



Appeal Decision

Site visit made on 19 September 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/U2750/W/23/3321519

25 High Street, Stokesley, North Yorkshire TS9 5AD

- 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 Martin Hindmarsh of MH Hospitality & Leisure Ltd against the decision of North Yorkshire Council.
 - The application Ref 22/02499/FUL, dated 20 October 2022, was refused by notice dated 3 April 2023.
 - The development proposed is the change of use of rear garden area to accommodate 4no. glamping pods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme was amended during the planning application process to reduce the number of glamping pods from five to four pods. As such, in the banner heading above, I have used the description of development from the Council's decision notice as this more accurately describes the development.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area, bearing in mind it would be within the Stokesley Conservation Area (SCA) and within the setting of nearby listed buildings; and
 - the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site accommodates a parcel of open grassed land to the rear of Stokesley High Street. The surrounding area has a mixed-use character and comprises residential and commercial buildings of varying design and appearance and features a number of outbuildings and extensions and alterations. To the rear of the site is the River Leven. This area has verdant and tranquil qualities owing to the tree lined riverside walk with river crossing points, which together provides an intimate feel and contributes positively to the character and appearance of the area.

5. The site falls within the SCA. From my observations and the SCA Appraisal (2010) the significance of the SCA, insofar as is relevant to this case, is primarily derived from its historic pattern of development along the High Street, with narrow frontages and long 'burgage' plots to the rear which forms the historic core of the settlement, and the contrasting verdant tree-lined banks of the River Leven. The appeal site, as an open parcel of land makes a positive contribution to the SCA, adding to its historic character and retaining the traditional pattern of development.
6. The proposal would introduce four timber glamping pods at the appeal site that would broaden the accommodation offer at the adjacent hotel. While I note that the number of pods has been reduced from five to four to promote greater separation distance between the pods, the layout would bring development up to the site boundary closest to the riverside such that it would increase the quantum of physical form. In doing so it would erode the positive contribution the undeveloped parcel of land currently makes to the character and appearance of the area, particularly given that in many instances the narrow burgage plots have become partly infilled in the locality.
7. The pods would have a simple design, be single storey and views from Golden Lion Mews would be limited. However, while the existing stone wall boundary treatment would provide some screening, the tops of the pods would be visible from the riverside walk. Despite the presence of other timber structures in the area, and even if the timber facing on the pods would weather down quickly to a light grey to match the boundary treatment, the proposal would, nevertheless, result in a noticeable difference in the physical form.
8. Moreover, the orientation of the pod closest to the site boundary would result in the full width of the pod being experienced above the boundary treatment in views from the riverside walk and crossing. This would draw the eye and be an unwelcome intrusion that would not relate positively to the prevailing character and appearance of the area, harmfully interrupting the tranquil scene to the rear of the appeal site that is markedly different from the nearby High Street.
9. While the appellant suggests that local business needs should be taken into account and a flexible approach be taken in line with paragraph 82 of the National Planning Policy Framework (the Framework), this relates to planning policies and accommodating needs not identified in the plan, rather than decision making. Even though the pods are temporary structures and could be removed, the harm identified above would still be detrimental.
10. Adjacent to the appeal site are two Grade II listed buildings at 27 and 25 High Street, known as The Golden Lion Public House and Midland Bank. Their significance includes the period architecture and associated appearance, and the settings of the buildings comprises the streetscape within which they are located and the historic burgage plots to the rear, including the appeal site. I acknowledge that both the assets have been extended to the rear and in the case of 25 High Street, internal alterations have recently been approved.
11. Nevertheless, the proposed development would not respond positively to the historic pattern of development by encroaching on the remaining open long plots to the rear of this section of the High Street. It would therefore have a detrimental effect on both of the listed building's settings and would not, consequently, preserve the architectural interest of the heritage assets.

