



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: 12th March 2025

Appeal Ref: APP/U2750/W/24/3355679

Land to the North of Chapel Hill, Skipton, North Yorkshire, BD23 1UH

- 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 and Mrs John Beever against the decision of North Yorkshire Council.
 - The application Ref is ZA24/26172/FUL.
 - The development proposed is the erection of a two storey detached house with two parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Officer report makes reference to a number of listed buildings in the vicinity of the appeal site including the Grade I listed Skipton Castle, the Grade II listed The Chapel, Former Coach House at Skipton, Former Chapel at Skipton Castle and High Corn Mill. The reasons for refusal do not mention any impact upon these heritage assets. Having regard to the location of the site and the potential views to and from it, I consider that only the setting of Skipton Castle would be impacted by the proposal. Therefore, in line with my duties under the Planning (Listed Buildings and Conservation Areas) Act, (the Act), I address the impact of the proposal in this regard.
3. As the works affect the setting of a listed building and the site is located within Skipton Conservation Area (CA), I have had regard to sections 66(1) and 72(1) of the Act.

Main Issues

4. The main issues in this case are:
 - Whether the proposal lies in an appropriate location for development having regard to national and local planning policy.
 - Whether the proposal would preserve the setting of the Grade I listed Skipton Castle (Ref 1316962) and whether it would preserve or enhance the character or appearance of the Skipton Conservation Area (CA).

Reasons

5. The appeal site is located off Chapel Hill to the north of Skipton. It forms a small plot which I understand is within a larger parcel of land known as Park Hill, formerly part of a plant nursery, accessed from a private lane. Since the nursery closed, land to the south of the lane has been sold and planning permission

gained for two dwellings, one of which is currently under construction. Two other dwellings have been constructed on land to the north, Parkfields and Castle View. A number of trees on the site are protected by Tree Preservation Orders.

6. It is proposed to construct a detached two storey three bed dwelling built into the slope of the site. The ground floor would be constructed in coursed natural stone and the first floor in timber cladding. The dwelling would also have a sedum roof.

Appropriate location

7. The Craven Local Plan 2029 in Policy SP4 promotes a sustainable pattern of growth and directs development to the main town of Skipton and other settlements, focusing on the main built-up areas. The policy goes on to define what is meant by the main built-up area and explains that this excludes amongst other areas, gardens, paddocks and other undeveloped land on the edge of the settlement where land relates more to the surrounding countryside than to the main built-up area of the settlement.
8. The appeal site is located on the edge of the built area of Skipton. There is open countryside to the north of the site and woodland lies to the east and south east. My assessment of the site following my site visit, is that it has a greater affinity and relationship to the countryside than to the settlement. Accordingly, I consider the site to lie in the open countryside.
9. The appeal site forms part of the garden area to one of two dwellings granted planning permission in 2018¹. Swordpoint House is under construction, and it is this property that the appeal site forms a part. I accept that this establishes the residential use of the appeal site as a whole and forms a material consideration. However, it does not mean that a further dwelling on the plot would be acceptable in principle, any further development requires consideration against current adopted development plan policies.
10. I note from the approved site layout plan for Swordpoint House, that the appeal site formed part of the garden area. Condition 7 of the approval removed permitted development rights so that any building in this part of the site such as a garage, outbuilding, boundary walls or fences in the curtilage of the dwelling, would require planning permission. This condition was imposed because the Council wished to control any further built development on the plot, preventing overdevelopment and ensuring the character and appearance of the area was retained.
11. The appellant argues that the site is within the settlement. I acknowledge that the appeal site is located within a small cluster of other dwellings. This does not by itself indicate that the appeal site is within the settlement of Skipton. Equally the fact that the site is within the CA does not necessarily mean that it is within the settlement. The CA is far reaching and extends to a number of undeveloped areas to the north and west that are clearly outside the settlement.
12. The appeal site lies to the south of the area designated as Local Green Space in the Local Plan. I presume this reflects the fact that the site is within the area granted planning permission for residential development. Again, this is not relevant to whether the site is in the main built-up area.

¹ 2018/19367/FUL

13. Policy SP4 supports residential development in the countryside to that needed for essential rural workers, proposals that secure a significant improvement to the environment or consideration of a designated heritage asset, proposals that re use one or more redundant or disused buildings or where the design is of exceptional quality in accordance with the National Planning Policy Framework (the Framework). None of these criteria apply in this case. Therefore, the appeal proposal would fail to comply with Policy SP4 and the spatial strategy of the Local Plan.
14. In summary, I find that the appeal site lies in the open countryside and therefore the proposal does not lie in an appropriate location having regard to national and local planning policy.

Heritage matters

Skipton Castle

15. The site lies in the setting of the Grade I listed Skipton Castle. The Castle was developed in the late twelfth, thirteenth and early fourteenth centuries. It was extended as a Tudor mansion in the first half of the sixteenth century and in the mid seventeenth century, after the Civil War, various repairs were undertaken. Its significance derives from its historic, architectural and aesthetic interest.
16. The appeal site lies within the setting of the Castle. The Castle has a strong visual and historic relationship with Skipton Castle Woods immediately to the east of the appeal site. The woods were used by the Castle for hunting and fishing and later for timber. The Castle also has a strong visual and historic association with Park Hill and the Civil War Battery at its summit which is a Scheduled Ancient Monument. The battery had a commanding position and was used by parliamentarian forces during the Civil War to attack the Castle.
17. The existing houses and the site of the approved dwellings on Chapel Hill, can be viewed from the Castle's Chapel Terrace behind a line of intervening trees. They are in a direct line between the Castle and the Battery. Unfortunately, they diminish the historic associative relationship between the two heritage assets. The appeal site can also be partially seen from the Castle, though I accept the view is well filtered by existing trees and the dwelling in its foreground, Swordpoint House, also screens the lower part of the site. Nevertheless, the proposed development would further undermine this historic relationship and cause harm to the setting of the Castle.
18. The Council have raised concern about the impact of lighting from the existing dwellings on Chapel Hill, intruding into this open green space area causing harm to the legibility of the historic relationship. It is argued that a further dwelling would add to this harm and impact negatively on the character and appearance of the CA. However, the proposed dwelling would be partially screened by the property below, Swordpoint House, and any lighting would be seen in filtered views through the existing trees. This would reduce its impact, though of course in the winter months, the trees would be less effective.
19. The lights of Castle View appear very visible in the images submitted in the Council's Heritage Advisor's report. However, this could be because there does not appear to be any blinds or curtains at the full-length windows. This of course cannot be controlled. In the case before me, I must consider the worst-case

scenario, that this could also be the situation with the appeal dwelling. Accordingly, bearing in mind that the dwelling below the appeal site would partially screen the development, I consider there would be some limited additional harm from increased lighting adversely affecting the setting of the Castle.

20. Representations from Skipton Castle make reference to views from all parts of the Castle including Castle Chapel Terrace as discussed above but also from Bailey Car Park, which provides parking for visitors to the heritage asset. Glimpses of the appeal site and surrounding dwellings can be achieved from this location, but these are heavily filtered by the intervening trees. My site visit was in the winter months and thus in the summer it is likely to be more difficult to see the site. Again, views of lighting at night are highlighted which as I have already discussed above, would be increased by the proposal, causing limited harm to the setting of the Castle.

Skipton Conservation Area

21. The site lies within Skipton CA, which includes the historic core of the town with the medieval castle, church and market place (the High Street). Over half the area to the north, the area in which the appeal site is located, is composed of open fields and woodland along the line of Eller Beck including Skipton Castle Woods. The heritage interest and value of the historic buildings within the CA, positively contribute to its character and appearance as a whole, and thereby to its significance as a designated heritage asset.
22. The open and green space in which the appeal site is located enhances the environment and character of the CA. The Conservation Area Appraisal identifies some important views into and out of the CA, including the view south over the application site towards the town centre. The recently completed new dwellings and the property under construction have clearly impacted on the openness of this area. The proposed dwelling would increase the amount of built development and add to this harm, though as it would lie behind Swordpoint House and would be seen in the context of a small cluster of dwellings, its impact would be reduced.
23. The appeal site includes a number of trees the subject of a Tree Preservation Order to the northern and eastern boundaries. The appellant's tree report indicates that the construction of the proposed dwelling would keep clear of their root protection areas. In order to achieve this the dwelling has been sited forward of the building line with Castle View to the west. This would not be out of keeping with the other dwellings in the vicinity, as the building line here is not linear, with Parkfields also sited forward of Castle View.
24. The Council's Tree Officer has raised concern that the proposed parking area would be sited within the root protection area of a Category A sycamore tree, a tree of high amenity value. The appellant's Tree Report proposes the use of a propriety Cellweb system to protect the roots and hand digging under arboricultural supervision to lay down the car parking surfacing. The report identifies that only 6.3% of the root protection area would be affected, well below the 20% maximum recommended in BS5837:2012. I am satisfied that these measures, which could be secured by an appropriate planning condition, would be adequate to safeguard the protected tree.
25. Much of the garden area includes root protection areas. Any domestic outbuildings, sheds etc which may be constructed could result in harm to the root

systems of the trees. However, permitted development rights could be removed by planning condition so that any such works would first require permission from the Council. This would ensure they are appropriately protected.

26. The Council expresses concern that the construction of the dwelling in close proximity to protected trees, many of which are young and will grow over time, may result in pressure for their removal in the future, particularly if they create shade to the dwelling. These concerns are understandable as their removal would impact negatively on the character of the CA. However, the trees are to the northern and eastern boundaries so that whilst they may provide some shade in the morning, the property would experience sun to the south and west. I accept that some pruning may be required as these trees mature but this does not necessarily mean that the future owner of the property would seek to remove them. In any event, as they form protected trees in a CA, the Council would have control over any such works as permission would be required. In this regard the proposal would comply with Policy ENV4 of the Craven Local Plan which seeks to ensure that existing trees making a positive contribution to the character and appearance of the area are retained and integrated into a development.
27. I note that Historic England have commented that the proposal would result in a moderate degree of harm to the significance of the CA and that it is difficult to see how the development is compatible with preserving and enhancing the character and appearance of it.
28. In summary, whilst I find that the development, with appropriate conditions, would not have a detrimental impact on protected trees on the site, the proposal would increase built development in the open green space to the north of the CA, adversely affecting its character and appearance.

Heritage Balance.

29. Given the context of the appeal proposal, the level of harm to the setting of Skipton Castle and the proposals impact on the character and appearance of the CA as a whole, I consider the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises such harm should be weighed against the public benefits of the proposal.
30. The appellant has not set out any public benefits of the scheme. Nevertheless, I recognise that the proposal would contribute to the supply of housing in Skipton. However, as the proposal is for one dwelling the benefit would be minimal. There could also be some limited economic benefits during construction and as future residents spend in the local economy.
31. Given the above, I conclude that the limited public benefits do not outweigh the less than substantial harm to the heritage asset and the CA. The proposal would therefore fail to comply with the objectives of the Planning (Listed Buildings and Conservation Areas) Act, the Framework and Policies ENV2 and ENV3 of the Craven Local Plan. These policies seek to conserve and enhance the historic environment and achieve good design.

Other matters

32. I am aware that the appellant raised procedural irregularities with the Council in

regard to how they dealt with the application, specifically errors in the Heritage Report. I understand that no response from the Council was received. This matter is not for me to address in this decision. I have taken account of all the evidence submitted and assessed the development on its individual merits.

33. It is also pointed out that the Council Tree Officer's comments were received on 11 September 2024 and Historic England comments on 12 September 2024, after the determination of the application but were both considered in the Officer Report. However, the Officer Report is dated 16 September 2024 and the Decision Notice is dated 17 September 2024 which were both after the receipt of the above documents. There is therefore no irregularity in this respect.

Conclusion

34. I have found that the appeal site is not an appropriate location for development being located in the open countryside and that the proposal would cause harm to the setting of Skipton Castle and fail to preserve or enhance the character or appearance of the Skipton CA. The proposal therefore conflicts with Policies SP4, ENV2 and ENV3 of the Craven Local Plan.
35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that my determination must be in accordance with the development plan unless material considerations indicate otherwise. In this case there are no other material considerations that would warrant a decision otherwise than in accordance with it.
36. Therefore, for the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR