



Appeal Decision

Site visit made on 10 July 2024

by **T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/U2750/W/24/3340991

**Former Hurgill Lodge Stables, Hurgill Road, Richmond Easting (x) 416282
Northing (y) 501508**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Zetland Estates Limited against the decision of North Yorkshire Council.
 - The application Ref 22/00136/FULL, dated 9 February 2022, was refused by notice dated 28 September 2023.
 - The development proposed is Residential Development of 30 Homes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. This is accounted for by some changes to the scheme including an increase in the number of affordable units and minor changes to the layout.
3. The description of the proposal is therefore 'Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots Together with Associated Open Space and Infrastructure'. The main parties agree that this is the relevant description and I have considered the appeal on that basis.
4. The proposal is in hybrid format with the limited self-build element of the scheme on plots 28, 29 & 30 to the corner of the site proposed in outline format only with reserved matters relating to appearance, landscaping, layout and scale to be agreed at a later date. The remainder of the application, relating to the majority of the site, is in full.
5. A completed Section 106 Planning Obligation was received during the course of the appeal and I have taken this into account as part of my consideration. It provides for a medical services contribution and off site affordable housing contribution. It would also ensure the provision and management of public open space, affordable and first homes within the scheme, biodiversity net gain and self-build dwellings.
6. The evidence indicates that these provisions would be necessary to make the development acceptable in planning terms, were I minded to allow the appeal. They are directly related to the development and fairly and reasonably related

in scale and kind to the development. The Planning Obligation meets the tests within paragraph 57 of the Framework¹.

7. I have considered The Secretary of State's written ministerial statement 'Building the homes we need' (the WMS) which amongst other things outlines the government's commitment to ensure that substantial numbers of homes are built in the upcoming period. I have also considered the consultation on 'Proposed reforms to the NPPF and other changes to the planning system' and the 'National Planning Policy Framework: draft text for consultation' (the Framework Consultation). The proposed updated standard method for calculating housing supply would appear to result in a substantial increase in the annual housing need for North Yorkshire on the basis of the consultation. However, the Framework Consultation could be subject to change and I therefore afford this limited weight.

Main Issues

8. The first main issue is the effect of the proposal on the setting of Richmond Conservation Area (the Conservation Area). The second is the effect of the proposal on the character and appearance of the area. The third main issue is the effect of the proposal on the setting of Hurgill Lodge. The fourth main issue is the effect of the proposal on the significance of the Westfield Medieval Field System (WMFS).

Reasons

9. The eastern end of the appeal site adjoins the Richmond settlement limit. However, the character and appearance of the appeal site contrasts markedly with the residential character and appearance of land to the east. The site visually and functionally forms part of the countryside that surrounds Richmond and exhibits an open, undeveloped, and pastoral appearance with a quiet and tranquil character. The site slopes gently downwards from north to south although not as steeply or dramatically as the land to the south of the site. The site is identified as being within land parcel R7 of the RLCA² towards its eastern end.
10. The proposal would see the majority of the appeal site extensively developed with 32 dwellings proposed in total. The plan shows that the majority of dwellings on the site would be served by an estate road with the access to the main body of the site off Hurgill Road. The proposed site plan details that the self-build dwellings would be served by a separate access at the western end of the site, also off Hurgill Road. The proposed site plan indicates that the development would largely wrap around Hurgill Lodge.

Conservation Area

11. The site sits around 0.3km away from the Conservation Area at its nearest point. The Conservation Area incorporates the historic core of Richmond at its centre but also includes areas of undeveloped land around that core.
12. The significance of the Conservation Area therefore sits in part with the form, scale, materials and layout of its historic buildings but also in part with areas of

¹ National Planning Policy Framework 2023.

² Richmondshire Landscape Character Assessment & Landscape Sensitivity Study, Chris Blandford Associates November 2019.

undeveloped land which provide Richmond with a particularly dramatic and impressive appearance within the Swale Valley. The countryside surrounding Richmond, rising up from the Swale, including the appeal site, shares characteristics with that undeveloped land and therefore contributes positively to the significance and therefore the setting of the Conservation Area.

13. In views from Richmond Castle, the development would appear largely as an imperceptible extension of existing development along Hurgill Road and Westfields.
14. However, that is not likely to be the case from points further west, where the viewing angle would change and it is likely that the development site could be viewed in tandem with areas included within the Conservation Area.
15. The LVIA zone of visual influence for the site identifies extensive areas to the south and west of Richmond in which the development site has the potential to be seen in conjunction with areas within the Conservation Area considering topography, intervening vegetation and buildings. Given that the site would be extensively developed, the extension of the built envelope of Richmond into that important countryside would be evident.
16. The proposal would therefore detract from the significance of the Conservation Area through the harm which would be caused to its setting. There would therefore be conflict with Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy (2014) (CS) which states that those elements which contribute to the significance of the heritage assets across the plan area will be at a minimum conserved. There would also be conflict with Policy CP4 of the CS which states amongst other things that development should not impact adversely on designated heritage assets.
17. The harm to the significance of the Conservation Area would be less than substantial and the Framework requires that this harm be weighed against the public benefits of the proposal.

Character and appearance

18. The LVIA³ concludes that the proposed development would directly affect only a small, localised change on the surrounding landscape character, the Gritstone High Plateau. The RLCA identifies that moderate slopes in the east and south-west of parcel R7 are less susceptible to the development scenario. The effect of the proposal with regard to landscape impact would be limited.
19. However, the site would be extensively developed and is publicly visible in close range views. The LVIA concludes that there would be significant visual effects for users of the coast to coast path, which passes along closely to the south of the proposed development site.
20. Regardless of the retention of the established hedgerow to the boundary of the site, potential new planting, or it being the case that only a short section of the overall coast to coast path would be affected, from Viewpoint 4 looking North-West from the Coast to Coast Route on Westfields, the proposed housing would dominate the view of what is currently grazing land and would obscure the views towards Hurgill Lodge.

³ Landscape and Visual Impact Appraisal TGP Landscape Architects, Hurgill Stables for Zetland Estates Ltd March 2024.

21. This change would detract from the positive contribution that the rural appearance of the site makes in visual terms to the coast to coast path. It would also introduce a substantial amount of activity to the site which would be in sharp contrast to its existing quiet and tranquil character.
22. The proposal would therefore harm the character and appearance of the area and there would subsequently conflict with Policy CP12 of the CS. Amongst other things it requires that the green infrastructure network, which includes the Coast to Coast walk and views from it, will be protected. There would also be conflict with Policy CP4 of the CS which requires amongst other things that development should not impact adversely on the character of the settlement or its setting or important open spaces and views.

Hurgill Lodge

23. The evidence indicates that Hurgill Lodge is a former racehorse training stables built in the 1930's and the buildings have been identified within the evidence as a non-designated heritage asset. The group of buildings are constructed of locally distinctive materials and form an attractive grouping which is visible amongst other places from across the appeal site from Westfields.
24. The significance of Hurgill Lodge is twofold. In part it sits with the historic use of the buildings as purpose built training stables, located here in part to take advantage of the opportunities offered by the former Richmond Racecourse which is further to the north and west. The buildings also have architectural significance given their attractive appearance within their setting. Despite leaving the site largely undeveloped of buildings immediately beneath Hurgill Lodge, views towards the buildings would be restricted from Westfields and other surrounding viewpoints as a result of the development.
25. Even accounting for the previously demolished stable block, the undeveloped surrounds of Hurgill Lodge also assist in the understanding of the historic use of the site for stables given that some open land would have been an essential requirement of the use of the site. The current characteristics of the site contribute positively to the setting and significance of Hurgill Lodge. Given the extensive level of development proposed at the site, which would wrap around Hurgill Lodge, the proposal would have a significant detrimental impact on the significance of Hurgill Lodge by failing to preserve its setting.
26. There would therefore be conflict with Policy CP12 of the CS which states that those elements which contribute to the significance of the heritage assets across the plan area will be at a minimum conserved. There would also be conflict with Policy CP4 of the CS which states amongst other things that development should not impact adversely on undesignated heritage assets.

Westfield Medieval Field System

27. The evidence indicates that the appeal site historically formed part of the former WMFS. This has significance in visual terms, forming a notable area of open land on this side of Richmond as well as historical significance in terms of demonstrating former systems of farming associated with Richmond.
28. The understanding of the site as part of the wider WMFS however has been considerably eroded by the separation which was introduced by the creation of the Westfields route and the presence of substantial trees which line it. Further, the previous introduction of built development in the form of Hurgill Lodge and

the associated use of the land has further eroded the understanding of the appeal site as an integral part of the WMFS. The site therefore in its current form makes a very limited contribution to the significance of the WMFS. The proposal would not harm the significance of the WMFS. There would therefore be no conflict with Policy CP12 or CP4 of the CS with regard to this particular matter.

Other Matters

29. I have taken into account the submitted appeal decisions Appeal Ref: APP/V2723/W/21/3287312 and APP/V2723/W/23/3317682. Both of those appeals however in terms of main issues were in part focussed around whether or not the proposed level of housing growth for those schemes was appropriate with regard to the adopted spatial strategy for the area. Those issues are not so central to this appeal.

Planning Balance and Conclusion

30. The house types have been designed to reflect positive local influences and would incorporate a high standard of sustainable construction and operation, meet standards for accessible dwellings and meet nationally described space standards. The development would provide good quality properties within easy reach of the services and facilities of Richmond.
31. The proposal would contribute positively towards housing supply. First homes and affordable rented homes would be provided along with a sum of money as a contribution towards off site affordable housing and provision would be made for a small number of self-build plots. The WMS seeks the delivery of more homes, including more affordable homes.
32. There would be biodiversity net gain through an uplift in habitat units and an uplift in hedgerow units. Some public open space would be provided within the site but it would overall be limited and broken down into smaller parcels.
33. However, even in the event that housing delivery within the Central Richmondshire sub area is well behind other sub areas and that the need for affordable housing is as great as indicated by the appellant, the public benefits of the scheme would not be sufficient to outweigh the harm to the significance of the Conservation Area.
34. The proposal would harm the character and appearance of the area and would have a detrimental impact on views from the coast to coast walk which are specifically identified for protection within the development plan. There would be harm to the setting and therefore the significance of Hurgill Lodge.
35. I have identified harm in relation to a number of issues which would arise as a result of the proposal which would not be outweighed by the benefits of the scheme. There are no other material considerations to indicate that the decision should be made otherwise than in accordance with the development plan with which the proposal would conflict. I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR