



North Yorkshire
Campaign to Protect Rural England

OBJECTION

Date of submission: 24th August 2018 Number of pages in this correspondence: 35

Planning Application details:

2018/19559/FUL - Full planning permission for erection of five two storey houses and one single storey house and works to boundary walls; and

2018/19560/LBC – Application for the demolition of wall and alteration of existing building

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Branch code: 2018Aug_CDC_6units_GrundyFarm(resub)_FUL/LBC

All CPRENY CIO comments are prepared by the Branch with professional planning advice, research conducted and recommendations by qualified planning consultants.

Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO operates with the help of planning wardens in the different local authority administrative districts reporting directly to the branch. All correspondence should, therefore, be directed to the Chair of the Branch.

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as “CPRENorthYorkshire” or “the branch”) welcomes the opportunity to comment on these two connected consultations.

CPRENorthYorkshire is part of the federated CPRE organisation across England. The charities operate in every county.

CPRE campaigns for a better future for England’s unique, essential and precious countryside. From giving parish councils expert advice on planning issues to influencing national and European policies, we work to protect and enhance the countryside. We believe a beautiful, thriving countryside is important for everyone, no matter where they live.

We don’t own land or represent any special interests. Our members are united in their love for England’s landscapes and rural communities, and stand up for the countryside, so it can continue to sustain, enchant and inspire future generations.

We bring solid evidence, reasoned arguments and a democratic voice that demands to be heard. It’s possible - and essential - to meet local needs while protecting the countryside. A sustainable future begins on our doorstep.

CPRENorthYorkshire have been contacted by local residents who expressed grave concerns regarding the applications discussed in this report. We commissioned a planning consultant and heritage expert to investigate and prepare this objection.

The Chair
CPRENorthYorkshire CIO



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The former district group of CPRE Craven objected to an outline application for 20 dwellings on this site in 2017 (17/2017/17886). The application was withdrawn prior to determination.

It is recognised that this is a resubmission of the previous application at a reduced scale. However, CPRENorthYorkshire maintains the objection made to the Council in 2017 to the development of this site as the proposals are not compliant with local or national planning policies, for the reasons as set out below:

- It is not compliant with either the adopted or emerging settlement hierarchy and strategic approach for Carleton;
- Development of a greenfield site in this location is not appropriate or compliant with the policy approach;
- The development is outwith settlement boundary and thus ‘open countryside’;
- The adverse impacts on the local highway network and access;
- Significant harm would be caused to the Carleton Conservation Area and its setting; and
- Impact on a Grade II Listed Heritage Assets.

The two applications submitted by the developer for this development site are interconnected and thus CPRENorthYorkshire requests that the Council considers this written representation when determining both applications.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.

The Development Plan relevant to this application consists of:

- Saved Policies from the Craven (Outside the Yorkshire Dales National Park) Local Plan (1999).

When determining the application, other ‘material considerations’ need to be taken into account. These considerations include other relevant policies and guidance particularly national planning policies provided by the National Planning Policy Framework (NPPF) and other relevant Government policy statements alongside the National Planning Practice Guidance (PPG).

The NPPF was originally published by the Department for Communities and Local Government (DCLG) in 2012 and set out the Government’s planning policies for England and how they are expected to be applied. The revised NPPF was published in July 2018 and supersedes the 2012 version when determining planning applications. The revised NPPF is therefore a material consideration which should be used to aid the determination of this planning application.

The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*



The NPPF requires that housing applications are considered in the context of a presumption in favour of sustainable development. A footnote to paragraph 11d (above) sets out that the term 'out-of-date' includes situations where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites (with appropriate buffer).

In May 2017, CDC published its 'Five Year Housing Land Supply Methodology and Report' providing an up to date assessment of housing need throughout the Borough. It is understood that the updated position is that CDC possesses a 5.49-year supply of housing land including a 20% buffer in line with the requirements of paragraph 73c of the NPPF. This means that for the purpose of decision making, full weight should be attributed to the housing supply policies (and indeed other relevant policies where they are consistent with the Framework) in the planning balance.

Paragraph 48 of the NPPF also sets out that decision-takers may also give weight to relevant policies in emerging plans according to (inter alia) "*the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)*". The Council have recently submitted their emerging Local Plan to the Secretary of State for Independent Examination. The examination is due to take place in October of this year, therefore, because of the late stage in preparation, due weight can be afforded to these policies in the planning balance when determining applications as a material consideration.

Settlement Hierarchy

The 1999 Local Plan does *not* classify Carleton as a Local Service Centre. Paragraph 4.7.1 sets out that whilst it is a larger settlement, it (amongst other larger settlements) has had to absorb much development over the past 25 years, therefore, the Council feels that there is "*little, if any, potential for new development (other than conversions, infilling and small scale development) to be accommodated within the villages without detriment to their basic form and character*".

The emerging Local Plan follows this strategic approach in placing Carleton within the fourth tier (4a) of the settlement hierarchy as a 'village with basic services'. And states at paragraph 4.45 that "*Overall, a limited amount of growth is directed towards Tier 4 settlements*". Paragraph 4.47 takes this further setting out clearly that "*in order to ensure that the plan's balanced sustainable spatial strategy is implemented, the focus of growth will be through the delivery of the plan's land allocations for housing and employment, and any opportunities that come forward during the plan period on previously developed land within Tier 1, 2, 3, 4a and 4b settlements*". The development site is not allocated in the emerging Local Plan and is also not considered to be previously developed land by virtue of the fact that it constitutes a field to the rear (south) of Grundy Farm and houses along Main Street/West Road.

However, paragraph 4.51 states that proposals on unallocated land for new homes on the edge of Tier 4a settlements will need to accord with all relevant policies of the emerging local plan. There are specific criteria that are particularly relevant to proposals on the edge of settlements. This approach is clarified by Draft Policy SP4 which deals with the Spatial Strategy and Housing Growth. Of pertinence to the determination of this application is point D which sets out that the Plans spatial strategy will be achieved by:

"Directing limited growth towards Tier 4a settlements (Villages with Basic Services) to sustain their vitality and function;"



It also helpfully states at point I that this will also be achieved by:

*“Supporting the release of non-allocated sites for housing that adjoin the main built up area** of settlements where:*

- a) it can be demonstrated that the planned growth in the spatial strategy for the settlement will not be delivered during the plan period, or*
- b) it is a rural exception site in accordance with Policy H2 of the local plan, or*
- c) development is justified by special economic, environmental and /or social circumstances.*

***The main built up area is defined as the continuous built form of the settlement and excludes (inter alia):*

- 2... Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the built-up area of the settlement, and*
- 3. Agricultural buildings and associated land on the edge of the settlement...”*

The proposed development site adjoins the rear of the main built up area, however, at this stage in the Local Plan process development of this site cannot be justified by stating that the growth strategy for the settlement will not be achieved, the proposal is not for a rural exception site and has not been justified in the planning application for any specific ‘special circumstance’ therefore, is not in conformity with part I of the draft policy. Furthermore, the above note clarifies that this site should not be approved given that the site specifically relates to points 2 and 3 above which are ‘excluded’ from development.

Greenfield Site

CPRENorthYorkshire believes that the resubmitted application, despite being smaller in scale (from 20 units to 6) should be refused and that the strategic policy approach of only permitting development on allocated land or on previously developed land should be adhered to. The applicant has an outstanding objection to the Local Plan relating to the non-allocation of his site for development. Ergo, the strategic policy team did not allocate this site, despite the knowledge that it was available, because it made a ‘strong contribution to the setting of the Conservation Area’. CPRENorthYorkshire agrees with this fact.

Furthermore, the applicant has within their ownership a brownfield site within the settlement which has already been approved for a residential development scheme, adjacent the site on Carla Beck Lane. The approval was for 24 units, although only 4 have been delivered to date. It is understood that the remaining 20 could be built out in the future. This site is not complicated by detrimental impacts to heritage assets, nor does it have implications for infrastructure. It also has the support of the local community and Parish Council. This site should clearly be fully utilised in line with the brownfield first policy approach as set out in the emerging Local Plan.

These facts should weigh heavily against the proposal in the planning balance.



Open countryside

The proposed site falls outside the adopted 1999 development boundary for Carleton and is therefore categorised as ‘open countryside.’ Paragraph 4.8.1 deals with development within the open countryside setting out that “*Development in the open countryside outside defined development limits will be strictly controlled and will be limited to development essential to the needs of agriculture or forestry or where there are other exceptional circumstances, for example, small scale affordable housing schemes for local people or small scale development requiring an open countryside location for operational reasons or development which provides clear benefit to the rural economy, provided that it would not harm the character, appearance, general amenity or nature conservation interest of the surrounding area*”. This is reinforced by Saved Policy ENV1.

The applicant is incorrect in the assumption at paragraph 5.9 of the Planning Statement, submitted in support of the application, that ‘little weight’ can be attached to policy ENV1. Following the High Court judgement (in the cases of *Suffolk Coastal District Council v Hopkins Homes Ltd* and *Richborough Estate Partnership LLP v Cheshire East Borough Council* 2017) it was confirmed that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies are thus not considered to be ‘up-to-date’ does *not* mean that restrictive policies are also (*my emphasis*). The weight to be given to a restrictive policy (or any other policy) was stated to be ‘*a question of planning judgement*’. Therefore, CPRENorthYorkshire believes, the fact that this site is currently within the ‘open countryside’ should be given considerable weight in the planning balance when determining this application alongside other restrictive policies.

Nevertheless, the approach that limited weight is to be attributed to housing policies applies when a Planning Authority cannot demonstrate a five-year housing land supply. As set out in this response, Craven District Council have produced a document setting out that it has a 5.49-year housing land supply which has been used by the strategic policy team when preparing their Local Plan and is part of their submitted evidence base. Whilst this has not yet been through examination, it is safe to conclude that the Authority deem that they do have a full supply, therefore, the applicant’s further assertion that the Authority has admitted that they do not have a supply (at paragraph 6.9 of the Planning Statement) is unfounded and CPRENorthYorkshire does not understand where this has been derived from.

Saved Policy ENV2 sets out the requirements for proposals in the open countryside should they have met the test of ENV1. As this application has not met the test, it is therefore not relevant to the determination. Furthermore, CPRENorthYorkshire does not believe that the proposals are compatible with the character of the surrounding area and believe the proposal will cause harm to the setting of the settlement (as discussed below) therefore would not be compatible with Policy ENV2 should this policy have been triggered.

It is acknowledged that this is a revised scheme with a substantially reduced scale and number of proposed units. Nonetheless, the proposed large detached houses would be incongruous with the existing pattern of development within this part of the settlement which has many traditional smaller terraced houses. Being located on elevated ground CPRENorthYorkshire is of the opinion that the large two-storey houses would not be sympathetic to the existing character of the vicinity. The Landscape and Visual Statement, submitted by the applicant, illustrates that the site would also be visible from wider vantage points (viewpoints 1,2 and 3) thus impact detrimentally on the character of the settlement within the rural setting.

The Planning Statement in paragraph 6.20 downplays the importance that the NPPF places on the ‘ordinary countryside’ stating that it (*the NPPF*) does not seek to ‘protect the countryside for its own sake’.

Paragraph 17 of the 2012 NPPF (which the applicant has used to support his application) set out the core planning principles which underpin decision-taking.



Bullet point 5 stated that planning should “*recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it*”. The revised NPPF (2018) sets out at paragraph 170 the same principle in that planning decisions should

*“contribute to and enhance the natural and local environment by: (inter alia)
b) recognising the intrinsic character and beauty of the countryside, [...]”*

This clarifies that the ‘ordinary’ undesignated countryside is worthy of protection and that the character of the countryside adjacent to this settlement should be recognised and protected (as set out in the Carleton Conservation Area Appraisal discussed below). The 1999 Saved Local Plan Policies Map for Carleton shows the proposed site as being included within an ‘Area included in the Special Landscape Area’ designation. Whilst this local designation has not been retained, this does not devalue the quality of the landscape in this location or indeed how much it is valued by local residents.

Heritage

It is understood that Historic England have objected to this and the previous applications on this site. CPRENY support and fully endorses their objection on this matter.

The Heritage Statement originally submitted by the applicant in support of the application did not constitute a full Heritage Assessment and did not address issues of significance to, or the setting of, Heritage Assets. CPRENY, therefore, commissioned 1 Voyage Ltd. to undertake an independent Heritage Impact Assessment (HIA) to fully understand the implications of the development proposal at the site. The report has been appended to this document and is, therefore, not reproduced here.

In summary, the HIA (appended below) sets out the specific planning policy context in relation to the proposals and concludes that the development proposals are contrary to both local (adopted and emerging) and national planning policies. This is predominantly because the proposals will cause significant harm to the heritage assets found in the immediate vicinity of the site, namely the Grade II Listed Building of Grundy’s Farm and associated curtilage listed structures (some of which the applicant proposes to demolish), Swan Inn (Grade II Listed building) and the Carleton Conservation Area.

The application site falls partly within and partly outwith (but immediately adjacent to the boundary) the rural setting of the Carleton Conservation Area. The Conservation Area Appraisal undertaken by the Council recommends that the boundary should be extended “*in order to conserve the significant relationship between the historic settlement and the surrounding open space...*” This goes on to include the land which is currently proposed for development. Development of this site would therefore diminish the significance recognised by the Council’s own appraisal.

Additionally, should the applicant propose to access the application site from a different location and thus conserve the listed wall, the development would still lead to a loss of significance of various heritage assets through degradation of their setting. The NPPF places great weight on an asset’s conservation and there is a large amount of case law which provides clarification on the weight to be attached to the harm to a setting of heritage assets which is helpfully set out in the appended report.

The report concludes at paragraph 10.5 that “*on the basis of the direct and indirect harm that will be caused to numerous heritage assets by the proposed schemes, this report recommends that applications 2018/19560/LBC and 2018/19559/FUL should be refused and that future applications for the development of the sites should be firmly resisted.*”



Access

The proposed site entrance has been relocated to the east of the Grundy Farm, between the listed farmhouse and the existing terraced houses directly onto Carla Beck Lane.

CPRENorthYorkshire believes that the amount of traffic which would be generated by this proposal for 6 new residential units, plus the conversion of the Grundy Farm buildings into two dwellings (already consented), including vehicles associated with construction would be unacceptable at this location. Should the Council be so minded as to approve this proposal, it would act to exacerbate already busy roads, leading to unacceptable congestion when considered cumulatively alongside traffic generated from existing residents, those dwellings currently within the planning process and those already consented in the vicinity. Whilst these roads 'technically' may have the capacity to take this level of development, the reality on the ground is that Carleton already feels congested and highway safety is a growing concern for residents when traversing the narrow roads and navigating parked cars. This is contrary to the revised NPPF, paragraph 108c which sets out that *"there should be safe and suitable access to the site can be achieved for all people and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated into an acceptable degree"*. Paragraph 109 takes this further setting out that development *"should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Members have also expressed concern regarding visibility splays from the access point and questioned whether these would meet the standards as required by the Highways Authority and for emergency vehicles for safe access and egress from site.

Additional concerns

Policy H2 of the emerging Local Plan deals with Affordable Housing. It is noted that the applicant has not mentioned delivering any affordable units on site or the provision of any financial contribution towards this should the Council be so minded as to approve this application. CPRENorthYorkshire believes, should this be approved, that the proposal should generate a contribution to this important area. The policy states that Local affordable homes that are needed within the area will be provided by: *"the provision of a minimum of 30% of proposed new dwellings as affordable housing on greenfield sites of 11 dwellings or more, and on any site with a combined gross floor area of more than 1000 sqm. In designated rural areas, proposals on greenfield sites of 6 to 10 dwellings, will be required to make an equivalent financial contribution"*. It is thereby assumed that this is a proposal for full market value housing and ergo, that this proposal is not in conformity with Draft Policy H2.

Members have expressed concerns regarding the satisfactory removal of surface water should development be permitted. Local sewers do not have capacity to deal with surface water run off as has been witnessed in high precipitation events. Therefore, should the Council permit this development, residents are concerned that the increased hard standing areas and built development will exacerbate this problem and lead to localised flooding.



Conclusion

The development proposal is for market value housing, outwith the settlement boundary of Carleton and thus technically within the open countryside. Given that the Council claim to have over a 5-year supply of housing land, full weight should be given to the restrictive policies of the Local Plan when determining this application. Therefore, the site cannot be justified in terms of housing need, nor by the fact that the Council require the site to deliver housing.

The development site constitutes greenfield development within a settlement that is not categorised as a Local Service Centre. The current Local Plan dictates that development in Carleton should be limited to small scale developments, in-filling and conversions without impacting the setting of the settlement. CPRENY has established that the approval of this proposal would cause harm to the setting of Carleton.

The emerging Local Plan places Carleton in the settlement hierarchy in Tier 4a, which only permits development on allocated sites or brownfield land. This site is neither, therefore is not in conformity with the Council's strategic direction. The site was removed from the potential allocations list by the Council as they believed that the site provided a '*strong contribution to the setting of the Conservation Area*'. Permitting this development would be at odds with the evidence base as suggested by the Council's own Strategic Policy Team.

The proposed site is partly within and adjacent to (therefore within the immediate setting of) the Carleton Conservation Area and Listed Buildings and as such should be justified beyond all doubt that any development in this location would not lead to the substantial loss or harm to those assets. The applicant has failed to do this, therefore in the professional opinion of the independent Heritage Consultant at 1 Voyage Ltd. the proposal should be refused. CPRENY agree with this opinion.

CPRENorthYorkshire believes that the harm that would be caused to the local road network, as a consequence of this development, would be at such a level as to cause congestion and highway safety issues for all road users which would not be consistent with the revised NPPF.

It is considered that the level of concern from the community regarding this site and the objections made by the Parish Council and Historic England should be taken into account when determining this application.

CPRENorthYorkshire strongly objects to this development proposal for the reasons set out above, primarily that it is not in conformity with both local and national planning policies and therefore respectfully ask the Council to refuse this application.

To be read with

Heritage Impact Assessment, Grundy's Farm, Carleton, 1 Voyage Ltd. 22.8.2018

Katie Atkinson MRTPI
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1 Voyage Limited

Heritage Impact Assessment

Grundy's Farm, Carleton

Applications 2018/19560/LBC and 2018/19559/FUL

Applications for demolition of wall and alteration of existing building and residential development of 6 dwellings with associated access road.

22 August 2018





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1 Introduction

- 1.1 1 Voyage were commissioned to prepare an assessment of applications 2018/19560/LBC and 2018/19559/FUL on behalf of CPRENorthYorkshire.
- 1.2 This report assesses the heritage impact of the proposed developments upon both designated and non-designated, above ground heritage assets due to the loss of listed, historic fabric and a change to the settings of relevant heritage assets. It assesses these applications in their own right and makes no comparison with previous schemes for the site.
- 1.3 Documentary and cartographic materials were consulted in order to provide a summary of the contribution to significance which the site makes, which was also visited on an overcast day in August 2108.
- 1.4 This report finds that, due to the proposed location, access proposals, scale and design of development proposed, harm will be caused to the significance of the relevant heritage assets. The public benefits put forward to mitigate this harm are not considered sufficient to offset or justify this harm as required by the National Planning Policy Framework (NPPF) and as such refusal is recommended.

2 National Heritage Planning Context

- 2.1 Section 68 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 confers a duty on Local Planning Authorities, in considering whether to grant planning permission for development which affects a listed building or its setting, 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.'*
- 2.2 To facilitate this process and help assess the impact of proposals, paragraph 189 of the National Planning Policy Framework (NPPF) states that, *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- 2.3 The NPPF also states at para 193 that, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 2.4 Para 194 of the NPPF adds 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. Substantial harm to or loss of grade II listed buildings... should be exceptional'*
- 2.5 At para 196, the NPPF states that, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 2.6 With regards non-designated heritage assets the NPPF adds at para 197 that, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*
- 2.7 Para 200 concludes that, *'Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'* inferring that proposals that do not do so should not be treated favourably.
- 2.8 In Annex 2 of the National Planning Policy Framework (NPPF) 'significance' is defined as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*

- 2.9 Setting is defined in the same document as, *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 2.10 Historic England's, 'Historic Environment Good Practice Advice in Planning, Note 3 - The Setting of Heritage Assets' states at Para 9 that the importance of setting lies, *'in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.'* It adds that, *'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors ... and by our understanding of the historic relationship between places.'*
- 2.11 The national planning context therefore requires applicants to consider a heritage asset's significance and what the optimum viable use for a heritage asset is, how a heritage asset's significance will be affected by proposals and whether the proposals will affect the setting of any heritage assets and therefore the significance of these heritage assets.
- 2.12 To aid applicants in this process, Historic England's 'Conservation Principles' lays out guidelines on how to assess the constituent values of a heritage assets significance. This advice note advocates a five-step approach for assessing the implications of a proposed development upon the significance of heritage assets as regards a change to their setting.
- Step 1: identify which heritage assets and their settings are affected i.e. the relevant heritage assets;
 - Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the relevant heritage asset(s);
 - Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
 - Step 4: explore ways to maximise enhancement and avoid or minimise harm.
 - Step 5: make and document the decision and monitor outcomes
- 2.13 Step 5 falls outside the scope of the application process but notwithstanding this, the level of detail contained within the Heritage Statement produced by JW on behalf of the applicant is wholly insubstantial. It fails to make any attempt to assess the significance of the part of the listed building which is to be demolished and neither does it attempt to assess the contribution of the application site to the nested settings of numerous heritage assets. The applicant has therefore failed to satisfy para 128 of the NPPF.
- 2.14 To facilitate an assessment of the heritage impact of the application, this document adopts the first four-stages of the Guidance laid out in Historic England's Conservation Principles as a framework within which to assess the impact of the proposed development on the significance of relevant heritage assets.

3 Local Heritage Planning Context

- 3.1 The application does not consider the local heritage planning context but this should form an important part of the policy framework against which the application will be assessed.
- 3.2 The Craven Local Plan has no saved policies which relate specifically to built heritage and as such officers refer to national policy when determining applications.
- 3.3 Draft Policy ENV2 in the emerging local plan is, however, used in consideration of heritage related applications. This states that, *'Craven's historic environment will be conserved...paying particular attention to...The legacy of traditional barns and other buildings and structures associated with the farming industry and historic land estates.'*
- 3.3 ENV2 b states that It will do this by, *'Ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance) conserve those elements which contribute to its significance. The more important the asset, the greater the weight that will be given to its conservation. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only where it can be demonstrated that there are substantial public benefits.'*
- 3.3 Draft Policy ENV1 is also relevant. This states that the Council will *'Expect new development proposals... to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area.....and enable settlements to grow in ways that respect their form'*
- 3.4 Finally, Policy ENV3 Good Design states that *[(a) Development should respond to the context and proposals should be based on a proper understanding and appreciation of environmental features, including both natural and built elements b) Designs should respect the form of surrounding buildings including density, scale, height, massing and use of high quality materials which should be locally sourced wherever possible; c) Development should be legible and create a sense of place by maintaining, enhancing and creating good townscapes d) Development should seek to enhance local distinctiveness]*

4 Location of Application Site and General Character

- 4.1 The application site is located to the east and south of Grundy's Farm, Carleton. It constitutes a very attractive, rolling field that rises to the south where it meets a mature belt of trees. The land at the apex of the field appears to be the highest point within the settlement. It is bounded to the west by linear development of mixed use along Park Lane and to the east by further fields of high landscape value. The site is in pastoral use and has been recently used for sheep grazing. The site has an historic relationship with Grundy's Farm through whose yard access to the field is currently obtained. At the time of the site visit, the site had a bucolic, timeless quality.
- 4.2 The applications propose the demolition of the substantial stone boundary wall adjoining Grundy's Farm and the demolition of an historic stone enclosure and gate post, which should have been identified as curtilage listed structures (see 6.3), in order to facilitate a new vehicular access into the site. It further proposes the construction of six detached dwellings in half of the field and the creation of a non-traditional, irregular field boundary to leave an unusually thin, irregular strip of field. Also proposed is the construction of a suburban turning head that will bisect the existing farm yard boundary

5 Demolition of Listed Structures

- 5.1 **Grundy's Farm (Grade II listed building demolition):** The historic wall which application 2018/19560/LBC seeks to destroy is connected to Grundy's Farm and therefore constitutes part of the listed building. It is therefore a relevant heritage asset. The wall is a substantial, high quality, historic wall formed of coursed local stone. It is part dry stone and part mortared with substantial quoins of varied size. It also has a patina of age that is impossible to replicate. As such it visually blends incredibly well and therefore compliments the rest of the listed structure as well as the wider historic streetscape (Figs 1,2 and 12 below). It creates a strong visual boundary to the farmstead and contributes to the character of the Conservation Area which is typified by substantial, pavement edge, stone boundary walls.



Fig 1
High quality, substantial, listed wall displays historic fabric and attractive patina of age



Fig 2 Substantial, attractive quoins and wall contribute to architectural and historic significance

- 5.2 **Grundys Farmhouse (Curtilage listed structures demolition):** John Hinchcliffe's report correctly identifies that Section 1 (5b) of the Planning and (Listed Buildings and Conservation Areas) Act 1990 states that, '*any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948 shall be treated as part of the building*'. As such he identifies that the single storey stone outhouse is a curtilage listed structure.
- 5.3 Whilst curtilage can be difficult to define, this report argues that the 'L' shaped dry-stone wall and associated gatepost with pintol hinges which combine to form an enclosure to the west of the farmhouse and to the south of the listed wall (Figs 3, 4 and 5 below) are also both curtilage listed structures and accordingly that Listed Building Consent should be sought for their demolition.



Fig 3 Historic gatepost to enclosure contributes to setting of Grundy's Farm and 1 & 2 South View



Fig 4 'L' shaped wall forming enclosure to east of Grundy's Farm



Fig 5 Monolithic gatepost forming part of enclosure to be demolished

- 5.4 These structures have an inter-relationship with the listed building as the eastern gable and attached boundary of the listed building form the western and northern walls of the enclosure. It is not clear what the exact function of the enclosure was; the applicant has made no attempt to ascertain this and such fails to satisfy para 131 of the NPPF by missing this opportunity to better understand and reveal the significance of the enclosure. It is possible that the area formed a side garden to the farm but more likely that it was used to hold pigs or sheep given the access to the adjoining barn. This theory is supported by Historic England's Historic Farmsteads: Preliminary Character Statement Part 3 which states that *'One or two pigs were kept on most farms, although the pigs often ran with other livestock in the fields, or roamed about the yard, rather than having their own dedicated housing. On most farms only a few pigs were kept for domestic use and here they were normally fed on kitchen scraps or whey (a by-product of dairying) and so sties were often placed near the kitchen or dairy.'*
- 5.5 What is clear is that the use was connected to the use of the listed farm and subservient to this, the structures pre-date July 1948 being at least 166 years old (see OS map at Fig 6 below), were in the same ownership as the farm at the time of listing and are not separated from the listed farm by a track or road; all threshold requirements to satisfy the curtilage 'test'. As such this walled enclosure is also considered to be a curtilage listed building and a relevant heritage asset. The Conservation Area Appraisal for Carleton reinforces the importance of the stone gate post to the character of the Conservation Area at page 9, highlighting gate posts as being a distinctive feature of the Conservation Area's architectural palette and evidencing this with a photograph of a further stone gate post located at Grundy's Farm.



Fig 6 OS Six Inch England and Wales Series 1842-1852 showing 'L' shaped enclosure

- 5.6 Historic England's, 'The Adaptive Reuse of Agricultural Buildings' states that '*Minor buildings, such as cartsheds and pigsties, also provide important evidence of how a farmstead has evolved over time.*' In order to inform proposals for change relating to farmsteads the guidance states at para 3.2 that '*Appraising a site at the pre-application stage helps the applicant and local planning authority to understand the historic evolution of the farmstead in its setting. It will also identify those aspects of its character that will need to be respected.*' The application's failure to properly identify and assess the contribution that this curtilage listed structure makes to the significance of the listed farm is therefore a significant omission. The Council also has a duty to ensure that Listed Building Consent is sought for the demolition of these structures should the applications cited above be approved.

6. Impact on Setting of Heritage Assets

- 6.1 Whilst setting itself is neither a heritage asset nor a heritage designation it can contribute towards the significance of a heritage asset. The contribution that the development site makes towards the setting and significance of these relevant heritage assets is therefore a primary consideration of this report.
- 6.2 The application sites (both the field and the listed wall) fall within the setting of several listed buildings. The majority of the listed structures contained within Carleton constitute residential, industrial or civic structures. The list descriptions for many of these listed buildings cite Group Value as a consideration in their designation. The inter-relationship of these structures and the layered historical development that they represent magnifies the contribution they make to the architectural and historic character of Carleton. This contribution is acknowledged through the Carleton Conservation Area designation. The curtilages of these village-centric listed structures vary depending on the status of the building but generally they are quite tightly drawn in reflection of their village location. The settings of these listed buildings are often nested, however, extending beyond the confines of their specific curtilage with many settings overlapping. The listed wall contributes to the historic setting and Group Value of numerous listed buildings as well as contributing to the character of the Conservation Area.
- 6.3 In addition, the topography of the land surrounding the village which includes the field application site leads to a psychological awareness that the village based, heritage assets are located within a broader rural context. This is derived from one's experience of arrival within the settlement which is only possible via rural footpath or country lane and from views out of the village into this rural context.
- 6.4 Context should not be confused with setting however. The broader landscape only becomes significant to the setting of a listed structure if the function of that asset relates/d to the landscape in some way or there is a sensory inter-relationship between the asset and the landscape context which enhances an understanding or appreciation of the significance of that asset.
- 6.5 Those listed buildings which do have a sensory and/or functional interrelationship with application site which enhances an understanding and appreciation of their significance include:

- 6.6 **Grundy's Farm and associated curtilage listed structures:** these have a direct physical access to the field which constitutes the application site and have a direct functional relationship with the field (Fig 7 below). Although the owner of the listed building does not farm this land the field is let to a tenant farmer who keeps sheep here and who still uses the Grundy's Farm yard to shear the sheep. The income from this tenancy contributes towards the upkeep of the listed buildings whilst the reliance of the farm on the field ensures that the field is managed and maintained. There is a direct and long-standing symbiotic relationship between the listed building and the application site which enhances an understanding and appreciation of the significance of the listed building as an in-village, post-enclosure farm.



Fig 7 View south across application site from edge of Grundy's Farm yard

- 6.7 Historic England's guidance on listing criteria states that

'Survivals of farm buildings in built-up areas may have an extra claim to special interest on account of their rarity and eloquence as witnesses to a pre-urban past.'

The Conservation Area Appraisal supports this, describing working village farms directly connected to the fields beyond as a 'rare survival'. This comment is made specifically in relation to Becks Farm but whilst it could be argued that Grundy's Farm is no longer a working farm its direct connection to the fields which provided it purpose and supported its function definitely enhance its significance and that of the Conservation Area. This assertion is supported by the Conservation Area Appraisal which adds, 'Land to the south-east of the Grade II listed Grundy's Farm helps contextualise the farm and reinforces the relationship between the historic core and its agricultural setting.'

- 6.8 Historic England's 'Listing Selection Guide for Agricultural Buildings' reinforces the importance of a farm's connection to its land stating that, '*Historic farmsteads and their buildings make a major contribution to the richly varied character of our countryside, and illustrate the long history of farming and settlement in the English landscape...: this is reflected in the often striking use of local materials ... in farm buildings, and in their relationship with the land itself*'. It adds, '*Farmsteads stand within wider landscapes. The size and density in the landscape of farms and fields, and their character, result from the type of farming practised.... Farmstead plans ... along with natural landforms and field patterns are essential components of rural landscapes*'. Historic England's, 'The Adaptive Reuse of Agricultural Buildings' states that '*farm buildings ... relate in varying ways to their yards, other working spaces and the surrounding landscape and settlement,*' highlighting the importance of the relationship between a farm and its surrounding landscape.
- 6.9 The proposals would potentially block views from the west across the site towards fields and trees which currently contribute towards the rural setting of the farm and enhance our understanding of the farm's agricultural character (Fig 8 below). The proposed access would also necessitate the loss of the side enclosure described above and the grassy yard beyond which also contributes to the rural character and setting of the listed farm and contributes towards its significance (Fig 9 below).



Fig 8 Grundy's Farm from west with view towards fields and trees beyond



Fig 9 The natural, grassy yard contributes to the rural character and setting of the listed farm



Fig 10 View directly towards listed wall and into application site from 1 & 2 South View

6.10 **1 and 2 South View:** these face directly into the site (Fig 10 and can be seen from within the site and so have a sensory interrelationship with the site.



Fig 11 1&2 South View

- 6.11 They also face the listed wall which the applicant seeks to demolish. The list description for these buildings site Group Value as a contributing factor in their eligibility for listing. It can be inferred from this that the high- quality streetscape produced through the visual relationship between the Grundy's Farm, the attached wall and 1 and 2 South View was considered to contribute to the significance of these listed buildings. When looking towards 1 and 2 South View the listed wall forms a vernacular foil with an attractive patina of age which enhances the setting of the listed buildings. It also enhances one's appreciation of and therefore contributes towards the significance of these listed buildings (Fig 11).
- 6.12 **Swan Inn (Grade II listed building):** This faces directly towards Grundy's Farm, part of which the application seeks to destroy. Carleton Conservation Area describes this view (view HF4) as 'a highly significant' and 'defining view of late nineteenth century Carleton' within the Conservation Area. The visual inter-relationship between Grundy's Farm (which includes the listed wall), the Inn and 1 and 2 South View is again recognised in the listing for the Swan Inn which also cites Group Value as being a contributing factor to the decision to list the Swan Inn.
- 6.13 It is evident that the value of this group of buildings is greater than the sum of its parts. Application 2018/19560/LBC will not therefore just cause the irreversible loss of the historic fabric of this specific listed wall, it will cause harm to the significance of all listed buildings with which it shares Group Value; namely Grundy's Farm, 1 and 2 South View and the Swan Inn as well as harm to the character of the Conservation Area



Fig 12 Listed wall creates strong boundary typical of the CA and combines with gable of Grundy's Farm to create a highly attractive streetscape which acts as an historic foil for the mill, Swan Inn and 1 and 2 South View contributing to Group Value and enhancing their setting.

6.14 St Marys Church (Grade II listed building):

The church is nineteenth century but built on the site of a medieval church which forms part of the building's significance. The significance of the building as a rural church is reinforced by views out of the churchyard towards open countryside including views south towards the application site (Fig 13 below).



Fig 13 View of application site from Grade II listed St Mary's Church contributes to rural setting

6.15 Carleton Mill (Grade II listed building):

this is a locally distinctive building which contributes substantially towards the unique architectural and historic character of the Conservation Area. It can be seen from the application site and also in long views to the south from Skipton and the connecting footpath where the mill is seen in conjunction with the application site. This is recognised in the Conservation Area Appraisal which states,

'there is a good footpath connecting to Skipton [from which] there are excellent long views back to the settlement revealing the dominance of the mill.'

These views reinforce the physical dominance and historical significance of the cotton mill as a principal employer in this small, rural village and the historic significance of the settlement as a textile village. The undeveloped nature of the application site also affords impressive views of the mill's chimney and tower providing high quality views into and through the Conservation Area (Fig 14).

Development of the application site would undermine the dominance of the mill in long views towards the Conservation Area.



Fig 14 Site forms part of rural setting of Carleton Mill, Grundy Farm, Carleton Conservation Area and former mill (non-designated heritage asset) providing quality views of each asset

- 6.16 **Former Joiners Workshop, Grundy's Farm:** John Hinchcliffe's assessment of application 17/2017/17886 highlights that the three-storey building at the rear of Grundy's Farm is most likely an early mill pre-dating the existing Carleton Mill and that it is of heritage significance in its own right and to that of the historic settlement. It also has streetscape value. As such it meets the criteria to be considered a non-designated heritage asset.
- 6.17 In light of the above, it is considered that the proposed development site also falls within the setting of this non-designated heritage asset. Fig 14 above demonstrates that the application site currently affords high quality views of the former mill from the east. It also provides an insight into how the mill would have functioned as a small rural mill set on the edge of a rural village as the view of the mill from the east is unlikely to have changed substantially since the time of its construction.
- 6.18 **Carleton Conservation Area:** The application site falls partly within the Conservation Area of Carleton and partly outwith the boundary but within the rural setting of the Conservation Area. Carleton Conservation Area, the boundary to which can be seen at Appendix 2, was designated in 1979 and encompasses the historic core of the town.
- 6.19 The Conservation Area Appraisal states that, '*A significant proportion of properties have walled front gardens*' which Figures 15, 16 and 17 evidence. Where these have been removed to create vehicular accesses or are absent they undermine the character of the Conservation Area creating a weakened streetscape as in Figure 18 below. This evidences that the demolition of the historic, listed wall at Grundy's Farm and creation of a tarmac access with suburban visibility splays and kerbing will undermine the character of the Conservation Area.



Figs 15, 16 & 17

Substantial stone boundary walls are typical features of the Conservation Area



Fig 18 Termination of boundary wall to allow vehicular access weakens streetscape

6.20

The Conservation Area appraisal adds that there is a, '*Strong surviving village form*' and that some areas are '*untouched since the nineteenth century*'. Although this last statement is not made specifically about Grundy's Farm and its listed boundary wall it clearly implies that an area of streetscape that has been unaltered since the nineteenth century is a thing of value that contributes towards the character of the Conservation Area (Fig 19). It can therefore be inferred that the loss of the listed nineteenth century wall at Grundy's Farm would be harmful to the character of the Conservation Area.



Fig 19 Grundy Farm with listed wall attached; largely unaltered since the nineteenth century

- 6.21 It also observes that *'The majority of the surrounding landscape makes a significant contribution to the character and appearance of Carleton Conservation Area'* adding, *'The relationship between the historic village and surrounding open landscape survives to the north, east and north-west with some survival to the south.'* The partial survival of the relationship between the historic village and the open landscape to the south makes the remaining relationship to the south all the more valuable and vulnerable to change. This importance is recognised in the Conservation Area Appraisal which recommends that the Conservation Area boundary should be extended, *'in order to conserve the significant relationship between the historic settlement and the surrounding open space. This includes fields ... to the south east; and to the .. south of Carleton Lane'*. For avoidance of doubt the Conservation Area Appraisal states that the application site contributes to the significance of the Conservation Area and should therefore be included within the Conservation Area boundary.
- 6.22 It is interesting to note from a footnote in the Conservation Area Appraisal that Alan Baxter Ltd, the consultants who produced the report, clearly felt that the whole application site made a strong contribution to the character and appearance of the Conservation Area. This professional opinion of experienced consultants appointed on behalf of the Council to assess sixteen Conservation Areas has however been overruled by the Council and 'the strip of land' to the west of the field has been downgraded to making *'only some contribution'*. The consultants clearly felt strongly enough about this disagreement that they wanted it highlighting that this was not their professional assessment.
- 6.23 The Council's justification for this change is this part of the field's relationship with the rear of Park Lane although the rear of Park Lane can be seen from the far side of the field and the character of the field itself does not change as one approaches Park Lane from the east. Furthermore the 'strip' of land is not separated from the rest of the field in any physical or psychological way and as such this is an arbitrary demarcation. Although views of this area of the site are restricted from Park Lane and West Road this is true of the whole field. Historic England's guidance is also clear that access can change over time and that views from private space can contribute towards an appreciation of a heritage asset's significance and the setting of other assets. As such the impact of the views in Figures 7 and 14 above and Fig 20 below should be considered when assessing the applications for development.

It is the professional opinion of the author of this report that the Council is wrong in its assessment and that the whole field makes a strong contribution to both the character and appearance of the Conservation Area and to the setting of numerous listed buildings.



Fig 20 View south-west across application site

7 Design of Proposed Development

- 7.1 The application proposes a linear development running perpendicular to the main thoroughfare on land which rises south to a height which is higher than any of the surrounding village. Dwellings towards the upper reaches of the site would undermine the visual dominance of the mill in views through the site from the east and rural views of the undeveloped fields to the south of the Conservation Area.
- 7.2 The proposed design is also poor. There is no historic precedent for large, detached dwellings set within their own plots along a sinuous, suburban form of road. Indeed, the Conservation Area Appraisal highlights that early twenty-first century development on the earlier mill site which is also suburban cul-de-sac in style and layout ‘contrasts poorly’ with the historic terraces. The Conservation Area Appraisal identifies that within Carleton, ‘*The form of building is principally the terrace*’ and comments on ‘*the strong traditional roof lines which are visible from a number of elevation positions.*’
- 7.3 Traditionally, housing also fronts directly onto the pavement edges or is contained by solid lengths of stone boundary walling. The ratio of glazing to masonry proposed is too high and there is no precedent for the projecting gables proposed on the front elevations with housing typically being flat fronted with more subtle architectural detailing employed. The gable widths are such that the roof pitches are also quite shallow. It would seem obvious therefore that if housing on this site were to be approved a terraced row of humble cottages which took its architectural clues from the local vernacular would better match the grain and character of the settlement and therefore better conserve the setting of relevant heritage assets.
- 7.4 The design of the scheme therefore fails the threshold requirements of Policy ENV3 as it fails to respond to the vernacular context; the proposals demonstrate no respect for the form of surrounding buildings in the density, scale, height or massing of the proposed dwellings; the proposals fail to reinforce the sense of place by maintaining good townscapes and fail to respond to local distinctiveness.

8 Contribution of Site to Significance of Relevant Heritage Assets

- 8.1 Historic England's Guidance on assessing significance, 'Conservation Principles', states that the significance of a heritage asset is defined by its constituent values including the value added by an asset's setting. It is these values that determine a site's relative sensitivity to development. Value can be Evidential, Historical, Aesthetic or Communal.
- 8.2 The structure of the listed wall is primarily formed of historic fabric and is a physical record of nineteenth century, vernacular building techniques. It therefore contains strong Evidential Value. Furthermore, the field application site does not appear to have been intensively farmed and is located in close proximity to the historic core of the town with a number of heritage assets located along its perimeter. It is therefore considered that there is also potential for archaeological remains to survive within the site which may contribute Evidential value towards the significance of the relevant heritage assets.
- 8.3 The significance of the relevant heritage assets is primarily formed from Historical Illustrative value. The listed buildings, non-designated heritage asset and the Conservation Area all connect people and activities of the past with the present. Each relevant heritage asset also visibly illustrates regionally distinctive, vernacular building techniques and all illustrate both the intentions of their creators and how previous generations existed. This Illustrative value helps aid our interpretation of the past by acting as a tangible link with, and providing insights into, past communities and their activities.
- 8.4 This Historical Illustrative Value is reinforced by the field and wall which increase one's understanding of the significance of the relevant heritage assets as rural heritage assets set within a nineteenth century streetscape.
- 8.5 None of the relevant heritage assets contain Historical Associative value.
- 8.6 The mill and 1 and 2 South View contain Aesthetic Design Value as they were specifically designed with consideration for the visual impact of the structures' appearance and not just with function in mind.
- 8.7 Part of the significance of each heritage asset is also formed from Aesthetic Fortuitous Value which is derived from the incidental, visual interaction of each asset with its immediate and wider setting. Most of the views highlighted in this assessment qualify under paragraph 11 of Historic England's Advice in Planning Note 3: The Setting of Heritage Assets as '*views which contribute more to understanding the significance of a heritage asset*'. These include views which carry unintentional village-scape beauty such as views west and south across the application site, views towards Grundy's Farm and its listed wall with the fields beyond, the view out of the application site towards 1 and 2 South View with the listed wall in the foreground and views back towards the village with the application site beyond. They also include views which reinforce our understanding of the rural location and character of the relevant heritage assets.
- 8.8 The contribution the application sites make towards the significance of the relevant heritage assets is therefore through strong Evidential Value and strong Aesthetic Fortuitous Value through the provision of Group Value and unplanned but fortuitously charming views. Development of the site will destroy Evidential value and undermine the Aesthetic Fortuitous Value both of which contribute towards the significance of all the relevant heritage assets.

9 Potential for Mitigation of Harm

- 9.1 The applications cite the provision of new housing as a local benefit that will offset the harm caused by the two applications. It would appear however that an alternative site is available at Carla Beck, which has approval for twenty-four new dwellings. As such this purported benefit should be discounted in the decision-making process.
- 9.2 The argument is also made that by removing the modern agricultural shed and listed wall that views of the application site will be 'opened up' thus enhancing views through the Conservation Area and from nearby listed buildings. The existing part of the pastoral field that is concealed will not be visible, however, as this will have been developed. The high quality, historic, listed wall and the agricultural building, which has a temporary, agricultural character appropriate to the setting of a farm, will be replaced by modern residential dwellings of ubiquitous design which take no architectural reference from the Conservation Area and which, in their large detached plots, are totally alien to the settlement. The argument that views through the Conservation Area will be improved is therefore strongly refuted.
- 9.3 The application also states that the proposal will bring about 'defined heritage benefits'. This report strongly refutes this claim and can see no heritage benefits that would ensue from the proposals.

10 Conclusion

- 10.1 It is clear from the proposals that the application will cause harm to the significance of numerous heritage assets either directly through the irreversible destruction of historic fabric or indirectly through degradation of setting. Section 68 (1) of The Planning (Listed Buildings and Conservation Areas Act) 1990 confers a duty on Local Planning Authorities, in considering whether to grant planning permission for development which affects a listed or its setting 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**'. The NPPF requires Councils to give '*great weight...to the asset's conservation*' and adds that demolition of a grade ii listed building should be 'exceptional' requiring 'clear and convincing justification' which has not been provided by the applicant. Given the duty conferred by the Act and the requirements of the NPPF, this report fails to see how the Council can approve either of the applications which form the subject of this assessment.
- 10.2 It is recognised that the applicant may seek to access to the application site from a different location thus conserving the listed wall. The development of the application site, even if it were accessed from a different point however, would lead to loss of significance of various heritage assets through degradation of their setting.
- 10.3 John Hinchliffe's July 2017 report cited useful case law which provides 'clarification on the weight that should be attached to the harm to the setting of heritage assets and on the interpretation of Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990'. This is omitted from his 2018 response which is regrettable hence its inclusion here. He summarises that,

- 'In *Barnwell v East Northamptonshire DC*, Lord Justice Sullivan found that decision makers should give "considerable importance and weight" to the setting of listed buildings. He found that it does not follow that if harm to the setting of a listed building was found to be less than substantial that a decision-maker could ignore the overarching duty imposed by Section 66.
- In *Forge Field Society v Sevenoaks DC*, the High Court held that a finding of harm to the setting of a listed building (or a conservation area) gave rise to a "strong presumption" against planning permission being granted.
- In *Cecil Estate v South Kesteven DC*, the High Court held that the words 'development which affects a listed building or its setting' in Section 66 of the Act clearly covered development on a neighbouring property and embraced development which would have an impact on a listed building or its setting whether direct or indirect'.

- 10.4 The NPPF states that great weight should be given to an asset's conservation even where the harm caused would be less than substantial. Where applications will lead to less than substantial harm to the significance of a designated heritage asset the NPPF states that this harm should be weighed against the public benefits of the proposal. It is not considered that the proposed benefits put forward by the applicant are sufficient to offset or justify the harm that will ensue. As such, even if the wall could be conserved and access to the site obtained from Park Lane, this report considers that development of the proposed site should be resisted given the resultant harm to the setting of numerous heritage assets that this report identifies.
- 10.5 On the basis of the direct and indirect harm that will be caused to numerous heritage assets by the proposed schemes this report recommends that applications 2018/19560/LBC and 2018/19559/FUL should be refused and that future applications for the development of the site should be firmly resisted.

Sources

Websites

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Appendix 1: List Descriptions

Grundy's Farmhouse

GV II

Farmhouse, late C18. Rubble with stone slate roof. Two storeys. Two windows to each floor, those to left tripartite with recessed mullions (but that to ground floor lacks mullions), those to right each single lights with plain surrounds. Plain stone surround to doorway but small pediment over with roll as frieze. Altered at rear. Two chimneys.

GV II

Public house and outbuilding, probably early C19. Rubble partly rendered, with stone slate roof. Three chimneys. Two storeys. To Main Street are 2 bays with tripartite windows recently reglazed. Doorway has ornamental fanlight painted over. To left 2 round-headed doorways and various windows, sashed with glazing bars, including two which are tripartite. To Swan Street 6 bays of sash windows with all glazing bars, with plain stone surrounds, the last window being tripartite. Plain stone surround to doorway. Abutting to north is an outbuilding perhaps formerly a barn, with weathered doorway to right of segmental headed cart entry, over which is datestone, perhaps reset, inscribed BAS 1693.

GV II

Parish church, 1859. By F H Pownall in a vigorous Gothic. Rock-faced stone and stone slate roof. 5-bay nave with aisles, lower 2-bay chancel, west tower and south porch. The detail is mostly Geometrical, with east window of 5 lights, west window of 4 lights, and cinquefoil windows to the clerestorey. Cusped lights to aisles, paired and in threes, and 2-light cusped bell-openings. Tower of 4 stages with trefoil-headed west doorway, diagonal buttress to northwest corner and angle buttresses to southwest which embrace a square turret, splayed back to an octagon above and ending in a pyramidal stone roof. Interior: The nave roof is of arch-braced collars and the chancel has a wagon roof. Arcades on columns and moulded chancel arch. Contemporary fittings except plain Norman font; east window with Tree of Jesse by Clayton and Bell, and west window with good Te Deum of c 1900.

Appendix 2 Carleton Conservation Area Boundary



