

**North Yorkshire Council**

**Community Development Services**

**Harrogate and Knaresborough Area Constituency Planning Committee**

**ZC23/04280/FUL - ERECTION OF TIMBER OUTBUILDING. AT LAND  
COMPRISING FIELD AT 441716 462728 MARTON CUM GRAFTON NORTH  
YORKSHIRE ON BEHALF OF BRIERLEY HOMES LTD**

**Report of the Assistant Director – Planning**

**1.0 Purpose of the Report**

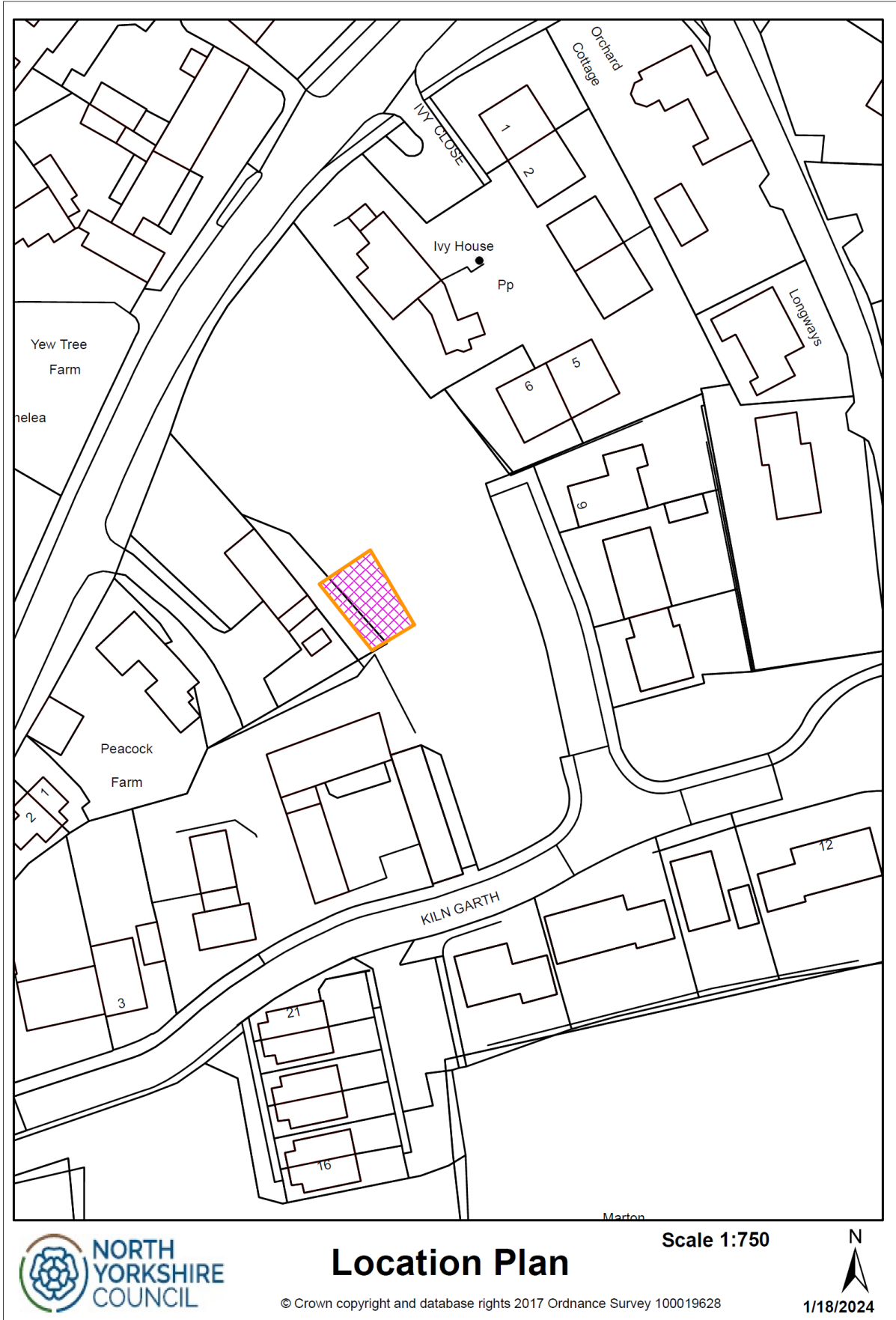
- 1.1 To determine a planning application for Erection of timber outbuilding on land comprising field at 441716 462728 Marton Cum Grafton on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the applicant, Brierley Homes Ltd, is a subsidiary of North Yorkshire Council

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:**

- 2.1. Planning permission was originally granted in 2020 (plan ref 18/0335/FULMAJ) for the development of 20 houses. The scheme was later amended under 20/01033/FULMAJ to allow alterations to the new build elements on various plots and rationalisation of parking for the revised units. As part of the approval, two areas of land were to be provided as amenity open space. These areas of open space were retained to provide important views towards Christ Church and maintain the open character of the site. The open space provided on site was greater than the need generated by the development itself,
- 2.2. This application seeks approval for a small timber outbuilding on the larger area of open space to provide a machinery store for equipment to maintain the areas of open space. The siting and size of the structure is such that it would have very limited impact upon the function of the open space and doesn't impact upon important views of the church.
- 2.3. It is concluded for the reasons given in the report and taking into consideration of all matters relevant to the proposal, that the provision of the store is considered to be in accordance with the provisions of the development plan. The scheme does not harm the character of the conservation area nor significantly reduce the function of the

open space. The public benefit of maintaining the two areas of open space is sufficient to offset any harm to the significance of the heritage asset, as such it is recommended that planning permission is granted.



**3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)

#### **4.0 Site and Surroundings**

- 4.1. The application site lies on the edge of the village of Marton Cum Grafton and is boarded by Grafton Lane to the north and Church Lane to the east. The site lies within Marton Cum Grafton conservation area. Christ Church, which is located to the east of the site is a Grade II listed building. Residential property is located to both the east and west of the site with new dwellings constructed to the south forming part of the consented scheme originally granted planning permission under 18/00335/FULMAJ (see below).
- 4.2. The application site forms part of site allocation MG8 in the Harrogate and District Local Plan 2014-2035 that already benefits from planning consent under 18/00335/FULMAJ for the erection of 20 dwellings, including the part demolition and part conversion of existing outbuildings, public open space and landscaping. Consent was granted subject to a S106 Agreement securing:
- Affordable Housing Provision  
Open Space Contributions  
Open space management Plan
- 4.3. An application to vary the above consent was submitted and approved under 20/01033/DVCMAJ. This later application sought alteration to the parking arrangements and variation to the dwellings sited on plots 15.16 19 and 20. The development of the site is now reaching an advanced level of completion.
- 4.4. The site the subject of this application forms part of the larger of two areas of open space provided on the wider site that fronts onto Hill Top ( Grafton Lane)

#### **5.0 Description of Proposal**

- 5.1. The applicants seek planning consent for the construction of a timber outbuilding on the larger area of open space approved as part of the enabling consent. The building would be of single storey construction under a dual pitched roof. The siting of the outbuilding, which will be used as an equipment store to help manage the areas of open space. The building is to be sited on land to the north of the group of former farm buildings that have consent to be converted into residential dwellings as part of the enabling consent.
- 5.2. The store will be clad in timber under a clay tiled roof to match the adjacent barn conversions and constructed of approx. dimension 3.74 x 3.2 m with eaves at 2.5m and a roof ridge height of 3.9m.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- The Harrogate District Local Plan 2014-2035

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- Provision of Open space and Village Halls, Supplementary Planning Document ( SPD) June 2021
- Green Infrastructure Supplementary Planning Document (SPD) November 2014
- Conservation and Design Guidance Note 4: Non-designated heritage assets
- Marton cum Grafton Conservation Area Character Appraisal: November 2011

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

### **7.2. Parish Council:**

Marton cum Grafton Parish Council support the proposal

### **7.3. Ward Member(s):**

No comments received

### Local Representations

- 7.4. At the time of writing this report, no representations have been received

## **8.0 Environment Impact Assessment (EIA)**

8.1. The application does not constitute development falling under the Town and Country Planning (Environmental Impact Regulations) 2017

## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Impact on Heritage Assets
- Impact upon Amenity

## **10.0 ASSESSMENT**

### Principle of Development

10.1. The proposal represents the construction of an outbuilding on land identified as open space within the original enabling consent. As part of the developer requirements in consideration of the residential development of site MG8 it was identified that inter alia:

- The site lies within the Marton cum Grafton Conservation Area; development of the site should minimise harm to, and seek to enhance, the significance of this designated heritage asset. This should include retaining key views, including the view from Grafton Lane, near the north of the site, to Church Lane.
- Christ Church, to the east of the site, is a Grade 2 listed building; development of the site should minimise harm to, and seek to enhance, the significance of this designated heritage asset.

10.2. In addition to the above the Marton cum Grafton Conservation Area Character Assessment identifies that there is a key view looking across into the site from Hill Top (Grafton lane) to the north and that the site as a whole was an important area of open space in the village ( NB .This was prior to the site allocation in the Local Plan).

10.3. The approved residential layout provides two large area of open space on site, the larger area is located by the pedestrian entrance on to Grafton Lane, providing an attractive feature and easy access for existing residents. This is a benefit to the original scheme and the settlement. The area provided on site is larger than would be required by policy. In this respect 0.13 hectares of land has been provided on the two areas of open space , the needs of the development itself generated a requirement of 0.11 hectares . Details obtained from the original enabling consent identify that such provision wasn't required on site given the extent of open space in the locality, however it was provided to reflect the site characteristics and ensure

views to the Listed Church were maintained. The open space forms a community asset for the benefit of the village. In addition and as part of the enabling consent off-site commuted sums would be secured via a s106 to improve existing leisure and open space facilities nearby. The store is required by the Parish Council to maintain the areas of open space provided on site.

- 10.4. The development of the store will require an assessment upon the desirability of retaining the land as an area of open space, whether there is any justification to partial loss and finally the visual impact of the development upon the setting of the conservation area and wider area as a whole.
- 10.5. Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities seeks to ensure that proposals for development that would involve the loss of existing outdoor public and private sport, open space and recreational facilities will be supported where inter alia:
- i. The applicant can demonstrate that there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreation needs of the local population, making allowance for the likely demand generated by allocations in this plan.
- 10.6. It is acknowledged that open spaces can often contribute positively to the amenity and local distinctiveness of settlements by providing an important and attractive break in the built-up area, or by providing views beyond the immediate street scene to, for example, more distant streets or in this case towards the listed structure at Christ Church.
- 10.7. Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Regulations Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area; Section 66 of The Act requires that Local Planning Authorities pay special regard to the architectural or historic interest of listed buildings.
- 10.8. As stated above the areas of open space provided on site were larger than those needed for the development as a whole and as such there is scope to allow for a small loss to accommodate the building. The Conservation area appraisal identifies the site as an area of important open space (designated prior to the site allocation MG8 in the Local Plan). Any further loss of open space can thus only be supported if it can be demonstrated that there is no additional harm. In this respect the building occupies a footprint of less than 10 sq metres (or 0.001ha). The over provision of open space on the site generated by the enabling development equates to some 0.02 hectares. The small loss of open space can be justified to accommodate the building, which will be used to store equipment to help maintain the remaining areas of green space to the benefit of not only the housing development but also to the wider benefit of the village. The impact of the loss of open space is not considered substantial for the reasons stated below.

#### Impact on Heritage Assets

- 10.9. Policy HP2: Heritage Assets identifies that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy. Policy HP3: Local Distinctiveness advises that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces the local distinctiveness of the area. Matters relating to scale, visual relationships, views and context are key considerations here.
- 10.10. Having regard to the national Planning Policy Framework when considering the impact of a proposed development on the significance of a designated heritage asset, which in this instance is the character of the conservation area, the setting of the adjacent Listed building and setting of the non-designated asset of the former farm buildings, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.11. The proposal for a small-scale storage building would not have a significant impact upon the character of the conservation area as a whole and for the purposes of the National Planning Policy Framework would be deemed to have less than substantial harm. The impact is less than substantial as a consequence of its siting, context with adjacent structures, its small scale and use of materials.
- 10.12. The topography of the site is such that land rises upwards from the important view identified within the Marton cum Grafton Conservation Area Character Appraisal, when viewed from Grafton Lane to the north of the site. This to some extent mitigates the impact of the building which itself would be sited beyond the crown of the hill on a downslope situated beyond the highest point. The Conservation area appraisal identifies that new building should respect rather than compete with the historic skyline. The siting of the store ensures that this is the case. The building itself is sited near to existing structures such that in views from Grafton Lane it would be seen against existing development in the form of the barn conversions and dwellings located further south. It is acknowledged that it would be viewed as a separate structure from within the site itself, but this in itself need not be considered harmful as it would still be viewed against a backdrop of existing residential development. The view across the site towards Christ Church from Grafton Lane is not affected by the proposal due to the siting of the structure towards the eastern boundary of the site.
- 10.13. A further key consideration for new development is the appropriateness of the overall mass or volume of the building and its scale in context with adjacent buildings. A new building should be in harmony with, or complementary to, its neighbours. In this respect the use of timber cladding and roofing materials to



match the adjacent barns ensures that the store is both subservient in scale to the adjacent former farm buildings located to the south east and in harmony through the use of the proposed materials. The small scale and nature of the building ensures that it does not compete with those buildings.

- 10.14. The important view of Christ Church is not affected by the siting of the store, as the second smaller area of open space providing the view of the Church from within the development is not affected.
- 10.15. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires that any harm should be weighed against the public benefits of the proposal.
- 10.16. Having established that the structure has less than substantial harm, it is necessary to consider what is the public benefit. The public benefit in this instance, is the provision of a materials store to maintain the two areas of open space that contribute to both the character of the conservation area and the setting of the Grade II Listed Christ Church. The small scale ancillary building thus has benefit, which outweighs the limited harm to the conservation area in this instance.
- 10.17. Having regard to the above it is considered that the storage building would preserve the character of the conservation and would not adversely impact upon the setting of either the listed buildings in the locality or the non-designated heritage asset. In this respect the scheme would meet the requirements of both Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Regulations Act 1990.

#### Impact upon Amenity

- 10.18. Local Plan Policy HP4 seeks to ensure that development protects amenity. Development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours through for example, loss of light, overbearing or other disturbance.
- 10.19. The store is sited near to both existing and proposed residential units. The scale and size of the structure is however less than that of a domestic garage and would not have a detrimental overbearing /overshadowing impact. In this respect the building has a footprint of less than 10 sq metres (approx. 3.74m x 3.2m) and eaves height of less than 4m high. An existing 2m high boundary fence helps screen the store from adjacent gardens.
- 10.20. The construction of the store would not adversely impact upon the amenity of the occupiers of nearby residential property.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The construction of the materials store will result in the small loss of an area of open space provided as part of the wider residential consent. The store is required to help maintain the open space for the benefit of the village residents. The development of the site would not however result in significant harm to the character of the conservation nor adversely affect the setting of both designated and non-designated heritage assets. The area of open space provided under site allocation MG8 was larger than that required for the needs of the development and as such the small loss to provide the store can be justified for the public benefits that it would bring.
- 11.2. The design size and use of materials is considered appropriate to the locality and would not have any adverse impact upon residential amenity whilst maintaining the character of the immediate locality.
- 11.3. It is concluded that the development is considered to be in accordance with the development plan and the requirements of the National Planning Policy Framework. Approval of the application is recommended.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below.

### **Recommended conditions:**

#### **Condition 1**

**The development hereby permitted shall be begun on or before three years from the date of this permission.**

Reason 1: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans:**

The development hereby approved shall be carried out in accordance with the submitted details as amended by other conditions of consent and the following approved plans:

Location Plan (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-112

Site Plan (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-114

Proposed Elevations (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-115

Reason 2: To secure the satisfactory implementation of the proposal.

**Target Determination Date:** 19 January 2024

**Case Officer:** Andy Hough  
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**Appendix A –**