12. The appellant has also drawn my attention to the Grade II listed building nearby to the appeal site at 21-23 High Street. Similar to the above, this building's significance includes its period architecture and detailing and its setting includes the burgage plots to the rear, including the appeal site. While further away from the proposed development, the change in the pattern of development through the proposal would appear out of place, having a detrimental effect on the asset's setting. Consequently, the proposal would not preserve the special architectural interest of 21-23 High Street.
13. Therefore, the proposal would fail to preserve or enhance the character or appearance of the SCA and would harm its significance as a whole, and it would fail to preserve the setting and significance of the nearby listed buildings. The harm that I have identified is 'less than substantial' harm, but the Framework requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.
14. The Framework also requires such harm to be weighed against any public benefits. The proposal would lead to clear economic benefits for this particular business, creating new jobs and maintaining/increasing jobs at the existing hotel. However, the precise extent of benefit has not been clearly articulated and, therefore, I give it limited weight. There would also be modest economic benefits arising from employment during the proposal's construction and linked visitor spending that would add to the overall vitality of Stokesley High Street and in doing so support a strong, vibrant and healthy local community. However, overall, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage assets.
15. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the SCA and harming its significance, and failing to preserve the settings of the nearby listed buildings. The scheme is therefore in conflict with Policy E5 of the Hambleton Local Plan (2022) (HLP) which requires, amongst other things, a clear and convincing justification for proposals that cause any harm to the significance of a designated heritage asset, including less than substantial harm being outweighed by public benefits. It would also be contrary to the heritage protection provisions in the Framework in relation to conserving and enhancing the historic environment.

Living Conditions

16. It is not disputed that the appeal site lies within the town centre. However, properties along the High Street form an almost continuous architectural barrier. Located to the rear of this, and adjacent to the River Leven, the appeal site does not have town centre characteristics, and I have found the locality to have tranquil qualities. Accordingly, this creates a sensitive relationship.
17. It is indicated that visitors would be away from the site during the day but would spend the evenings on site. The pods would have limited indoor space but would each have a large decking area and a hot tub, as such visitors would be encouraged to sit outdoors, generating an increased level of noise and disturbance. The existing buildings and stone wall boundary treatment would offer some noise attenuation. However, the introduction of an additional noise source in this tranquil area would be audible to nearby occupiers on either side of the river, at a time when they would reasonably expect a level of peace and

quiet, to the detriment of their living conditions. While there was no objection from the occupiers of one of the closest neighbouring properties, this is not a reason, in itself, to allow harmful development.

18. I acknowledge that there is an existing noise source at the adjacent beer garden, however this is not used in the same way as the tourist accommodation would be used and is restricted to the public house opening hours. A management plan is proposed to control disturbance at the site, which the Council's Environmental Health team suggest would reduce adverse impact on local amenity.
19. However, even if similar measures have been used at another of the appellant's premises, I am not sufficiently confident that the activities of the users of the pods could be successfully managed without causing harm to the living conditions of nearby residents, particularly given the impulsive and tonal nature of the noise and disturbance and the time of night it could occur. Therefore, I am not of the view that the management plan would be reasonable or enforceable and meet the tests for the imposition of planning conditions.
20. Therefore, the proposal would cause harm to the living conditions of neighbouring occupiers, with regard to noise and disturbance, in conflict with Policy E2 of the HLP. This includes a requirement for proposals to provide and maintain a high standard of amenity for all users and occupiers, in particular existing occupants of neighbouring buildings in residential use.

Other Matters

21. The appeal site is located within the catchment of the River Tees which flows into the Teesmouth and Cleveland Coast Special Protection Area/Ramsar site, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). I note the appellant's agreement to apply for nutrient mitigation credits to offset the nitrogen output from the proposed development.
22. Notwithstanding this, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, it is not necessary for me to consider the implications of the proposal upon the protected site because the scheme is unacceptable for other reasons.
23. It is not disputed that the site is in an accessible location and would be acceptable in relation to flood risk and highway safety matters. Biodiversity net gain could also be secured through a planning condition. Policy compliance on these matters are neutral factors.
24. The appellant asserts that the presumption in favour of sustainable development is engaged. However, there is no substantive evidence to suggest that the approach set out in Paragraph 11(d) of the Framework should be applied in this particular case. The decision should be made in accordance with the development plan unless material considerations indicate otherwise.

Conclusion

25. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR