



Appeal Decision

Site visit made on 26 February 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/U2750/W/23/3332738

Land Adjacent Telephone Exchange, Back Lane, Helperby

- 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 Mulgrave Developments Ltd and the Helperby Estate against the decision of North Yorkshire Council.
 - The application Ref 22/02422/FUL, dated 18 October 2022, was refused by notice dated 9 October 2023.
 - The development proposed was originally described as erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address in the heading above from the appeal form as this is a more accurate reflection of the site's location.
3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal. In reaching my Decision, I have taken into account the comments raised in relation to this matter.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the setting of the Brafferton and Helperby Conservation Area (CA).

Reasons

Character and Appearance

5. Helperby is a historic rural village, surrounded by agricultural land, which has merged with Brafferton through the expansion of the villages. The appeal site comprises a field with an existing tarmac access point. The site has an open, rural character that forms part of the rural setting of the village, and positively contributes to the area. Hedgerow and banking runs along the majority of the site frontage. The site is also bounded by a telephone exchange building, residential development, and open fields. The site is not designated as open space, or as a special landscape area.

6. Back Lane is characterised by residential properties and agricultural land. It is narrow with extremely limited sections of pavement which reflects the rural character of this part of the village. This section of Back Lane feels enclosed due to the boundary hedge and high boundary wall on the opposite side of the road. The character of built development within Back Lane is varied with agricultural buildings, a mix of modern infill development, and more traditional buildings.
7. Part of the site previously formed part of a temporary car park. I observed on my site visit that the former use is not particularly evident, and the site visually appears to be part of the field. In any event, the car park use would have largely maintained the openness of the site and the permission required the land to be restored.
8. The existing hedgerow would be removed and replaced behind the sight lines. The replacement hedgerow would have two additional gaps, as plots 3 and 4 would largely utilise the existing access. In numerical terms, the extent of hedgerow lost would not be significant and the existing site access resulted in the loss part of the hedgerow. Whilst hedgerows are not a key feature of other parts of Back Lane or the village, the hedgerow positively contributes to the street scene. The Council's principal archaeologist comments in relation to the hedging relate to the CA.
9. The nearby development has impacted the character and appearance of this part of the village and the proposed dwellings would be seen in the context of the nearby built development. Nonetheless, the eastern side of Back Lane predominantly maintains a pleasant rural character, and the erosion of this character over time results in the site making a greater contribution to the area.
10. Plots 1 and 2 would align with the bungalows to the rear of the site but plots 3 and 4 would have a poor relationship with the existing built form and open agricultural character of the eastern side of Back Lane. The area where plots 3 and 4 are proposed has a greater relationship with the surrounding fields than the built form of the village.
11. Given the contribution the site makes to the area, the proposal would harmfully erode the rural and open character of the site and this part of Back Lane which are important features. The current continuous hedgerow along the site frontage would be lost, and the replacement hedgerow would take some time to mature. Consequently, the proposal would have a detrimental impact on the character and appearance of the village, and surrounding area as it would result in the loss of countryside that makes a significant contribution to the character and setting of this part of the village.
12. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would conflict with part (e) of Policy HG5 of the Hambleton Local Plan (2022) (LP). This seeks, amongst other things, to ensure proposals have no detrimental impact on the character and appearance of the village, surrounding area and countryside.

Setting of the CA

13. The CA is a traditional Norman planned settlement and covers much of the village. The significance of the CA is derived from the historic and architectural qualities expressed through the historic buildings laid out around Main Street. It is largely characterised by the wide main street running through the centre, with cobbled surface to either side, with attractive, primarily two-storey red bricked, buildings fronting on to the road. It also includes buildings associated, historically and presently, with agriculture.
14. The appeal site is situated away from the CA boundary. The primary relationship of the appeal site is not with historic buildings within the CA, but with the open agricultural land and nearby modern housing (which are excluded from the CA boundary).
15. There would be extremely limited views of the development from the CA. The Oak Tree Inn has a large bin store within the corner of the car park which restricts views of the site from this part of the CA. Any extremely limited views that would be seen, would be in the context of nearby modern development and the telephone exchange building. Furthermore, the open, rural character of the appeal site cannot be appreciated from the CA and the historic form of this part of Back Lane has been largely lost as a result of the nearby development.
16. There are some fields adjacent to the boundary of the CA which are likely to contribute to the significance of the CA. However, the appeal site field is not adjacent to the CA. Based on the evidence submitted, the significance of this part of the CA is not derived from the rural setting or the fields on this section of Back Lane.
17. Based on the evidence submitted, the site does not contribute to the special architectural or historic interest of the CA. For these reasons, the development would not harm, or result in the loss of, the significance of the CA. This is because the development would preserve the setting of the CA and would have a neutral impact on how the heritage asset is experienced.
18. Consequently, in this regard, the development would comply with Policies E5, HG5(d) and S7 of the LP. These collectively seek, amongst other things, to ensure the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced. In addition, it would comply with paragraphs 206 and 208 of the Framework which state any harm to the significance of a designated heritage asset (including development within its setting), should require clear and convincing justification which should be weighed against the public benefits of the proposal.

Other Matters

19. The appellant sets out a range of social, economic, and environmental benefits including the provision of housing, net gain in biodiversity, and there is an identified need for bungalows. Considering the proposal is a minor application constituting the erection of 4 dwellings, I give limited weight to the benefits.
20. My attention has been drawn to other planning applications granted permission in the local area and appeals. However, the location (including site context, and distance to conservation area), site characteristics, and benefits cannot be directly compared to the scheme before me. Furthermore, development has previously been granted at the site, but given the age of these applications I do

not have full details of the circumstances that led to these proposals being accepted. In any case I have considered the appeal proposal on its own merits.

21. The appellant highlights that the site was allocated within the Hambleton Allocations DPD (2010). Nonetheless, that allocation was not carried forward into the recently adopted local plan. The appellant also states that the new native hedgerow would be of significantly better ecological quality than the current hedgerow. In addition, they set out matters of agreement with the Council. The other matters highlighted do not outweigh the harm I have found.
22. A s106 agreement has been provided to secure an ecological enhancement scheme. Given my findings in relation to the first main issue, I have not considered this matter further as it would not be determinative to my decision. The appeal is to be dismissed on other substantive issues and whilst a s106 has been submitted, it is not necessary to look at it in detail, given that the proposal is unacceptable for other reasons.

Conclusion

23. I have found that the development would not harm the setting of the CA, but it would cause harm to the character and appearance of the surrounding area, to which I attach significant weight. The other matters, including benefits, would not outweigh the harm I have found.
24. For the above reasons and having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR