



Appeal Decision

Site visit made on 5 December 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2024

Appeal Ref: APP/W9500/W/23/3324778

Land between 42 and 50 Church Street, Castleton

- 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 Andrew Robson, Lady Kate Barnard, and Mrs Sarah Roberts against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2022/0540, dated 12 July 2022, was refused by notice dated 6 April 2023.
 - The development proposed is residential development of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the decision notice more accurately reflects the location of the appeal site than the description of the site location on the application form. As such, I have used this address in the banner heading above.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. The main issues are:
 - whether the proposal would provide a suitable location for housing, having regard to the main built up area of Castleton;
 - the effect of the proposal on the character and appearance of the area, bearing in mind that it would be within the Castleton Conservation Area (CCA); and
 - the effect of the proposal on highway safety, with regard to visibility splays, surface water drainage and street furniture.

Reasons

Location

5. Strategic Policy M of the North York Moors National Park Authority Local Plan (2020) (LP) sets out the strategy to meet the housing needs of local communities which includes windfall development on suitable small sites in listed settlements. The supporting text explains that the strategy is to allow a limited amount of housing, including principal residence, on suitable sites in larger villages. A flexible approach will be adopted to help stem population decline and support the vitality of the local economy and services whilst respecting the character and form of the built environment.
6. Policy CO7 of the LP sets out the circumstances under which the development of small sites within larger villages may be acceptable, including that development should be on sites within the main built up area and would meet the need for smaller dwellings. The supporting text sets out that many villages within the National Park have loose knit character and sporadic past development, which can exist outside the main core and that these areas are not regarded as being part of the main built up village.
7. The LP identifies Castleton as a larger village but does not define its settlement limits. While I accept that the historic linear street pattern extends to the appeal site locality, there is a discernible difference in the character and form of the built environment on Church Street to the east, beyond the junction with Ashfield Road. Development in the area surrounding the appeal site has a looser grain owing to extensive gaps between the properties, including the undeveloped area of which the appeal site forms a part. The Church also has a significant set back from the road which contributes to the open qualities of the locality. The character of the built form at the appeal site location, at one of the primary entrances/exits to the village, therefore creates a gradual transition between the more built up parts of the village with its strong linear form and the open countryside to the east.
8. I have carefully considered the examples provided of new housing granted planning permission within larger villages in the authority area. The majority of the examples are in a different settlement and therefore are not directly comparable. Furthermore, from the information that has been provided the context of the examples appear to differ from the form and character of the appeal location and are not sites at a main entrance/exit from the respective villages with a transitional role and function. The other examples do not, therefore, lead me away from my above findings.
9. Notwithstanding the proximity of the site to the historic core of the village and that it falls within the 30 miles per hour speed limit zone of Church Street, I conclude that the proposed development would not be within the main built up area of the village as required by Policy CO7. The proposal would increase the quantum of development in this section of the village and in doing so would disrupt the gradual transition from its built up area to the open countryside.
10. While the proposal would provide for principal residences and smaller dwellings, this does not negate the conflict with the other requirements of Policy CO7. Therefore, overall, the proposal would not provide a suitable location for housing, having regard to the main built up area of Castleton, in conflict with Strategic Policy M and Policy CO7 of the LP.

Character and appearance

11. The appeal site comprises an area of sloping grassed land located in between a detached dwelling and a short row of terraces on Church Street. It is bounded by a stone wall, hedging and a gate at the boundary with the road. Opposite the site is a Church, set back from the road with intervening mature vegetation and there is another short row of terraced properties on this side of Church Road. The combination of built form interspersed with undeveloped land in this section of Church Street creates a spacious character with open qualities, providing wide vistas of the countryside on approach to and leaving the village and forms a key part of the character and appearance of the area.
12. The site falls within the CCA. From my observations and the CCA Character Appraisal and Management Plan (2023) (the CCA Appraisal) the significance of the conservation area, insofar as is relevant to this case, is primarily derived from the layout of the buildings within it and views between buildings towards the surrounding countryside. As an open area of land providing clear views to the surrounding countryside the appeal site contributes positively to the CCA.
13. The proposed development has been designed to respond to the constraints of the site and would have materials to tie in with nearby properties. However, the sense of subordination created by the set back and lower ground level of the proposed dwellings, and the staggered layout would not relate positively to the linear pattern of street fronted development created by the adjacent properties or the majority of traditional linear built form in the wider village. Despite the angled orientation of the property to the other side of the appeal site, the proposal would have an awkward relationship with it, owing to the substantial set back from the road of this pair of proposed semi-detached properties. As such, the juxtaposition of buildings would be disjointed, resulting in an incongruous form of development that would not compliment the layout of the historic environment and its distinctive character.
14. While the appeal site itself is not recognised as an important green space in the CCA Appraisal, views between buildings towards the surrounding countryside and views from surrounding moorland back to the village are identified as important features within the CCA. Furthermore, I note that open countryside to the rear of the appeal site falls within the conservation area, such is its importance. I observed clear, prolonged views of the countryside across the appeal site.
15. Irrespective of whether there has historically been some development on the appeal site, and despite the retention of the tree at the site frontage and part retention of the hedgerow and stone boundary treatment, the proposal would represent a marked visual change owing to the proposal's design and appearance and would be a detrimental intrusion into the openness currently provided by the site. Even though some views of the countryside would remain, they would be significantly reduced, diminishing the contribution the site makes to the character and appearance of the CCA.
16. The increase in built form would also be readily apparent in views from the public footpath and bridleway to the rear of the site, detracting from views of the village from these vantage points which form part of a significant view towards the village identified in the CCA Appraisal. Moreover, the more modern three storey design with gable feature, Juliet balconies and extensive glazing at the ground floor level would draw the eye and be a focal point in these views.

The intrusion of built development, noticeable in public views, would therefore be detrimental to the intrinsic character of the CCA.

17. Overall, the proposal would fail to preserve or enhance the character or appearance of the CCA and would harm its significance as a whole. The harm that I have identified is 'less than substantial' harm. 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.
18. Nevertheless, the Framework also requires such harm to be weighed against any public benefits. There would be modest benefits arising from the delivery of four new principal residence dwellings in the National Park where there are limited opportunities for new housing and a high demand for properties, and that this would assist in supporting the services and maintaining the economic vitality of Castleton. However, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.
19. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the CCA and harming its significance. The scheme is therefore in conflict with Strategic Policies C and I and Policy ENV11 of the LP. Amongst other things, these policies require proposals to be of a high quality design where the siting, orientation, layout and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site. Developments affecting the historic environment are required to make a positive contribution to the local distinctiveness of the National Park, reinforcing its historic character.
20. The proposal is also contrary to the heritage protection policies of the Framework at Section 16.

Highway safety

21. The appellants' submissions include a detailed technical highway plan which addresses concerns regarding visibility splays, surface water drainage and accessibility for all users. I observed that the 43 metre (m) visibility splays shown on the plan, would not be compromised in either direction by obstructions, following the lowering of the existing stone wall and pruning of the cherry tree and hedgerow. Reference is made in the Authority's statement to 33m splays which were originally indicated in the Local Highways Authority consultation response. Irrespective of which is the required splay, I am satisfied that satisfactory visibility can be achieved at the proposed access.
22. Existing street furniture near to the proposed access comprises a road sign and a street light mounted on a telegraph pole. The technical information submitted does not indicate that either of these items would be required to be relocated or replaced to achieve the necessary access and surface water requirements. Furthermore, the scheme does not propose any new street furniture.
23. Therefore, the proposal would not adversely affect highway safety, with regard to visibility splays, surface water drainage and street furniture and accords with Policy CO2 of the LP. This policy requires associated surfacing works to take account of the needs of all users, and that highway detailing, road improvements and street furniture are sensitive to the area and are the minimum required to achieve safe access.

Other Matters

24. The Grade II listed building known as Church of St Michael and St George is located opposite the appeal site. Its significance includes the architectural style and associated appearance, comprising stonework and mid fourteenth century style features. The setting of the Church includes the streetscape within which it is located, including the appeal site. The Church is set back from the road and largely screened by mature vegetation, as such there is generally a physical and visual separation with the architectural interest of the Grade II listed building, which is not directly experienced from the appeal location.
25. Neither of the main parties have concerns regarding the impact of the development on the significance of this designated heritage asset and its setting. Having considered the proposal and visited the site, I concur with that view and find that the development would preserve its significance.

Conclusion

26. While the proposal would not adversely affect highway safety, my above findings in relation to the location of the proposed housing and the effect of the proposal on the character and appearance of the area, including the CCA, 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