



Appeal Decision

Site visit made on 7 May 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/U2750/W/23/3331472

Land Adjacent No.3 Mews Court, Richmond, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr R Lawson against the decision of North Yorkshire Council.
 - The application Ref is ZD23/00437/AGN.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural building at Land Adjacent No.3 Mews Court, Richmond, North Yorkshire in accordance with the details of application Ref: ZD23/00437/AGN, dated 1 August 2023, and subject to the standard conditions detailed later in this decision.

Main Issue

2. The site location referenced in the application form gives 'Temple Lodge' as the address of the proposed development. However, as it became clear when assessing the submitted evidence, this location was some distance from the actual location of the proposal. This address was clarified by the appellant and subsequently updated in the banner heading and decision above.
3. The application to determine whether prior approval is required was not advertised by the Council as affecting the setting of a Listed Building or the Richmond Conservation Area (RCA) before the decision was issued. This has subsequently been rectified and the Council has carried out the appropriate advertising in the local press and a site notice for which I have been provided evidence. Although this has caused delays to the appeal decision being issued, the consultation period has expired with two additional public comments received. I have taken these into account in the determination this appeal where relevant.
4. The Council accepts that the agricultural building is reasonably necessary for the purposes of agriculture and considers that the proposal accords with the requirements set out in Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). It is therefore permitted development, subject to the conditions imposed by section A.2 of Schedule 2, Part 6, Class A of the GPDO.

5. Section A.2(2)(i) requires the developer, before beginning the development, to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. The Council has determined that prior approval is required and has refused to grant permission.
6. The reasons for refusal given in the decision notice are somewhat ambiguous but are generally limited to impacts of the proposal on the RCA and the Grade II listed 'Temple Grounds'¹ Registered Park and Garden (RPG).
7. In respect of the RCA, I am mindful of the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
8. The Grade II* listed building The Temple², also referred to as Culloden Tower, is located close to the appeal site and is a prominent part of the RPG given its height and location on elevated ground. The Grade II listed 'Temple Lodge' is located further to the north close to vehicular access to Cravengate.
9. The Council has not assessed the impacts of the siting, design and external appearance of the proposal on the settings of either of these listed buildings. Moreover, the specific statutory duty under Section 66(1) of the Act, to have special regard to the desirability of preserving a listed building or its setting, only applies to applications for planning permission. In this case, planning permission has already been granted by Article 3(1) of the GPDO, subject to prior approval. As such, I have not assessed potential impacts of the proposal on the settings of those listed buildings.
10. The principle of development is established by the GPDO and Schedule 2, Part 6, Class A of the GPDO does not require regard to be had to the development plan or provisions of the National Planning Policy Framework (the Framework). I have, though, had regard to those development plan policies and Framework sections referenced in the evidence before me insofar as they are material considerations relevant to matters of siting, design and external appearance.
11. Taking the above into account, the main issue is the effect of the siting, design and external appearance of the agricultural building on the special interest and significance of the RPG and the character or appearance of the RCA.

Reasons

Significance of Heritage Assets

12. The RPG was evidently created when a large house on the site was rebuilt in the early 1600s and its grounds were landscaped and sculpted over the course of two centuries before a later property, 'Yorke House', was demolished. From all that I have seen and read, including the submitted Heritage Impact Assessment³ (HIA), its special interest and significance is largely derived from its historic, artistic and archaeological interests. Historic interest is drawn from its association with Yorke House and the contribution it makes to the understanding of upper class living, landscaping and gardening practices of the

¹ List Entry Number: 1001317

² List Entry Number: 1131225

³ Blue Willow Heritage: Report No. 2321

time period, including the laying out of walks, paths and follies. It derives artistic interest predominantly from its aesthetics, including its open, rolling, verdant topography and the aforementioned consciously designed planned landscaping. Archaeological interest is drawn from the potential for significant remains which could contribute to the understanding of the history of the grounds and its occupiers.

13. The RCA covers much of the central core of Richmond. The significance of the RCA is derived in part from its well-maintained 18th and 19th century Georgian architecture, which is indicative of the prosperity of the town at that time and its surviving irregular medieval street patterns. Areas of open space, including along the River Swale, provide a green corridor through the town and connect it to its wider countryside surroundings aiding in the transition from town to countryside. The appeal site and its environs therefore make a positive contribution to the significance of the RCA as a designated heritage asset.

Effects of Siting, Design and External Appearance

Temple Grounds Registered Park and Garden

14. The proposed agricultural building would be located on a parcel of land close to the permissive right of way footpath, which affords access from Cravengate and includes a path which loops around the RPG uphill towards the tower. There are allotments between the appeal site and the river to the south and the walls of residential complex 'Mews Court' to the east.
15. At the time of my visit the appeal site was a mix of grassland, trees and shrubs. The building would be constructed adjacent the wall of Mews Court and built of stone with timber boarding to both sides and the rear, a pitched, grey slate roof and three bays with large, arched wooden doorways to the front. It would measure circa 10.5 metres (m) wide, 5.5m deep and a total height to the ridge of 4.4m.
16. The Council agree that the location within Temple Grounds as proposed would likely be the least harmful location in terms of its impact on designated and undesignated heritage assets, subject to being satisfied on the form, design and external appearance of the building as required by the provisions of the GDPO.
17. While it would introduce built form into the predominantly open landscape of the RPG, it would not affect the rolling and verdant topography and would be largely viewed from the north and west within the park. The Council concerns seem to focus on the design and external appearance. However, from all that I have seen and read, the design would include what could reasonably be described as agricultural features, such as the arched timber doors and timber boarding to three sides above the stonework. Its size would not be dominant in views from most locations in the RPG, particularly those to the north and west and the intended use for storage of equipment and cut grass and wood would be compatible with the historic interest of the RPG insofar as it has special interest derived from being a surviving example of landscaping and gardening practices of the period.
18. To conclude, the siting, design and external appearance of the building would have a neutral effect on, and therefore would not harm the special interest and significance of, the RPG.

Character or Appearance of the Richmond Conservation Area

19. The appeal site is located within an area of open space which is considered to contribute positively to the character and appearance of the RCA. The openness of the RCA would be reduced slightly by the erection of the building in the location proposed.
20. However, the building would be set behind Mews Court when viewed from within The Green and along Cravengate. It would only be visible from within the Temple Grounds, and from here it would be viewed against the rear walls of Mews Court. The Council has concern regarding the impact upon this neighbouring building. However, while a pleasant collection of buildings from within the Green and along Cravengate, this would not be impacted by the proposal. The proposal would be built from similar materials to those of Mews Court and would be smaller in scale.
21. Other than the negligible loss of open space caused by the introduction of built form, the siting, design and external appearance of the proposal would preserve the character and appearance of the RCA as a whole. As such, the development would comply with the statutory presumption set out in section 72(1) of the Act.

Conclusion of Effects

22. Drawing things together, I conclude that the proposed siting, design and external appearance of the agricultural building would not have a detrimental effect on the RPG or the character or appearance of the RCA. Consequently, the proposal would not conflict with the statutory presumption set out in section 72(1) of the Act.
23. Insofar as they are material considerations to the main issues of this appeal, the proposal would accord with policies CP3, CP12 and CP13 of the Richmondshire Local Plan Core Strategy 2012 – 2028 (adopted December 2014). These seek, among other things, to ensure those elements which contribute to the significance of the heritage assets across the plan area will be conserved and, where appropriate, enhanced.
24. Similarly, insofar as they are material considerations to the main issues of this appeal, the proposal would not be contrary to section 16 of the Framework, which generally seeks to conserve and enhance the historic environment.

Other Matters

25. Following the public advertisement of the appeal, two additional comments were received before expiry of the deadline. These concerned potential fire risks from the storage of materials in the proposed building. However, there is nothing before me to substantiate the concerns that there would be a particular fire risk as a result of storing agricultural materials and equipment in this location. Moreover, the development is subject to the limitations of its use as stated in section A.1 of this part of the GPDO.

Conditions

26. The appellant should note that approvals under Schedule 2, Part 6, Class A of the GPDO are subject to the conditions detailed within section A.2 of Class A. They include, A.2.(2)(v)(aa), that the development must be carried out in

accordance with the details approved, except to the extent otherwise agreed in writing with the local planning authority; section (vi)(aa), that the development is to be carried out within a period of 5 years from the date of this approval; and A.2(7), that within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact. The permission is also subject to other limitations and conditions detailed within the relevant part of the GPDO.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and prior approval is hereby granted.

C McDonagh

INSPECTOR