
Appeal Decision

Site visit made on 30 September 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/W9500/W/25/3368433

East and West Cottages, Main Street, Hutton Buscel, Scarborough, North Yorkshire YO13 9LL

- 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 R and N Guthrie against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2024/0881.
 - The development is the installation of replacement metal double glazed windows.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of replacement metal double glazed windows at East and West Cottages, Hutton Buscel, Scarborough, North Yorkshire YO13 9LL in accordance with the terms of the application, Ref NYM/2024/0881 and the plans submitted with it.

Application for costs

2. An application for costs was made by R and N Guthrie against North York Moors National Park Authority which is the subject of a separate decision.

Preliminary Matters

3. The description of development above is taken from the appeal form, removing wording that is not an act of development, as it has changed from that stated on the application form which has been agreed by the main parties. During my site visit, I observed a development which appeared the same as that shown on the submitted plans. As such I have determined the appeal on the basis that planning permission is sought to retain the development that has taken place.
4. Further details have been submitted to clarify the listed buildings nearby to the appeal site, namely the Grade I listed Church of St Matthew¹, Grade II listed Village Hall and Attached House² and Grade II listed building known as The Holt³. Notwithstanding that harm to listed buildings or their settings did not form part of the Authority's reason for refusal, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), places a statutory duty on decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given the appeal site's proximity to various designated heritage assets, including of the highest significance, the main parties were offered the

¹ List Entry Number 1172851.

² List Entry Number 1148825.

³ List Entry Number 1148822.

opportunity to comment on the development's effect on their settings and significance. I have taken the responses into account in my decision and considered the matter of listed buildings as part of the main issue.

5. The Planning Practice Guidance explains that non-designated heritage assets (NDHAs) are buildings that have a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Irrespective of how they are identified, it is important that the decisions to identify NDHAs are based on sound evidence to provide clarity and certainty⁴.
6. Despite not featuring on the historic environment record or being referred to in the description of the distinctive character of the village in the Hutton Buscle Village Design Statement (VDS) the Authority contend that the appeal properties are NDHAs. This is owing to their view that the design is of an Arts and Crafts style which has aesthetic value and associated significance within the Hutton Buscle Conservation Area (HBCA). No further information has been provided in relation to any criteria used to indicate the properties' heritage interest in a local context.
7. The appellant sets out that Arts and Crafts is not a style with a prevailing or consistent set of architectural features rather it is a movement based on a set of radical, progressive and utopian ideals. Notwithstanding that the previous ornate leaded light windows were a neo gothic feature, there is no information to demonstrate that the properties were designed by an architect who subscribed to the Arts and Crafts movement or that they were designed by a local architect who is part of the national park's cultural heritage. I acknowledge that the properties are distinctive and characterful, but it is not clear that the appeal buildings are of such heritage significance in their local context that they merit consideration as NDHAs. I have not therefore treated them as such in my decision.

Main Issue

8. The main issue is the effect of the development on the character and appearance of the area, including the appeal properties, bearing in mind it is within the HBCA and nearby to listed buildings.

Reasons

9. East and West Cottages are a pair of semi-detached dwellings, constructed in stone with a distinctive roof profile and arrangement of window openings. They are set back from the road by deep front gardens, a stone wall and a grass verge. The surrounding area is characterised by traditional cottages that conform to the North York Moors vernacular, fronting directly on to the street.
10. The appeal site falls within the HBCA. From my observations and the evidence before me, the significance of the HBCA as a whole is primarily derived from the generally consistent traditional design and appearance of buildings developed in a linear pattern, built to face on to the main street. While the appeal properties do not conform to the local vernacular their distinctive design and appearance make a positive contribution to the HBCA.
11. To the east of the appeal site is the Grade 1 listed Church of St Matthew, a heritage asset of the highest significance. As well as its fine architectural features, age,

⁴ Paragraph: 039 Reference ID: 18a-039-20190723

evolution and history, primarily appreciated from its immediate setting which is relatively enclosed and includes the churchyard, its special interest and significance is also derived from the streetscape within which it is located from which views of the tower can be appreciated. Despite the asset being set back from the road and intervening mature trees, the appeal properties have a clear visual relationship with the church and form part of its setting. The distinctive appearance of the appeal properties makes a positive contribution to the setting, and in doing so the ability to appreciate the asset's special interest and significance.

12. Next to the church is the Grade II listed Village Hall And Attached House. Its significance includes its historic interest as a former school and school house and its architectural interest including steeply pitched roof design and dressed sandstone with tooled dressing and quoins. While I observed inter-visibility to varying extents, there are glimpsed views on approach in either direction where the appeal properties are seen with the asset. The appeal site therefore falls within its setting, which includes the streetscape, and makes a positive contribution to the setting owing to the architectural quality of the appeal properties.
13. The Grade II listed building known as The Holt is on the opposite side of the road to the appeal site. Once a vicarage, its significance includes its historic interest and associated appearance comprising period architecture. The appeal properties have a visual relationship with the asset and are seen together with it in views from the corner of Great Moor Road and Main Street. They fall within its setting, and for the same reason as above contributes positively to the experience of the significance and special interest of the asset in views from the streetscape.
14. The appeal site is also located within the North York Moors National Park (NYMNP), a designated landscape of national importance which attracts the highest status of protection. Paragraph 189 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing this protected landscape. As the development affects land within the NYMNP I am mindful of the duty to seek to further its purposes, which includes conserving its natural beauty and cultural heritage. The NYMNP is characterised, amongst other things, by the variety and quality of its landscapes, the distinctive character of its settlements and the way in which these factors interact.
15. There is no substantiated evidence that the previous windows and doors at the appeal properties were the original windows and doors. Nevertheless, the previous dark grey metal framed leaded light windows and dark grey fully boarded doors were characterful, not least because of the contrast with the prevailing windows and doors in the HBCA. While the contrasting dark grey materials and the ornate detailing of the leaded light windows has been lost and the replacement windows and doors have resulted in a visual change, the number and arrangement of windows and doors have not been altered. On this basis, a key distinctive feature of the original properties remains and their overall unique character amongst an otherwise vernacular street scene is not diminished.
16. Furthermore, and notwithstanding that the appeal site was built in conjunction with the adjacent property known as Church Meadows to a different design to the characteristic properties in the HBCA, I did not observe the appeal properties to be part of a concentration of buildings with a variety of architectural styles within the village. I note that the VDS does not refer to the appeal properties in this regard or

make reference to them in the description of the locally distinctive characteristics that make Hutton Buscel what it is.

17. Given the generous set back from the road the appeal properties are not particularly prominent in the street scene. It is therefore unlikely that the thicker frames and more shallow reveals of the development in comparison to the previous windows are of such a marked difference that they are readily noticeable when driving or walking past the appeal site, particularly given that the footpath is on the opposite side of the road. The discrete colour of the replacement windows is visually acceptable owing to light window frames being a characteristic feature of the HBCA. The door proportions have not changed and the introduction of a glazed panel to increase safety and security for the occupiers has not affected the sturdy appearance of the door. Moreover, glazing in front doors is a feature of neighbouring properties. It is for these reasons that the development is not overly modern in appearance.
18. Overall, the positive contribution the appeal properties make to the HBCA has not been compromised. It therefore follows that the contribution the appeal site makes to the character and appearance of the HBCA as a whole is preserved and its significance as a designated heritage asset is not harmed. The development does not unacceptably detract from the historic townscape and given the location, extent and nature of the development in relation to the nearby listed buildings, insofar as is relevant to this scheme, their settings are preserved and the contribution they make to experiencing the assets' significance and special interest is not harmed. Consequently, the development meets the statutory presumptions set out in sections 66(1) and 72(1) of the Act and the provisions of the Framework to conserve and enhance the historic environment. The development also conserves and enhances the natural beauty and cultural heritage of the NYMNP and does not undermine the statutory purposes for which it is designated. As the development is complete, it is not necessary to impose any conditions.
19. To conclude, the development is not unduly harmful to the character and appearance of the area. It preserves the HBCA and its significance and preserves the settings of nearby listed buildings and the contribution they make to the assets' significance are not harmed. The development therefore accords with Strategic Policies C and I and Policies CO17 and ENV11 of the North York Moors National Park Authority Local Plan (2020). Amongst other things, these policies require householder development to take full account of the character of the local area and the special qualities of the National Park, with high standards of design to conserve and enhance built heritage.

Conclusion

20. For the reasons given above the development accords with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison

INSPECTOR