
Appeal Decision

Site visit made on 2 May 2025

by **Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Appeal Ref: APP/U2750/W/25/3360668

Bryan Lodge, Moor Lane, Arkendale, North Yorkshire, HG5 0QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by York Place Limited against the decision of North Yorkshire Council.
 - The application Ref is ZC24/03140/OUT.
 - The development proposed is Outline planning application with means of access to, and within the site, for the erection of 3 self / custom build dwellings and an orchard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amended plan with the appeal submission. This plan has not been formally consulted upon by the Council. Therefore, as this is the case, in the interest of avoiding prejudicing other parties, I have not taken it into account as part of my assessment.
3. The appellant has submitted an outline application for three dwellings at the site with appearance, landscaping, layout and scale to be reserved for consideration at a later stage. The access to the site has been submitted as part of the outline application and is not in dispute between the parties and I have no reason to form an alternative view. The Design and Access Statement and Design Code submitted with the appeal explains the broad parameters of their appearance, landscaping, layout and scale which I have taken into account.
4. The dwellings would be self build and custom build homes. A unilateral undertaking (UU) including plot passports has been submitted with the appeal to satisfy this requirement. The most recent UU dated 14 April 2025 refers to the layout with the orchard within the settlement limits only. As I am not taking into consideration this layout, therefore I have not taken into consideration the terms of this UU.
5. Both main parties agree that the Council does not have an up to date 5 year housing land supply. There is nothing before me to contradict these findings.

Main Issues

6. The main issues of the proposal are:
 - The effect upon the character and appearance of the local area including landscape character and non-designated heritage assets;
 - Whether or not the setting of a Grade II listed building would be preserved.

Reasons

Character and appearance

7. The appeal site encompassed by the red line plan is land located within the defined settlement envelope of Arkendale, identified within Policy GS2 of the Harrogate Local Plan as a 'smaller village'. It had been a planted orchard that wraps around Bryan Lodge and the Old Chapel. The trees have since been felled and the land is laid to grass. The appellant is seeking outline planning permission to develop the site for three detached dwellings with the access adjacent to the garden on Bryan Lodge and opposite the Grade II listed Dale House Barn. An apple orchard would be planted in the adjacent agricultural field and this land is outlined in blue as part of the submission. This land is outside the defined settlement envelope.
8. Arkendale's origins lies in its farming activity from the medieval period and build expansion around the early 18th century. It conveys the prevailing character of a traditional rural farming community where the settlement has grown organically. Materiality of buildings consists of natural coursed cobbles, coloured render or red brick with pantile or slate roofs over. The Victorian St Bartholomew's Church provides a focal point to the village and the narrow road of Moor Lane/Reins runs through the village. A linear pattern of development of traditional Yorkshire barns, farmhouses, religious buildings and cottages, in the main flank the north-south alignment of Moor Lane.
9. The pattern and grain of development within the settlement is tightly knit where buildings have the visual appearance of running into one another, set within a verdant character due to the grass verges and surrounding agricultural fields. The buildings as a whole within the settlement form part of the striking and varied streetscape that is a defining characteristic of the locality and emphasises the strong agricultural association. This is further reinforced as the settlement is located on a hill and surrounded by agricultural land that tightly surrounds the village and prevents sprawl into the wider countryside. There is a very strong sense of identity to the settlement.
10. Three new detached dwellings would be sited on the land that is bounded by a stone wall to Moor Lane and transcends towards the agricultural fields to the west with natural hedgerow boundaries. This proposal would have a shared access drive off Moor Lane into its own small development.
11. I could see that the alignment of the traditional farm buildings and houses are broadly set along the edge of Moor Lane and their ancillary outbuildings are smaller in scale with a subservience to them and located behind, largely in traditional courtyard layouts. Even where buildings may appear to be modern in build form and located behind the traditional building along the edge of Moor Lane, there is still a visible pattern of a courtyard layout within, and these buildings secondary to those that present to the road.
12. The indicative layout of the proposed dwellings would not represent a traditional courtyard layout in this back land location. It would be more akin to a small modern housing estate within a more urban context. Whilst the appellant argues there are detached dwellings within generous plots in Arkendale, from my inspection, there is a randomness to the layout and plot sizes with no specific consistency within the settlement envelope which is typical of this rural community. Despite the site not being particularly visible in long range views from within the settlement,

nevertheless, the very ordered indicative arrangement of the proposed houses would not relate well to the organic settlement layout with its mix of scale and proportionality.

13. I have viewed the appellant's examples of developments located off private drives/cul-de-sacs within Arkendale, or back land development they consider to compare to the proposal before me. One is a complete new-build housing estate of a larger number of houses, around twenty, all of a consistent type and is a standalone modern development; others are dwellings located behind traditional buildings with less of a visual presence and are of a proportionate scale and broadly speaking in character to the local area; others are set behind a green off a shared drive and do not share the same circumstances as the proposal before me; others are not in the same locational situation. Overall, none share precisely the same circumstances as the proposal before me and therefore I am not convinced these adequately compare. In any case, I am not provided with the precise details of these developments and therefore they are apportioned minimal weight in my assessment.
14. The proposed apple orchard would be situated within an agricultural field behind the middle dwelling, Plot 2. It would be located outside the settlement limits of the village. In this location an orchard would appear visually discordant in an otherwise pastoral land context even though it would be a cluster of trees. The regular square shape would not be conducive of the very irregular settlement boundary that is a distinctive feature of the settlement. Other dwellings may have part of their curtilage outside the settlement envelope and within the open countryside. From the evidence presented and my assessment on site, built development is set close to Moor Lane and gardens behind with no adverse effect of sprawling into the open countryside.
15. Furthermore, the topography of Arkendale, located on a hill, adds to its distinctiveness and the close relationship between buildings and the landscape enhances the rural setting of the village. Views from the open countryside would be onto a substantial amount of development, as indicatively laid out and set close to the edge of the settlement with rear building lines of a very ordered arrangement. The location of the orchard outside the settlement envelope would not effectively mitigate views of such a large scale development. Even if landscaping details are reserved to be considered later, this would not sufficiently filter views of the proposal from the harmful effects on the wider countryside. As a whole, it would not relate well to the settlement envelope.
16. I am aware that Bryan Lodge and the Old Chapel are both non-designated heritage assets. Bryan Lodge is experienced in an open and verdant setting which is enhanced by the undeveloped land that surrounds it as well as the open agricultural backdrop. Three large houses surrounding the dwelling would subsume Bryan Lodge based on the indicative layout before me. This would diminish how its setting would be appreciated and therefore result in a degree of harm to the significance of the non-designated heritage asset.
17. The Old Chapel is small in scale with other buildings located behind it. Whilst the two sites would be experienced in context, I do not consider the proposal would adversely harm its significance as a non-designated heritage asset.

18. Overall, to conclude on this main issue, the proposal would not preserve local distinctiveness in accordance with policies HP3 and NE4 that also aims to protect landscape character. It would contravene policy GS3 of the Local Plan in so far as it would not align with other policies as required by this specific policy. However, I find no direct conflict with Policy GS2 as this is a broad growth strategy policy and identifies Arkendale as a smaller village.

Effect on setting of listed building

19. The Grade II listed building of Dale House Barn is located opposite the site and was a former threshing barn. Its special interest is derived from its intrinsic historic and architectural significance and is a fine example of a late 18th Century threshing barn constructed in typical local materials of coursed cobbles with brick slit vents for ventilation, pantile roof and wide wagon doors.
20. The appeal site is located in very close quarters to Dale House Barn within the setting of this designated Grade II listed asset. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the asset and its surroundings evolve. Dale House Barn sits to the east of the appeal site and given the close physical relationship between buildings, the appeal site is clearly seen within the setting of this heritage asset.
21. The listed asset sits in close relation to other buildings of a traditional vernacular on the same side of the road although this is the most visually strident building amongst them. The undeveloped gap opposite, which is the appeal site, with only a stone wall along the boundary with Moor Lane contributes to the appreciation of the asset. This is further reinforced by the narrow lane in-between and the location of the listed building close to the eastern side of the lane. In my judgement, the appeal site adds to the significance of how the listed building is appreciated.
22. The houses in the indicative layout proposed would create an urbanising effect, together with their large scale, massing and overall proportions and as a modern new-build in this back land site would be out of character with the rural character of the locale, even if designed with a palette of local materials. In this context it would not integrate well and have the effect of changing the asset's setting where the level of harm would have an erosive effect on how the setting of the listed building is experienced. Therefore, the proposal would impact harmfully upon its special interest. On this basis, the significance and special interest of the listed asset would be harmed and therefore not preserved.
23. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
24. With reference to Paragraphs 212 and 213 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be

assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the setting of the designated heritage asset, I find the category of harm in this instance to be 'less than substantial'. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

Public benefits

25. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
26. The harm I have identified as arising from the proposal needs to be balanced against the benefits that the scheme would bring. Three new houses which would be considered as windfall and would add to the housing stock within the borough. The orchard would be planted within the first bare root planting season after commencement of development with apple trees and cobnuts to reflect a traditional orchard character. A management and maintenance plan would cover around thirty years to support its ecological and biodiversity contribution. The occupants would support local amenities and the option of public transport services available.
27. Considering these benefits, the number of new dwellings would be a minor public benefit, and this is only afforded a small amount of weight as a public benefit, as too is the planted orchard and its contribution to the natural environment. The occupants of the dwellings would support local services although the increase in revenue generated would be small.
28. These things considered, I find that the effect of the proposal on the setting of the Grade II listed building would result in harm and the significance of the listed building would not be preserved, and therefore this harm outweighs the public benefits of the proposal.
29. To conclude on this main issue, the proposal would harm the setting of the Grade II listed Dale House Barn and conflict with Policy HP2 as well as the heritage protection aims of the Harrogate Area's Heritage Management Plan and Landscape Character.

Other considerations

30. The dwellings proposed would be those of a custom build and self-build form of housing provision. I am aware that the Council is falling short in their requirement to secure this type of housing. The appellant has also brought to my attention other appeal decisions that have been both approved or dismissed by Inspectors. The Inspector's considered the value of self-build and the effect of its contribution to the relevant Borough to which they applied weight in the balance. The circumstances of the other appeal decisions are specific to their cases and even when it was given weight in the planning balance by the Inspector, some were dismissed by the Inspector. Even so, I am required to consider the proposal before me. The appellant argues that the houses would be built to a 'high quality' and to offer a 'high standard of living' according to the appellant's Design Code.

31. To my mind, three houses of this self-build type would not make a marked contribution to improve upon the deficit and is apportioned only minimal weight. Even if the dwellings would be built to a high standard with high living conditions, I only apportion this limited weight.
32. I understand that the Council can only demonstrate around a 2.9 year housing land supply. The relevant section within paragraph 11 of the Framework refers to the use of the 'tilted balance' and includes a caveat that the tilted balance would not be engaged where the application of policies which protect, amongst other things, designated heritage assets, provides a clear reason for refusing the development proposal. As I have identified, the proposal would have an unacceptable effect upon the significance of the heritage asset which is the Grade II listed Dale House Barn. This is relevant to this appeal and indicates that 11d is not engaged.

Overall planning balance

33. Bringing all matters together, the proposal in its indicative form in this location would not respect the traditional rural character of the village settlement, or the wider landscape. It would not preserve the settling of the listed asset. There would be some benefits associated with the proposal and it would not have a detrimental effect upon the character of the Old Chapel. However, in the overall balance, none of these considerations would outweigh the totality of harm I have identified.

Other Matters

34. I note the comments from the Parish Council who have commented on the location of the orchard solely within the site as demonstrated on the submitted amended indicative drawing. As I have already explained, I am not considering the amended plan.

Conclusion

35. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR