



Appeal Decision

Site visit made on 25 February 2025

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/U2750/W/24/3354087

EH Booth and Co. Ltd., New Road, Kirkgate, Settle, North Yorkshire, BD24 9BP

- 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 Instavolt Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZA24/25949/FUL.
 - The development proposed is the installation of four rapid electric vehicle charging stations and ancillary equipment within the car park of Booths, Settle.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by the appeal is whether the proposal preserves or enhances the character or appearance of the Settle Conservation Area, having particular regard to trees.

Reasons

3. The appeal site forms a grassed amenity area with a number of mature trees to the north of the supermarket car park at Booths, off Kirkgate in Settle. It is proposed to install four rapid electric vehicle charging stations and associated infrastructure including a substation and feeder cabinet. Six existing car parking spaces would be reconfigured, and two lamp posts would also need to be repositioned. The substation, feeder cabinet and two charging stations would be located on the grassed amenity land whilst the two other charging stations would be within the car park.
4. The appeal site lies partly adjacent to and partly within the Settle Conservation Area (CA). The significance of the CA derives from its many 17th and 18th century buildings including stone cottages and fine houses around steep lanes and narrow 'ginnels', dating from the early industrial and commercial origins of the market town.
5. The appeal site was planted as part of the supermarket landscaping scheme, retaining existing trees and supplementing these with new ones to help soften the view from Kirkgate and to make a positive contribution to the character and appearance of the CA. The planting has now matured and as I viewed on my site visit, makes a valuable contribution to the areas character. It assists to screen the car park from the wider CA and contributes to its setting.

6. The proposal would be sited very close to the existing mature trees. The appellant has submitted an Arboricultural Survey which identifies that there are 3 category A trees as well as four category B trees and four category C trees in the vicinity of the development. The category A and B trees are of high landscape and amenity value. Three individual trees T1, T4 and T10 were noted as having significant value as a result of their age and condition. The remaining trees on the site are of lesser value due to impaired condition or young age. The survey recommends that the category A and B trees be retained and excavation in their root protection areas avoided.
7. The proposed substation would be sited close to a number of category C trees and within their root protection area. The Council raised no concern about the location of this structure or its impact on the nearby trees.
8. The proposed feeder cabinet and the two charging stations in the amenity area would be positioned within the root protection areas of trees T1 (Beech) and T4 (sycamore), both category A trees. The Council's Tree Officer objects to any works within the root protection areas of these trees due to the perceived damage to the trees that this would cause leading to a loss of amenity. Whilst no further analysis is provided by either party of the actual harm that may result, it is likely that there would be some harm to these trees. It is notable that the root protection areas of the trees already extend into the tarmacked car park and the root systems will have adapted accordingly.
9. The above structures would be mounted on concrete bases with excavations of around 600mm required. The appellant has put forward an arboricultural method statement which indicates that tree protection measures would be put in place, any excavations in the root protection areas would be undertaken by hand and ground protection would be laid to minimise ground compaction from machinery. I accept that these measures would reduce the risk of harm to the category A trees, but not completely eradicate it.
10. In terms of tree T1, having regard to the proportion of the root protection area affected and the scale and nature of the development, I consider the harm would be very limited. In respect of tree T4 however, a greater part of the root protection area lies within the area of work. Damage to roots or ground compaction could cause harm to the health and or longevity of the tree and its loss or damage would have implications for the setting and character and appearance of the CA.
11. As a general principle, works within a root protection area should not take place however there may be circumstances when this cannot be avoided. Consideration of other options within the car park are therefore important. The appeal site is the only significant grassed area within the car park and is easily accessible. Additionally, this location enables the connection to the local electricity grid, the point of connection being to the west of the site.
12. I note that two of the four charging stations are located in the car park itself. It has not been demonstrated why some or all of the other structures could not be positioned there too, though I acknowledge this may mean losing another parking space. Furthermore, I have no evidence before me of whether any other locations in the car park were considered and why these were rejected. In particular I note from the planning history of the site, that planning approval was granted in 2019 for electric vehicle charging infrastructure at a different part of the car park.

13. Given the localised impact of the development in terms of the CA as a whole and the limited extent of the development, I consider that the harm is less than substantial. In these circumstances, the Framework requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
14. I acknowledge that the provision of electric vehicle charging points has benefits in addressing climate change and provides a much-needed facility for electric vehicle drivers. The appellant has provided a number of documents that support the urgent need to accelerate the provision of electric vehicle charging infrastructure. However, these public benefits do not outweigh the less than substantial harm to the CA, particularly as it is unclear whether there are any other less harmful options. The proposal therefore fails to comply with Craven Local Plan Policies ENV2, ENV3 and ENV4 which seek to preserve and enhance the historic environment, achieve good design and retain and integrate existing trees which make a positive contribution to the character, appearance and setting of an area. It would also conflict with the Framework which has similar objectives.

Other matters

15. The appellant argues that the permitted development baseline should be taken into account. It is argued that under permitted development rights, sixteen charging upstands could be erected in the amenity area at the edge of the car park, of which twelve would be in the CA. Under Schedule 2 Part 2 Class E of the General Permitted Development Order, permitted development rights allow the *"installation, alteration or replacement within an area of lawfully used for street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles"*. However, the grassed amenity area is not part of an off street car parking area. Therefore, such rights do not apply. Accordingly, there is no fall-back position in this regard.
16. The appellant also points out that there was a consultation in April 2024 proposing the relaxation of permitted development rights which would give greater freedom for electric vehicle charging points to be erected. However, these changes have yet to be brought into effect and therefore I can give them no weight in my decision. In any event, the amendments still apply only to off street car parking areas and would not include a landscaped amenity area as in this case.
17. My attention has been brought to North Yorkshire Council's Climate Change Strategy which supports the roll out of electric vehicle charging points. However, this does not override the need to ensure that charging points are provided in the most appropriate places, causing no unacceptable harm to the local environment or visual amenity.

Conclusion

18. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR