



Appeal Decision

Site visit made on 30 July 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/C9499/W/24/3341224

Tuttle House, Silver Street, Askrigg DL8 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Richard Alderson against the decision of Yorkshire Dales National Park Authority.
 - The application Ref is R/50/29G.
 - The development proposed is installation of 2 glamping cabins. Solar panels on 2 cabins. Landscaping with native species trees and shrubs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. A Written Ministerial Statement 'Building the Homes we Need' and a further consultation draft on the Framework have also recently been published. In relation to this appeal, I am satisfied that in this instance, none of these matters fundamentally affect the substance of the matters under appeal.
3. As a decision-maker, I must consider this appeal in light of the statutory duty placed upon me under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. The Levelling-up and Regeneration Act 2023, amended The National Parks and Access to the Countryside Act 1949 to further the statutory purposes of National Parks in England. Consequently, in exercising or performing any functions in relation to a National Park in England, Paragraph 182 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks as well as to its wildlife and cultural heritage.

Main Issues

5. The main issues in relation to this appeal are:

- The effect of the proposal on the character and appearance of the site and surrounding area, having regard to the site's location within the Askrigg Conservation Area (ACA) and the Yorkshire Dales National Park (YDNP);
- the effect of the proposed development on the living conditions of occupiers of nearby dwellings, with regard to outlook, noise and disturbance; and
- the effect of the proposed development upon highway safety.

Reasons

Character and appearance

6. The historic market town is characterised by a tight grouping of mostly historic properties lining its roads and passages, set in an attractive and rolling pastoral landscape. Its buildings have a largely cohesive character in terms of heights, ages, materials and detailing with a high heritage value. The ACA boundary is generously drawn to acknowledge the contribution that the surrounding pattern of fields makes to the character and appearance of the area. Based on my observations, I consider that the character and appearance of the CA, and its significance, is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces and land around them. Key elements are the coherence of the tightly clustered vernacular buildings set within a picturesque landscape with far-reaching views. These views can be enjoyed from many of the footpaths leading around and away from the settlement.
7. The appeal site is a grassy field, enclosed by stone walls, on the edge of Askrigg located to the rear of Tuttle House and Cringley Garth off Silver Street. There is other housing in close proximity to the north and west of the site. The appeal site is largely open, except for a line of trees along its western boundary, and slopes markedly away from the settlement, and panoramic views are afforded across the site southwards towards the pasture fields and rolling hills beyond. Public footpaths follow the outer three sides of the site, as well as others nearby which run away from the settlement. Based on the appeal documentation and my visit, I consider that the appeal site contributes positively towards the ACA because it is a highly visible part of the transition point between the historic settlement and surrounding landscape. Its largely open characteristics, topography and the close public views from the footpaths make it highly vulnerable to harmful change.
8. Policy T3 of the Yorkshire Dales Local Plan (2016) (LP) relates to self-catering visitor accommodation and, amongst other things, requires that sites are well screened at the time of application, and subsequently, to the extent that development will not cause adverse impact on landscape character.
9. The proposed two cabins would be sited centrally within the field at a lower level than the adjoining dwellings to the north and would be partially set into the sloping site. They would be constructed in horizontal boarding with a pitched roof clad in composite profile sheeting with solar panels. Each would

have a deck facing towards the surrounding landscape with a hot tub. The proposed site plan shows some additional native species shrub planting and access paths surfaced in bark chips.

