



Appeal Decision

Site visit made on 4 February 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/U2750/D/24/3347430

Silverdale, 25 College Lane, Masham, North Yorkshire HG4 4HE

- 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 Mr Michael Fieldhouse against the decision of North Yorkshire Council.
 - The application Ref is ZC24/00293/FUL.
 - The development proposed is described as 'Part retrospective planning permission for installation of rear garden gate and free standing gateposts. It is intended to change the style of the existing (unauthorised) gate from the current curved design to a flat topped gate.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.

Main Issue

3. The main issue is whether the proposal would preserve the special interest and significance of the listed building and whether it would preserve or enhance the character or appearance of the Masham Conservation Area (MCA).

Reasons

Significance of Designated Heritage Assets

4. As the appeal site lies within the setting of a Grade II listed building and the MCA, I have had due regard to the statutory duties set out in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This places a requirement upon the decision maker to pay special regard to the desirability of preserving a listed building or its setting and preserving or enhancing the character or appearance of a conservation area.
5. The appeal site comprises the edge of the rear yard area of the Grade II listed building known as Silverdale. The listing description¹ advises that the building dates from the early 19th century and is formed of a house and a commercial unit. The latter is east facing and includes most of the architectural elements of significance, including the 19th century shopfront and sash windows. The house

¹ List Entry Number: 1148121

extends west to the rear, with the yard to the north which faces both the host building and a further attached but unlisted property.

6. From all that I have seen and read, the significance of the listed building is derived from its historic and architectural interests. Historic interest is drawn from the age of the building and its previous functions as both a commercial and residential property which is telling of its ties to the development of the area over time. Architectural interest is drawn from the use of traditional materials, such as coarse stone, ashlar dressing and timber framed sash windows.
7. Of particular relevance to this appeal is the rear yard area. Historically, this would likely have been used as a service area for customers or suppliers and been a more informal space which was used to support business activities. Its use has changed over time and now appears to be predominantly used as a garden and parking area. This space therefore aids in the understanding of the history and evolution of the listed building and contributes positively to its significance. It also forms much of the buildings setting to the rear and north, and therefore the setting also contributes positively to the significance and special interest of the building.
8. Attached to the north of the shop element of the host listed building lies 21-23 Silver Street, which is also Grade II listed. The listing description² for this building gives similar characteristics to the host property insofar as it dates from the same period, includes a house and commercial premises with existing shopfront and has similar sash windows amongst other features.
9. The significance of 21-23 Silver Street is also therefore borne of very similar historic and architectural interests, including its age, historic links to the development of the area and traditional materials and features and historic links with the yard to the rear.
10. The MCA is centred around the Market Place at its core. Many businesses are located in this central point and face into the roughly square area, while St. Mary's Church is located to its southeast corner. The main thoroughfare through the CA is Park Street/Church Street/Silver Street along which most of the built form of the MCA is focussed. Buildings generally front the road and are largely constructed from stone with pleasing, simple form and have retained much of their traditional materials and features. Branching off from the road, informal lanes and alleys lead to areas of backland development which are more dense and informal patterns of development. These often include business units alongside dwellings, many of which remain. To the east of the Market Place, built form becomes notably more sporadic before opening up into recreational grounds and open fields. The significance of the MCA is therefore drawn from its age and general quality of its buildings, the historic communal open space of the Market Place, historic patterns of development, narrow lanes and alleys which branch off from the main road and general rural character.
11. I have also had due regard to the MCA Appraisal document (approved 10 December 2008), which breaks down the MCA into smaller character areas. Pertinent to this appeal, Silver Street and its environs includes organic yet dense development to the rear of the main street which includes small-scale industries and workshops along with workers cottages. Taken together, the appeal site contributes positively to the character and appearance of the MCA.

² List Entry Number: 1167494

Effects of the Proposal

12. The appeal as presented includes two main elements: the approval of the existing gate posts and the replacement of the existing gate. I understand that the Council does not take issue with the posts. These are formed of metal and painted in black. Based on all that I have seen and read I see no reason to disagree. The proposed gate would be built of a plastic composite with a wood-grain effect and a flat top.
13. There are very few details before me regarding the material of the proposed gate. It is described by the appellant as 'composite', although my understanding of a composite is that it is formed of several constituent materials. The application form doesn't list any materials, nor do the submitted plans. From my understanding, the material would be ostensibly plastic. This description is used in the officer report of the Council, and I note it is not disputed by the appellant.
14. The design of the proposed gate would include a flat top which would result in a lowering of total height set against the existing, while also being more characteristic of gates one may typically experience in rural locations. However, the proposed material would appear starkly incongruous set against the traditional materials of the host and adjacent listed buildings. The 'composite', even with a grained finish, is a synthetic material which would lack the finesse, texture and traditional characteristics of timber. It would not be incompatible with the historic and architectural integrity of the listed building, thereby not preserving the special interest and significance of the listed building. Moreover, when viewed from the track to the rear, the plastic-type material would jar with the traditional stone of the host and adjoining buildings, including 21-23 Silver Street. In turn, this would harm the settings of both listed buildings.
15. Although the appellant advises that the gate would adjoin the unlisted attached property to the west, there is no dispute that the appeal site is within the curtilage of the listed building. Moreover, there is clear intervisibility between the gate location and Silverdale and 21-23 Silver Street.
16. I understand that the wall within which the gate would sit has been altered through an approved planning application in 1993. This created the access for off-street parking. However, I have scant details on this application before me. In any event, that doesn't make the materials of the gate acceptable. Similarly, I am informed that the adjoining, unlisted property has uPVC window frames. However, this is not necessarily a design cue I would seek to follow and the presence of uPVC in this property does not contribute positively to the setting of either listed building or the character and appearance of the MCA.
17. Given the harm to the settings of the listed buildings as above, it follows that given the contribution of high-quality buildings, traditional materials and historic street patterns, there would be harm to the character and appearance and therefore significance of the MCA.
18. My attention is drawn to a gate at a property nearby which is also attached to posts which are in turn attached to a stone wall. There is nothing before me indicate whether they are in the curtilage of a listed building or whether they have listed building consent or planning permission. However, they appeared to be constructed of timber, which would be a much more suitable material in the context of the area.

19. There are examples of metal shutters adorning some work units nearby, including to the west of the site. It is not unusual to see metal shutters used in this manner and I fail to see the correlation to the proposal other than the area includes a mix of materials. This is not unusual in most built-up areas, although it doesn't justify the material used in the proposed gate.
20. I am also directed to photos of No's 1 and 29 Park Street, which evidently have installed curved top gates constructed of composite materials within the MCA. As the Council point out, neither of these are listed buildings so are not directly comparable to the proposal before me. Moreover, I have nothing before me to indicate whether they have planning permission, or they were constructed using permitted development rights. Therefore, none of these examples are determinative in my consideration of the proposals.
21. Although the appellant advises that they could add a central batten to the gate if required. However, this is not the proposal before me and in any event, it is not appropriate to evolve a proposed development through the appeal process.
22. My attention is drawn to advice given to the appellant by the Council. I note this is from November 2011, which is a significant time ago. However, this clearly states that it should be constructed of timber and that composite would not be supported. While the conservation officer for the Council objected to the scheme, it seems clear from the extract I have been given that the advice was not followed, and it is unclear how this supports the proposal.
23. In light of the above, I conclude that the proposal would not preserve the special interest or setting of the Grade II listed building or the character or appearance of the MCA. As such, it would not meet the requirements of sections 66(1) or 72(1) of the Act.
24. The proposal would also be contrary to policy HP2 of the Harrogate District Local Plan 2014 – 2035 (LP) (adopted March 2020). This seeks to ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest.

Heritage Balance

25. As per paragraph 212 of the Framework, 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 (and the more important the asset, the greater the weight should be).
26. Given the nature and extent of the proposal, I agree that it would amount to 'less than substantial' harm to the significance of the designated heritage assets, although this would apply to both listed buildings and the MCA in turn. This harm collectively is of considerable importance and weight and should be weighed against the public benefits of proposals including, where appropriate, securing its optimum viable use.
27. I take on board that the appellant may find that the composite would be easier to maintain, although this is a personal matter and not of public benefit. There are no other benefits presented to me and as such, in the absence of sufficient public benefits that would outweigh the harm identified, I conclude that the proposal

would fail to preserve the listed building or the character or appearance of the MCA.

Conclusion

28. I have found that the proposed development would fail to preserve the listed building or its setting and would harm the character or appearance of the MCA. It is therefore in conflict with the requirements of the Act, Framework and the development plan as a whole. The benefits are not sufficient to outweigh that conflict. Accordingly, for the reasons given, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR