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## Appeal Decision

Site visit made on 4 March 2024

**by Philip Lewis BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2024**

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**Appeal Ref: APP/U2750/W/23/3335837**

**36 Market Place, Ripon, North Yorkshire HG4 1DH**

- 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 Christopher Newton, Newtons Solicitors against the decision of North Yorkshire Council.
  - The application Ref ZC23/04095/FUL, dated 7 November 2023, was refused by notice dated 19 December 2023.
  - The development proposed is described on the application form as 'replacement of roof from stone to slate and installation of 14 solar panels to the rear elevation'.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Government revised its National Planning Policy Framework (NPPF) on 19 December 2023. I wrote to the parties inviting comments on the implications of the revised NPPF for their cases.
3. The appellant has confirmed that the intention of the application is to reroof the building in natural slate and provided an example of Brazilian slate to the Council during the application process. The Council dealt with the application on that basis and so will I. An appeal<sup>1</sup> was allowed on 7 February 2024 for 'the replacement of roof to incorporate reclaimed stone from the existing roof to the front elevation and slate to the rear elevation. Installation of solar panels to the rear elevation' relating to the appeal property. I have regard to that decision.
4. 36 Market Place is situated within the buffer zone of Studley Royal Park including the ruins of Fountains Abbey World Heritage Site (WHS). Given the development proposed and its location relative to the WHS, I am satisfied that the proposal would not have any material effect on the significance of the WHS.

### Main Issue

5. The appeal concerns 36 Market Place which is situated in the Ripon Conservation Area and falls within the setting of several listed buildings. Section 66(1) of the Act requires, that when considering whether to grant planning permission for development which affects the setting of a listed building, that special regard be had to the desirability of preserving the

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<sup>1</sup> APP/U2750/W/23/3332699

building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. The main issue for the appeal therefore is the effect of the proposal on the character and appearance of the Conservation Area and on the setting of nearby listed buildings.

## **Reasons**

6. 36 Market Place is situated in the extensive Ripon Conservation Area. The character of this part of the Conservation Area is derived from its range of town centre uses and facilities, arranged around the Market Place. The Market Place is a large open space, framed by developed frontages where the buildings are typically 2 or 3 storey in appearance. Whilst there is some variety in the design and appearance of buildings surrounding the Market Place, they are typically of redbrick or painted rendered appearance. At my site visit I observed that whilst roofs are predominately covered by Welsh slate, a number of buildings, such as the appeal building have stone slate roofs. The significance of the Conservation Area is derived from its architectural interest and historic importance.
7. No 36 is a two-storey 18th or 19th century building, with a stone slate roof and an early 20th century timber-framed frontage, situated on the south edge of the Market Place. It is observed in the context of the Grade II\* listed Ripon Town Hall and the Grade II listed 37 Market Place immediately to one side and the Grade II listed 34 Market Place to the other side, which in turn is next to the Grade II\* listed The Wakemans House. Situated in the Market Place is the Grade I listed Obelisk. Having regard to the listing descriptions, the significance of these listed buildings is derived from their architectural interest and historic importance. I observed that the appeal building is in a group of buildings, from No 34 to the Wakemans House which although having some architectural variety, have stone slate roofs.
8. It is proposed that the building is reroofed in natural slate, with solar panels being installed on the rear roof. The installation of the solar panels to the rear roof slope is not in dispute and in any event, has been permitted along with the reroofing of that part of the roof in slate by the recent appeal decision.
9. The change in roofing materials from stone slate to natural slate on the Market Place roof slope would give rise to a loss of historic fabric of No 36 and materially change its appearance. It would also cause a break in the use of stone slates on this part of the Market Place frontage. Whilst the stone slates may attract moss and produce a browner and rougher appearance, I consider that that is part of its particular characteristics. The proposed change to natural slate would appear in stark contrast to the stone slate roofs either side due to the smoother and greyer appearance of natural slate. Although there are many other examples of natural slate around the Market Place, this would nevertheless give rise to harm to the significance of the Conservation Area, through the proposed alteration to the roofscape of this side of the Market Place and loss of a historic stone slate roof. The proposed change in roofing materials would not enhance the setting of No 34 by distinguishing between the different status of the buildings as has been claimed. Rather it would diminish its significance through altering the historic context within which it

would be appreciated from the Market Place. There would also be similar minor harm to the settings of the other nearby listed buildings as a result of this visual change in their context.

### **Heritage balance**

10. Paragraph 205 of the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF in paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The proposed reroofing of the building would ensure that the building would be watertight which would help secure its long-term future. That however could also be achieved through the permitted scheme and so I apply little weight to this. The installation of the solar panels would give rise to benefits in terms of renewable energy, which although unquantified, are a public benefit, and in accordance with NPPF 164, one which I afford significant weight. I also have regard to the economic benefits of the building being brought back into use by the appellant.
12. I have had regard to the stated cost of stone slate and its availability, but am not convinced that repair of the roof with stone slate is neither feasible nor viable. I also have regard to the appellant's offer to make stone slate available for reuse on neighbouring listed buildings, but I give little weight to this as no evidence of need for this has been put forward or any clear mechanism to enable this to occur.
13. Whilst I apply significant weight to the energy benefits of the proposal and take into account that the works would help secure the future for the building and give rise to some economic benefit, these do not outweigh the harm to significance to which I attach great weight. The appeal proposal is contrary to Policies HP2 of the Harrogate District Local Plan 2014 – 2035 (HDLP) which is concerned with proposals affecting heritage assets, including amongst other things that applicants should ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest. It also conflicts with HDLP Policy HP3 which is concerned with local distinctiveness, including amongst other things that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.

### **Other matters**

14. I have had regard to the correspondence received in support of the scheme but that does not lead me to a different conclusion.

### **Conclusion**

15. The appeal is dismissed.

*Philip Lewis*

INSPECTOR