistent with the settlement's role in the hierarchy, not result in a disproportionate level of development compared to the existing settlement, and able to meet relevant criteria.
30. It is acknowledged by all parties that the site lies outside the development limits of the village. Furthermore, the Council has stated that the district has a healthy housing land supply, currently 7.3 years. Therefore, the proposal does not accord with LP Policy GS3. The appellants have provided an appeal decision⁷, also within Harrogate District, where an Inspector also found that the proposal did not accord with LP Policy GS3. In this case, however, they allowed 4 new houses outside the development limits, as other factors weighed in favour of the proposal. The circumstances of that case do appear, however, to differ as the proposal was adjacent to a local service centre, not a service village, like Great Ouseburn, and it was neither in or adjacent to a CA and did not affect a NDHA. Furthermore, 4 houses would provide a greater contribution to housing than the one house proposed in this location. Therefore, I do not believe that this decision is directly comparable to the appeal that is being determined.
31. Whilst this proposal could be seen as making a contribution to windfall housing, the site already has permission for the change of use of the outbuildings to a dwelling. This would not, however, be progressed if the current proposal was allowed. Therefore, the proposal provides negligible public benefits in respect of boosting housing supply.
32. Nevertheless, the appellant's have identified the site as a self-build plot, designed to meet their own specific needs. The Self-build and Custom Housebuilding Act 2015 require Councils to provide enough serviced plots in order to meet the demand for self-building and custom housebuilding within the Council's area, whilst The Housing and Planning Act, 2016, gave a duty to grant planning permission subject to certain exemptions at S2A. The Council

⁷ APP/E2734/W/21/3267790

have kept a register for some years, however, a report produced by the Council in January 2023 concluded that there is a shortfall in the delivery of self and custom build plots. Whilst the proposal would help address this shortfall, the delivery of just one self-build plot would be a benefit of limited weight.

33. The site is adjacent to Yeoman's Cottage, a grade II listed building. The proposal, which is largely screened from Yeoman's Cottage by a high wall, would not affect the listed building or its setting and so would accord with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
34. Although it is acknowledged that the orientation of the proposed house and overshadowing from mature trees, does not provide ideal circumstances, the house has been designed using the Passivhaus design tool. This approach has received local support. Policy CC4 of the LP, however, requires sustainable design to reduce the extent and impacts of climate change, including passive design measures and so would achieve the aims of the policy, which I give moderate weight to.
35. An ecological survey identified protected species within the grounds and buildings in the site. However, as I am dismissing the appeal, there is no reason to pursue this matter any further.
36. The site is located in flood zone 1, with a soakaway proposed for a pond or wetland garden to deal with surface water. Foul drainage would be dealt with a connection to the main sewer, whilst any potential contamination risk could be dealt with satisfactorily. In addition, the proposal would not result in any overlooking or overshadowing of neighbouring properties. These factors confer an absence of harm and therefore are neutral factors in my overall balance.
37. Although the site would result in some economic benefits in the purchase of building materials and employment of tradespeople for the proposal, this would only be for a temporary period to which I give only limited weight to. Furthermore, whilst a new house would help support community services and facilities, I give only moderate weight to this.
38. Whilst I have found that the proposal would not affect highway safety, I have found that the proposal would provide limited public benefits, only a private benefit which would not outweigh the harm to the heritage assets which I need to give considerable weight to.
39. Therefore, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
40. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR