



Appeal Decision

Site visit made on 15 May 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/U2750/W/24/3350243

Manor Cottage, Shaw Lane, Farnham, Knaresborough, North Yorkshire HG5 9JE

- 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 Green against the decision of North Yorkshire Council.
 - The application Ref is ZC24/01156/FUL.
 - The development proposed is erection of self-build dwelling, landscaping and associated works and enhancement to the facade of Manor Cottage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Green against North Yorkshire Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is in a conservation area and therefore I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. A signed and dated Unilateral Undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal. As the UU is completed, I have taken it into account.
5. Amended plans were submitted with the appeal to illustrate alterations to the fenestration in the south elevation and greater separation from the south boundary. The Planning Guide: Planning appeals – England advises that it is important that what is considered by the Inspector is essentially the same scheme that was considered by the LPA and interested parties at the application stage. Although similar, I cannot be certain that the interests of the parties, including the neighbours, would not be prejudiced if I was to accept the amended scheme. Therefore, I have determined the appeal based on the plans that were considered by the Council.

Main Issues

6. The main issues are:
 - i) Whether the proposal would preserve or enhance the character or appearance of the Farnham Conservation Area (the CA); and

- ii) The effect of the proposal on the living conditions of the neighbouring residential occupiers in 1 Manor Court, with particular regard to an overbearing form of development.

Reasons

Effects on the Conservation Area

- 7. The CA encompasses the historic core of Farnham and includes the land and buildings to either side of the three principal streets of Main Street, Shaw Lane and Stang Lane, which converge on the village green. Although believed to have first been settled in the sixth century, Farnham is characterised by stone built dwellings and buildings dating from the 17th century onwards. The vernacular dwellings are mostly set back from the street behind gardens and boundary stone walls, the latter clearly defining public and private spaces and harmonising with buildings.
- 8. Farnham is now entirely residential but the historic former farmhouses, cottages and converted buildings illustrate the agricultural origins and development of the small rural settlement. In addition, there were historically orchards in the village and at its fringes, typically small fields but also the gardens of some larger houses. Although no longer in use, the remaining former orchard land softens and separates the built environment and provides visual links to the surrounding pastoral land. Given the above, I find that the significance of the CA, insofar as it relates to the appeal, to be primarily associated with the undeveloped open spaces and former orchard land within the village.

The proposed new dwelling

- 9. The appeal site is a parcel of undeveloped grassland with scattered trees that stretches away from Shaw Lane between Manor Cottage and Manor Court. It is separated from the road by a stone boundary wall and it shares its highway access with Manor Cottage. In the mid 19th century, the western part closest to Shaw Lane contained buildings and an enclosure to the east was in use as orchard land. The buildings were removed by 1890 but the orchard use and functional relationship with Manor Cottage remained relatively unchanged through the 20th century.
- 10. The site is one of only a few remaining undeveloped former orchards with road frontages in the village. These are interspersed between built development, where they function to separate different parts of the settlement and illustrate the history of Farnham. The appeal site contributes to a verdant street scene and enhances the openness of the Green, which is the focal point of the CA. By virtue of its depth, undeveloped nature and mature trees, the appeal site also provides a visual link from the heart of the village to the surrounding countryside, this being the pastoral setting for the CA. Although not identified as a key view in the CA, the list in the Farnham Conservation Area Character Appraisal (February 2010) (the CACA) is not exhaustive. Irrespective, the appeal site is an important open space that makes a strong positive contribution to the historic character and appearance of the CA.
- 11. The proposal would be a large 4 bed family home with a detached double garage. The buildings would be set back close to the rear boundary, where the built form would largely span the width of the appeal site. Irrespective that the front part of the site would remain free of buildings, the proposal would foreshorten and diminish the open space. Views across and through the site would terminate at the substantial quantum of built form, with extensive hardstanding car parking to the front. The

hard built development would dominate the appeal site and sever the sense of visual connection to the wider landscape.

12. The dwelling would be set back on a similar building line to 1 Manor Court. However, No 1 is at a lower ground level than the appeal site and it is unobtrusively sited to the rear of the redeveloped Manor Farm complex. Whereas only the rooftop of No 1 is visible from locations in and around the Green and along Shaw Lane, by virtue of its elevated siting and absence of buildings to the front, the proposal would be considerably more prominent in these views. The removal of the vegetation from the overgrown roadside boundary wall would further open up views into the appeal site, rendering the dwelling more visible from lower lying locations to the front.
13. The significant Large-leaved lime towards the front of the appeal site would be retained and there would be new tree planting to compensate for tree removal. Even so, the eye would be drawn through the site, via the long driveway, to the buildings and car parking. The dwelling would have a relatively traditional design. While the aluminium windows and doors would not be traditional, the external wall and roofing materials would harmonise with the historic built environment. Nevertheless, it would not be outstanding or innovative design. It would be a contemporary development that, together with the domestic garden, would have an urbanising effect on the historic open space. Even if the landscape planting did deliver some screening benefit, this would vary through the year with leaf cover. Overnight and during winter, the dwelling and frontage parking with light spill, external lighting and vehicle headlights would be conspicuous.
14. The paved area to the rear of the dwelling would provide for sitting out and socialising, but the bulk of the outdoor space would be to the front. While areas are indicated for wildflowers and planting, there would be little control over the way in which future occupiers used their garden. As the proposal would be a large family home, the frontage would likely be used for children's play and recreation, with associated spread of domestic paraphernalia. The intensification of residential use and the comings and goings of occupiers and visitors would be a conspicuous change that would adversely affect the sense of openness of the appeal site, thereby contributing to cumulative adverse impacts on the character and appearance of the open space.
15. Irrespective of the ratio of building footprint to undeveloped garden, the residential buildings and use would affect the entirety of the appeal site. The proposal would infill and bridge the historically undeveloped gap in the built form of the settlement. The set back of the buildings and the frontage planting would not disguise the adverse impact on the character and appearance of the open space nor mitigate the loss of openness. The infilling of the gap with built form would sever the visual and physical connection between the historic centre of the settlement and its rural agricultural setting. On the basis that the proposal would be at least moderately prominent in the townscape, I find that it would be capable of harming the wider character and appearance of the CA.
16. The historic maps illustrate that the former orchard was extensively planted across the appeal site, including notably in enclosure to the eastern part. The various submitted plans differ in relation to the proposed planting locations of fruit trees. However, the Landscape Proposals plan illustrates a somewhat linear arrangement along the southern boundary, which would avoid the root protection zone and canopy of the retained important tree. The planting of a small number of fruit trees

in the front garden would not reinstate the former orchard nor illustrate the historic function and use of the appeal site ancillary to Manor Cottage. Taking into account that the appeal site contributes positively to a verdant townscape, and replacement planting would be necessary to compensate for the loss of trees, the planting would make a neutral contribution to the character and appearance of the CA.

17. The repointing of the front boundary wall would enhance its appearance, particularly where it has been unsympathetically repaired or is in poor condition. However, the wall is significantly overgrown such that its condition and appearance are not readily apparent. Even in its current condition, it serves to enclose and define the Green and it contributes to the verdant street scene. Nevertheless, on the basis that stone walls are strong and cohesive boundary features in the village, the sympathetic maintenance of the wall would ensure it continued to contribute positively to the CA.

Works to Manor Cottage

18. Manor Cottage is a stone built dwelling dating from 1739. It is set back from the road behind the building line of the neighbouring cottage and, due to its offset from the Green, local topography, vegetation and front boundary wall, it is part screened from views along the road and from around the Green. The historic photograph illustrates that Manor Cottage was formerly a vernacular dwelling finished in stone with a simple pitched roof and somewhat irregular windows. However, as a result of unsympathetic extensions and alterations, it is not a heritage asset. Nevertheless, it makes a relatively neutral contribution to the CA.
19. As part of the proposal, the course render to Manor Cottage would be removed from the front elevation and gable end and the stone walls would be repointed. The rough rendered finish is not original nor in keeping with historic properties elsewhere in the village. However, only a small area has so far been removed to reveal the stonework and it also reveals brick infill around the window. In view of the earlier alterations, including to openings, it may be that the render was applied for good reason for the purposes of concealment and a neater appearance. Consequently, while the removal of the render is acceptable in principle, I cannot be certain it would result in any significant visual enhancement.
20. Stone window surrounds are a feature of some dwellings in the village but not apparently of the neighbouring dwelling The Old Cottage, which is a building of local interest (non-designated heritage asset) that makes a positive contribution to the CA. It is described in the CACA as practically a picture postcard of 18th century vernacular architecture, in part due to its coursed rubble walls, unevenly distributed side hung casement and Yorkshire sash windows and simple detailing. Therefore, if historic stone headers and cills do not already exist to Manor Cottage, it is not clear that they need inserting; if they do already exist, it is not clear their replacement would be a benefit. There would be a minor visual enhancement from the removal of the shutters and porch canopy and the replacement of the windows with timber casements, albeit previous enlargement and alteration to window openings, and large glazing panes, results in a somewhat contemporary appearance.

Conclusion in relation to the CA

21. The application subject of this appeal follows an earlier refused planning application (ref ZC23/02895/FUL) for a largely similar dwelling that was also refused on

- grounds relating to harm to the CA. The revisions to the scheme relate principally to the landscaping scheme and the refurbishment of the façade of Manor Cottage.
22. For reasons set out above, the appeal site makes a strong positive contribution to the historic character and appearance of the village. The housing development would detract from the historic legibility of the former orchard and significantly diminish its contribution to the townscape. The development of the important open space would not be sympathetic to local character and history and it would not maintain a strong sense of place and local distinctiveness. It would harm the CA.
23. The fruit tree planting would not reinstate the former orchard and the garden planting would not make a more positive contribution to the CA than the existing open space. Repairs to the boundary wall would improve its appearance, but the removal of the overtopping vegetation would render the proposal more prominent. The plans and computer-generated imagery illustrate that the alterations to Manor Cottage could enhance its appearance, but they would not reinstate its historic modest rural vernacular form. Therefore, the works to Manor Cottage and the wall would make a limited positive contribution to the CA.
24. Given the above, I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
25. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that in considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 advises that significance can be harmed or lost through alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight.
26. Paragraph 215 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal. In this case, the evidence refers to benefits including the contribution to the supply of self-build dwellings and housing; reinstatement of a historic orchard; enhancement of the façade of Manor Cottage and the boundary wall; and economic benefits during construction.
27. For reasons set out later in this decision, the proposal would be self-build housing if the appellants were first occupiers, but it would simply be a market dwelling if other persons were first occupiers. Either way, one new dwelling would make a valuable, albeit negligible, contribution to the Government's objective of significantly boosting the supply of homes. However, a market dwelling would be a lesser public benefit than self-build and, given the absence of certainty in relation to the first occupiers, this carries only modest weight.
28. The alterations to Manor Cottage and the repairs to the front boundary wall would be a moderate private benefit, but only a limited public benefit. The viable use of Manor Cottage as a residential dwelling, and its maintenance and repair, are not in any case dependent on the proposal as it has an ongoing residential use. The residential garden planting would be primarily a private benefit. There would be limited economic benefits in the short-term during construction. Collectively, the benefits would not be sufficient to outweigh the harm that I have identified, bearing in mind the great weight given to the conservation of designated heritage assets.

29. Given the above, I conclude that on balance the proposal would fail to preserve the character or appearance of the Farnham Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework and it would conflict with policies HP2 and HP3 of the Harrogate District Local Plan 2014-2035 Adopted March 2020 (the LP). The LP policies seek, among other things, to ensure that proposals protect or enhance features which contribute to the special architectural or historic interest of heritage assets and respect the spatial qualities of the local area, including the spaces between buildings and visual relationships. As a result, the proposal would not be in accordance with the development plan.

The living conditions of neighbouring residential occupiers

30. Shaw Lane rises away from the village green and there is a marked change in ground levels between the higher lying appeal site and the lower lying neighbouring residential property, 1 Manor Court. The change in ground level at the shared boundary is approximately 1.7m and the dwelling would be even further elevated than this above No 1. The ground floor of the proposal and its outdoor amenity space would be roughly at the level of the neighbours' first floor windows. Based on the plans considered by the Council, the dwelling would be roughly 9.1m tall and 12m deep. It would be narrowly separated by around 1.6m from the shared boundary and roughly 5.6m from the neighbouring dwelling.
31. The proposal would introduce a substantial quantum of built development in an elevated position close to the neighbours' boundary and their dwelling. The plans illustrate that the elevated rear patio area would be close to the rear of No 1 and its private rear garden. The lawned area along the side boundary, likely used for children's play and outdoor activities, would be elevated above and close to the neighbours' private frontage and the ground and first floor bay windows, which are the only windows serving the dining room and bedroom 2. The hardstanding parking area, with vehicle manoeuvring and headlights, would also be at the neighbours' first floor level.
32. There would be no loss of privacy between facing windows and only oblique overlooking from the front and rear windows in the proposal towards the neighbours' private outdoor space. Nevertheless, the neighbours in No 1 would feel overlooked and they would be acutely aware not only of the bulk of the building but also of the elevated comings and goings and recreational activity of future occupiers. Taking into account the elevation of the proposal and the arrangement of buildings and outdoor space, there would be adverse effects on the neighbours in their front and rear gardens and their dwelling. The proposal would be overbearing and oppressive to the neighbours, resulting in unacceptable adverse effects on their residential amenity.
33. I note that the appellants consider the Council's concerns could be overcome by revised siting, with reference to the guidance in the Council's House Extensions & Garages Design Guide Supplementary Planning Document (2005) (the SPD). However, the SPD is clear that the guideline distances are based on 20th century housing estates and will not therefore be appropriate in all situations, taking into account local context and that the grain and character of areas may dictate smaller or larger gaps between buildings in order to ensure reasonable amenity levels.
34. I also note the relationship and narrow separation between the Manor Court properties. However, these are at the same ground level and were each apparently

constructed at a similar time and as part of the redevelopment of the Manor Farm complex. The proposal is not part of that development and it is significantly elevated above and poorly related to Manor Court. The separation distances between properties elsewhere do not provide a justification for this proposal, which I have considered on its own merits.

35. Therefore, I conclude that the proposal would harm the living conditions of the neighbouring residential occupiers, with particular regard to an overbearing form of development. It would conflict with LP policy HP4 which requires, among other things, that proposal avoid significant adverse impacts on the amenity of neighbours through overbearing. It would also conflict with the objectives and residential amenity aims of the Framework, including in relation to creating places which promote health and well-being and a high standard of amenity.

Other Considerations

36. My attention has been drawn to the sustainability of the location, including access to public transport. The proposal would deliver a high standard of amenity for future occupiers. The design of the dwelling would be acceptable. There would be no harm to highway safety and adverse impacts on biodiversity, retained trees, and flooding, among other things, could be avoided. However, these and other matters such as are requirements of planning policy weigh neither for nor against the scheme. I am also aware of third party representations in support, as well as objecting to, the proposal but these do not weigh in its favour.

Setting of Listed Buildings

37. The immediately adjacent K6 Telephone Kiosk (ref: 1262999) is a Grade II listed structure. It was constructed to a design of Sir Charles Gilbert Scott, featuring a standardised design with cast iron body and shallow domed roof. Its special interest, as supported by its setting insofar as relevant to the appeal, is associated with its open central village location and iconic 20th century design, which would not be impacted by the proposal.
38. Other listed buildings in Farnham, namely the Grade I listed St Oswald's Church (ref: 1150301) and Grade II listed Farnham Hall (ref: 1150303), are set in large grounds and widely separated from the appeal site by intervening development including roads and dwellings. The proposal would have no material impact on the setting of either, thus preserving their special interest.

Self-build and custom housebuilding (SBCH)

39. As part of the Government's objective of significantly boosting the supply of homes, the Framework highlights the importance of addressing the specific housing requirements of different groups in the community. This includes people wishing to commission or build their own homes, with reference to the Self-Build and Custom Housebuilding Act 2015 (as amended). Under this Act, relevant authorities have a duty to keep a SBCH register of persons seeking to acquire serviced plots for their own SBCH. They are also required to give suitable development permission to enough suitable serviced plots of land to meet the demand in their area, with reference to the number of entries added to its register.
40. The evidence in this case indicates that the appellants are entered on the local authority SBCH register and the parties agree that the Council is currently unable to

meet the demand for SBCH. Neither party evidences the extent of the shortfall nor whether this demand would be met by current planning applications for strategic sites such as would deliver SBCH in accordance with LP policy HS3. However, on the basis of unmet demand on the register, the Council considers that the provision of self-build plots carries significant or substantial weight. The appellants acknowledge that a single dwelling will not contribute significantly to meeting housing targets, but state that local demand for self-build dwellings is high.

41. The Planning Practice Guidance states that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer would not meet the definition of SBCH.
42. In this case, the UU requires the first owner to ensure the dwelling is constructed and completed as a self build dwelling; that first occupation is by a person who has had primary input into the design and layout and who intends to live in it for at least 3 years from the date of practical completion as their sole or main residence; and to notify the council of the person who intends to take up first occupation.
43. The proposed dwelling is fully detailed and it has been designed to meet the needs of the appellants and they intend to live in it. On the basis that they have had primary input into the design and layout, it would be SBCH provided the appellants first occupied it for 3 years. However, they are not named in the UU as the persons who intend to take up first occupation. If, for any reason, other persons were instead named as first occupiers, the dwelling would not be a SBCH because those persons would not have had primary design input. In this scenario, the dwelling would simply be a market dwelling. However, the UU appears to include no provision for a penalty in the event the dwelling was not first occupied by the appellants. Consequently, while significant weight might be afforded to the delivery of SBCH plots, this weight is reduced to moderate for the reasons set out above.

Planting scheme and biodiversity

44. The landscaping scheme illustrates lawns, wildflowers, hedges and trees. Some of the trees would be existing, while new tree planting would compensate tree removal. There would be little guarantee that future occupiers would retain or maintain the various elements to benefit biodiversity. The garden would be subject to recreational, noise and visual disturbance by people, pets and vehicles. The built form across the rear of the site would sever landscape connectivity between the garden and surrounding countryside. Taking into account the existing undeveloped site, the garden weighs neither for nor against the scheme.
45. SBCH is exempt from mandatory Biodiversity Net Gain. However, for reasons set out above, the proposal would only be SBCH if first occupied by the appellants.

Development elsewhere

46. My attention has been drawn to open space development in settlements elsewhere. The Marton cum Grafton scheme (ref: 18/00335/FULMAJ) for 20 dwellings was considered in an earlier policy context, in the context of a shortfall in housing land supply and affordable housing, and the site was allocated for housing. The scheme at Ripley for 5 dwellings was allowed on appeal (ref: APP/E2734/W/16/3147002). It was similarly determined in an earlier policy context, and the surrounding context

included the A61 and not open countryside. In the same way that the proposal would not necessarily set a precedent for the development of other important open space, these and other schemes referred to including Manor Court, which are not directly comparable, do not provide a justification for the appeal proposal.

Planning Balance

47. Following the publication of the revised Framework, the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The evidence indicates that the supply currently stands at 2.9 years, which is a substantial shortfall. Accordingly, paragraph 11d) of the Framework is engaged and planning permission should be granted unless paragraph 11d) i. or ii. apply.
48. Paragraph 11d) i. relates to whether the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Footnote 7 sets out the particular policies as including those that relate to designated heritage assets. As I have found that the proposal would fail to preserve a designated heritage asset, and taking into account the weight afforded by the Framework to the conservation of such assets, the policies in the Framework provide a strong reason for refusing the development proposed. The presumption in favour of sustainable development does not apply.

Conclusion

49. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
50. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR