



Appeal Decision

Site visit made on 8 May 2024

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/U2750/W/24/3339244

**Land at Castle Hill Barn, High Street, Burton in Lonsdale, North Yorkshire
LA6 3JU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Mark Drinkall, Marshaw Development Ltd against the decision of North Yorkshire Council.
 - The application Ref ZA23/25536/PPP, dated 16 November 2023, was refused by notice dated 19 January 2024.
 - The development proposed is described as 'detached dwelling'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for permission in principle for a detached dwelling. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue for the appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Historic heritage

5. The appeal site is located within the Burton in Lonsdale Conservation Area, and is situated amongst a group of listed buildings containing the Grade II listed Tranquil Vale, Thornton Cottage and the Barn to Castle Hill Farm (the Barn).

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Opposite the site is situated the scheduled monument, the Castle Hill Motte and Bailey Castle (the Castle). As a scheduled monument the Castle is of national importance and in terms of the National Planning Policy Framework (NPPF) paragraph 206(b) an asset of the highest significance.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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 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.
7. The appellant asserts that in the absence of any further details relating to the form, layout, size/scale, design, materials, landscaping of any new housing, it is not possible for a decision maker to form a view on whether the proposed development may have an impact on designated heritage assets, and that these matters should be considered at the technical detail stage. Given the terms of the Act (s.66 and s.72) I have to consider the impacts of what is proposed 'in principle' on the setting of the listed buildings and the character and appearance of the Conservation Area which is relatively straightforward to do in the absence of detailed plans. I have dealt with this appeal accordingly.
8. The significance of the Conservation Area is derived from Burton in Lonsdale being a planned medieval settlement with a high survival of 18th and 19th century buildings, and the Castle. The character of the Conservation Area is that of a predominately residential village, with a range of local facilities, set in a countryside context. I saw at my site visit that there is some variety in the form and design of buildings within the Conservation Area.
9. The Barn is a mid/late 18th century former agricultural building now being converted to residential use. Thornton Cottage dates from the mid 17th century, whilst the adjoining Tranquil Vale dates from the mid 18th century. On the opposite side of High Street to the appeal site, on the edge of the built up area is the Grade II listed Hill House which dates from the 18th century, with the grade II* listed Church of All Saints and churchyard wall, railings and gates beyond. Having regard to the listing descriptions, the significance of the listed buildings derives from their architectural interest and historic importance. The list description for the Castle states that it is a fine example of a motte and bailey castle originating in the 12th or 13th century and going out of use in the period 1322-1369. Its significance derives from its historic importance.
10. The appeal site forms a predominately open area of land located between Thornton Cottage and the Barn, and contains disused structures to its rear, away from the road. The application form describes the appeal site as an agricultural field connected to the Barn, and certainly, in terms of its appearance, the site forms part of the agricultural context for the Barn and the listed Thornton Cottage to the other side, and in that regard is important to their respective settings. The fact that the appeal site contains disused buildings of a modern appearance, does not diminish the value of the site to the significance of both Thornton Cottage and the Barn. Furthermore, inserting a dwelling between the listed buildings would disrupt the relationship between them, to the detriment of their settings. In principle, the development of the

appeal site for residential use would harm the settings of Thornton Cottage and the Barn through changing the context in which they would be appreciated. I consider that the harm to significance would be moderate.

11. Whilst both Hill House and All Saints Church can be appreciated from the path immediately to the front of the appeal site, the appeal site plays a limited role in their respective settings in providing part of the historic rural context to that part of the village, the harm to their settings would be negligible to minor.
12. In principle, due to its location and proposed land use, the appeal proposal would erode the character of this part of the Conservation Area through the loss of agricultural character and the gap in the road frontage which allows views to the wider countryside beyond. It would also erode the agricultural setting of the Castle. This would give rise to minor harm to the significance of these heritage assets.
13. 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. I consider that the appeal proposal would give rise to less than substantial harm in terms of NPPF 208.
14. The proposal would involve the removal of the existing structures on the site which is a benefit to which I attach little weight, as in their present condition they give rise to minimal harm to the setting of the neighbouring listed buildings. Whilst the buildings may be constructed in part of asbestos, there is no evidence that they pose any health threat whilst in situ and that is a matter which falls to other legislation in any event. I also take into account the economic and social benefits of the provision of housing arising from the proposal which I note is in walking distance to the facilities in the centre of Burton in Lonsdale. However, the provision of one dwelling is unlikely to give rise to any more than minor benefits in these regards. The lack of objections to the proposed scheme is a neutral factor. Together, these benefits do not outweigh the harm to significance to which I attach great weight. The appeal proposal conflicts with Craven Local Plan (CLP) Policy ENV2 which is concerned with the conservation and enhancement of Craven's historic environment, and the heritage policies of the NPPF.

Spatial strategy

15. CLP Policy SP4 is concerned with the spatial strategy and housing growth. Policy SP4, in seeking to achieve a sustainable pattern of growth, directs limited growth towards Tier 4a settlements (Villages with Basic Services) to sustain their vitality and function. Burton in Lonsdale falls within Tier 4a.
16. CLP Policy SP4 supports proposals for additional housing growth on non-allocated land for housing within the main built up areas of Tier 4a settlements. The main built up area is defined as the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings. A number of specific exclusions are set out in Policy SP4 which include 'Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but

where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement’.

17. The appeal site is situated within a small, dispersed group of buildings on High Street. Opposite is situated the Castle. The group of buildings extends from Tranquil Vale to the Barn. The site forms a gap between Thornton Cottage and the Barn, with the part of the site near the site frontage having an open appearance, with the rear of the site occupied in part by the disused structures. This group of buildings is separated from the main built up area of Burton in Lonsdale, the area I saw at my site visit to be closely grouped and visually well related buildings which form the main body of the village, by an undeveloped area to the other side of the Barn. Whilst there is a tall stone wall along the road frontage of this area, several openings afford views into and across it from the road, allowing the clear detachment between the group of buildings and the main body of the village to be appreciated. Consequently, I do not consider that the appeal site falls within the main built up area of the village as required in Policy CP4.
18. I have considered the appellants comments that there is a visual relationship between the appeal site and other parts of the village, concerning the land use context, functional relationships and historic development and growth of Burton in Lonsdale, and about how Promap shows the appeal site. Similarly, I have taken into account the comments made regarding the description of the fields to the north of the appeal site in the Conservation Area Appraisal and that it does not identify the site as open space. I also take into account the extracts provided from the Committee report in respect of the application relating to the former Richard Thornton’s C of E Primary School (2020/22109/FUL), which is allocated in the CLP (Policy SP11). However, these matters do not lead me to a different conclusion in respect of the specific requirements of Policy SP4.

Other matters

19. I have taken into account the policies of the NPPF referred to me by the appellant, but those do not lead me to a different conclusion.

Conclusions

20. I find that harm would take place to the significance of designated heritage assets arising from the location and proposed land use of the appeal proposal which is not outweighed by the stated benefits of the proposal, and that in locational terms, the proposal conflicts with the spatial strategy of the CLP. The appeal scheme therefore conflicts with the development plan and the heritage policies of the NPPF. Having had regard to the benefits of the proposal, and the other matters raised, there are no material considerations which outweigh the conflicts identified. Consequently, having had regard to its location, the proposed land use and the amount of development, the appeal site is not suitable for the residential development proposed. Therefore, the appeal is dismissed.

Philip Lewis

INSPECTOR