10. I walked on the footpaths near to the site and carefully studied the interconnected views between the settlement and surrounding countryside. From these viewpoints it was very apparent to me that the proposed development within this largely open field would be clearly seen from all directions with very little screening effect from the enclosing walls or existing trees. The sloping topography would emphasise the presence of the cabins in the landscape, with the settlement clearly seen in the backdrop. Consequently, because of the siting, design, and materials, this visually isolated development would not integrate with the surrounding built development of predominantly stone buildings of vernacular appearance. It would introduce a contrasting and incongruous form of development on the edge of the settlement, which would be unescapably apparent, and in stark contrast to the buildings near too it and the character and appearance of the surrounding landscape.
11. In this visually exposed location, even with the suggested planting, these harmful effects would be keenly felt when viewed from the nearby public footpaths which allow short range and long-range views to the site; as well as from the nearby private houses and their amenity spaces. After dark, some form of lighting would be required on this site to allow safe access. It is reasonable to conclude that even with mitigating features, this lighting would amplify the site's prominence within the landscape. As a result, the proposed development would harm the character and appearance of the ACA. Whilst additional screening may mask and/or mitigate some of the harmful visual effects of the development, it would not satisfactorily lessen its adverse impact on the authenticity of the area.
12. The Senior Listed Building Officer raised no objection to the proposal, considering only some minor impact on ACA. However, having reviewed the appeal documentation and seen the site in its context, I must fulfil my statutory duty, and, in this regard, I am satisfied that there would be harm for the reasons stated.
13. As I have found that the development would not preserve or enhance the character or appearance of the ACA it follows that there would also be harm to the natural beauty and cultural heritage of the area. Furthermore, in relation to LP Policy T3 it is very apparent that the development would not comply with this policy given the lack of existing screening of the site and the likely impact on landscape character.
14. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the site and surrounding area, having regard to the site's location within the ACA and YDNP. It follows that it would not preserve the significance of the designated heritage asset and the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset, in the language of the Framework, to be less than

substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal.

15. The proposed development would increase visitor accommodation in the area, providing additional visitor choice, including in terms of holiday costs and supporting the tourism industry. Consequently, it would further the purpose of the YDNP to promote opportunities for the understanding and enjoyment of the park's special qualities by the public. It would also increase tourist spending in the area, providing support for the local rural economy. The appeal site would be in a reasonably accessible location, and so visitors would also support local services and facilities. In this regard, the proposal would positively contribute towards the duty to foster the social and economic wellbeing of the local communities within the National Park. However, given the scale of the development these benefits are likely to be modest. I am also mindful that where conflict is found between the two National Park purposes, greater weight shall be given to the first purpose which includes conserving and enhancing the natural beauty and cultural heritage of the area.
16. The proposal would bring environmental benefits including solar panels, timber construction and the structures would have high thermal values. However, this would be a neutral benefit given that these would be required of any similar development.
17. Given the above, I conclude that the public benefits would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. Consequently, the proposal would not comply with LP Policies SP2, SP4, L1 and T3, in so far as they seek to conserve or enhance the significance of heritage assets, fulfil the purposes of the National Park and the great weight afforded to conserving and enhancing landscape and scenic beauty in National Parks.

Living conditions

18. The cabins would be close too and seen from nearby residential properties, with Tuttle House and Cringley Garth being the closest, set back on elevated ground above the appeal site. Tuttle House is a two storey dwelling with two ground floor windows facing the appeal site. Cringley Garth is a bungalow with a lower retaining wall and several rear windows facing the appeal site, of which one is relatively wide with a low sill.
19. In the absence of any adequate section drawings showing the relationship of nearby dwellings to the cabins, it is not possible to readily understand the likely effects regarding outlook. However, based on what I have seen, it would appear to me that the cabins would be a very conspicuous feature when viewed from the mainly open, rear gardens of Tuttle House and Cringley Garth and it is likely that occupants of the cabins would be able to see into their rear gardens and some rear windows from the wider appeal site. This would be a particular issue regarding Cringley Garth given the position and width of its windows, and as it is a bungalow, some of these rooms are likely to be the main habitable rooms, including bedrooms. Therefore, in the absence of compelling evidence otherwise, I must err on the side of caution and consider that there would be harm arising to occupants of some nearby residential properties.

20. The doors and windows of the proposed cabins would face away from the nearby residential properties. However, those residential properties have windows and doors facing the cabins and much of their private amenity space is to the rear where occupants would have a reasonable expectation of tranquillity given the location on the edge of the village. Furthermore, the inclusion of decking and hot tubs would mean that activity and noise associated with the cabins would not be limited to inside them. There would also be opportunities for noise and disturbance from occupants travelling to and from the cabins as well as enjoying activities within the field. The activities and comings and goings of visitors would likely differ from the day-to-day activities of local residents, and this could exacerbate the harm.
21. Tuttle House and Cringly Garth appear to be in the ownership of the appellant, which should allow a greater level of control over the activities on the appeal site. However, planning permission is sought for a permanent development and likely impacts on future occupants of these two dwellings, as well as others nearby, must also be considered should ownerships change.
22. The units would be marketed as quiet getaways for couples, and I have taken account of the contents of the Management Plan and Policies. However, whilst the appellant would be on hand to deal with issues and any antisocial behaviour, there is little detail as to the precise level of management and monitoring or the terms and conditions that are proposed, such as whether music could be played outdoors in an evening when nearby residents may be expecting peace and tranquillity. Furthermore, it is not clear who would be on hand when the appellant's family were away or off site.
23. Although the Council's Environmental Health Officer considers that the overall noise would be unlikely to be significant, this commercial activity has the potential to be detrimental to living conditions given the tranquil nature of the site. Certain noise and activity might not be regarded as antisocial behaviour, such as the playing of music or conversation and laughter late at night. However, this may still be sufficiently loud, disruptive, or unpredictable to be a nuisance to nearby residents.
24. On this basis, I am satisfied from the evidence before me, and having viewed the site and proximity of nearby residents, that the proposal has the potential to harm the living conditions of occupiers of nearby properties, regarding outlook, noise and disturbance. Consequently, there is conflict with LP Policy SP4, insofar as it requires proposals to respect the amenity of neighbours. Furthermore, the proposal would not satisfy the requirements of the Framework which, amongst other things, requires new development to be appropriate for its location, considering the likely effects on living conditions.

Highway safety

25. Silver Street is a narrow lane, without passing places with limited visibility at the junction of Main Street. The appellant has removed the on-site car parking proposed under a previous application and now proposes an alternative, off-site parking arrangement and measures in the Management Plan to encourage occupants to walk to the site, to pick them up or to use alternative forms of transport.
26. Although there appeared to be a pavement and streetlights along much of the route leading from the allocated parking on the industrial estate, the distance

from the site would in my experience be a disincentive to want to park there. This would especially be the case if the occupants of the cabins chose to make several car journeys in one day.

27. There is not sufficient assurance in the Management Plan that occupants would not attempt to drive along Silver Street or to park nearby. Also, it is unclear how guests would be managed who arrived unexpectedly or those wishing to drop their bags off. Although this is a small-scale proposal, even a minimal increase in vehicle traffic could be to the detriment of highway safety along the lane. Furthermore, there is insufficient information as to how the remote parking would be effectively managed or any assessment of the impact of this additional parking on existing land use in this location, indeed whether these spaces could be relied upon now or in the future. The Highway Authority may not have commented on the final version of the Management Plan and Policies but the comments that they had previously made do not appear to have been adequately addressed.
28. Given the uncertainty as to whether the proposal would intensify the use of a substandard access on Silver Street and the lack of detail surrounding the off-site parking, I conclude that the proposal would have an unacceptable effect on highway safety. Thus, it would be contrary to LP Policy SP4 and the Framework which require development not to prejudice highway safety or harm the capacity of local roads.

Other Matters

29. The Appellant cites two developments considered to have a greater impact on the landscape of the YDNP¹. The Authority comments that one development benefits from existing landscape and woodland planting and the other is a householder application for a summer house within an established garden. In relation to living conditions, the appellant cites a permission², for glamping cabins at a nearby hotel. The Authority notes that this development is of a very different scale and location and would replace camping pitches at an established business with hotel facilities. Lastly, in relation to highways, the appellant cites a proposal at Salisbury House in Askrigg. The Authority suggests that this is a householder application and does not proposed changes to access or parking.
30. I have considered these approvals and the other cases highlighted by the appellant, and the comments of the Authority. However, based on the limited detail provided and the Authorities' comments, it is not clear how they relate to the circumstances before me. I have therefore determined the appeal proposal on its own merits and on the evidence before me.

Conclusion

31. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In terms of the heritage balance, I have concluded that the harm to the designated heritage asset would not be outweighed by the public benefits of the proposal. I have also found harm to the living conditions of existing occupants and harm to highway safety.

¹ Ref.R/50/200, Ref.R/50/36R

² Ref.R/51/25L

32. I have carefully considered the appellant's reasons for the proposal and recognise that it would benefit the appellant's family and improve their financial stability, and these are personal circumstances to which I attribute weight in favour of the appeal. However, these matters do not outweigh the significant weight of harm that I have identified in relation to each of the main issues, nor provide justification for development that conflicts with the development plan.

Conclusion

33. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR