

HOUSEHOLDER APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
PERMISSION TO CARRY OUT DEVELOPMENT**

To: Mr S Hanson
Planning Advice Plus

Decision No: C/60/66B

The above named Authority being the Local Planning Authority for the purposes of your application received on 20/10/2015 for full planning permission for erection of L shaped building comprising open-fronted garage/storage area and housing unit for bio-mass heating system (retrospective) at Scale House, Rylstone, SD970566 have considered the said application and have REFUSED permission for the proposed development for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed biomass and garage building by virtue of its size, scale, siting, design, form and materials would result in substantial harm to the architectural and historical interest of Scale House, Rylstone. The proposed building would harm the character and visual quality of the heritage asset as seen from important views within the site and as such the proposal is considered to be contrary to saved policies GP1, GP2, U6, B13 and B7 of the adopted Local Plan and paragraph 132 of the National Planning Policy Framework (NPPF). The proposal also fails to meet the statutory purposes of conservation and enhancement of the cultural heritage of the National Park, as required under Section 61 of the Environment Act (1995).
2. In the opinion of the Local Planning Authority the building by virtue of its position, shape and scale would result in substantial harm to the setting and historic special interests of the listed building. The harm is not justified as being exceptional. The works are therefore considered to be contrary to saved policy B13 of the adopted Local Plan and paragraph 132 of the National Planning Policy Framework (NPPF). The proposal also fails to meet the statutory purposes of conservation and enhancement of the cultural heritage and natural beauty of the National Park, as required under Section 61 of the Environment Act (1995).

Notes to Applicant:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and outlining them to the Applicant. However, the issues raised are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

DCRefuseRpt

Date: **15 DEC 2015**



Designation

HEAD OF DEVELOPMENT MANAGEMENT

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

NOTE:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate
Customer Support Team
Room 3/13 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5000 Fax: 0117 372 8782

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(approval/refusal)

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Application No:	C/60/66B	
District:	Craven	
Parish:	Rylstone	
Applicant's Name:	Mr & Mrs Tasney,	
Grid Ref:	SD97035662	
Received by YDNP:	20/10/2015	Officer: Adam Perry

PROPOSAL: full planning permission for erection of L shaped building comprising open-fronted garage/storage area and housing unit for bio-mass heating system (retrospective)

LOCATION: Scale House, Rylstone

CONSULTEES

Rylstone PM	No response received.
Trees & Woodlands	No response received.
The Garden History Society	No response received.
The Yorkshire Gardens Trust	Detailed response received. Sympathetic to the owners' desire for an environmentally friendly heating system and a garage, but a building of the current design, massing and materials is not appropriate in this location so close to a grade II listed building with historic landscaped grounds. It is advised that consideration is given to better locating these facilities to form a coherent grouping with the existing buildings on the site and that the application as it stands should be refused. Full response available on file.
CEHO Craven	No response to current application received.
Senior Listed Building Officer	Recommends refusal. Full response on file.

PUBLIC RESPONSES

1 letter of support, relating to the appearance of the building, size of the boiler unit, untidy appearance of the area prior to the building being erected, no increase in traffic movements, cost effective and renewable energy source and conservation gain in terms of preserving the fabric of Scale House.

RELEVANT PLANNING POLICIES

- B7(06) - Building Design
- U6(06) - Small-Scale Renewable Energy Developments
- B13(06) - Listed Buildings
- GP1(06) - National Park Purposes
- GP2(06) - General Design Policy

OFFICERS' OBSERVATIONS

APPLICATION SITE

The site is in the grounds of the grade II listed Scale House, Rylstone. The site comprises Scale House itself, and the range of formal outbuildings, all of which are now separate dwellings.

Scale House dates back to late 17th, early 18th century and was built as an estate home. The building is large with 3 towers and a wing which has been divided into a separate dwelling (Blake House).

Scale House has its front entrance facing a parking area with its grand portico, whilst its south elevation, faces towards the formal gardens, and is the principal elevation that can be seen from distant vantage points. The east elevation looks on to an internal courtyard, which is also fronted by main aspects of all the former outbuildings (now dwellings). Dividing the courtyard from the car park serving Scale House is a low boundary wall with railings, and a small area of tall planting. Mortared stone walls also divide Scale House and its car park from Quaker House, the property to the north. These walls were established as part of the planning permission to subdivide the Scale House complex into five houses.

PROPOSAL

The application is for full planning permission for the erection of an 'L' shaped building comprising an open-fronted garage / storage area and housing unit for the bio-mass heating system. The application is retrospective.

The oak framed and timber clad building would comprise two parts. There would be a 3 bay open fronted garage building adjoining a self-contained building enclosing a biomass boiler heating system. The building is clad in vertical timber boarding and has a dual pitched stone slate roof. The biomass system provides a renewable energy source for Scale House and the adjoining property, Blake House. The garage would serve Scale House. The building would be positioned on an open courtyard to west of Scale House.

The application follows the approval of a biomass building (ref. C/60/66B); the building constructed does not accord with the approved plans (refer to Planning History).

Planning History

Planning permission C/60/66A was conditionally approved for the erection of a timber biomass boiler building within the grounds of grade-II-listed Scale House, Rylstone. The biomass boiler building has not been erected in accordance with the approved plans. The building is taller/larger than approved, the flues differ and a canopy has been erected on the southern gable.

Planning applications ref. C/60/55 A to Q – are planning and listed building consent approvals for the works to renovate and subdivide Scale House and its outbuildings to form five separate dwellings.

KEY ISSUES

- Planning Legislation and Policy
- Assessment of Special Interests of Heritage Asset
- Impact on the character and appearance of the grade II listed building
- Neighbour amenity
- Micro-renewable benefits
- Analysis and material considerations

PLANNING LEGISLATION AND POLICY

Section 16 of the Town & Country Listed Building & Conservation Areas Act 1990 requires the local planning authority 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.

Section 12 of the National Planning Policy Framework (NPPF) provides guidance relating to the conservation and enhancement of the historic environment. Paragraph 129 of the NPPF requires local planning authorities to identify and assess the significance of heritage assets affected by a proposal. This assessment should be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.' Paragraph 131 states that local planning authorities are required to consider

the desirability of new development making a positive contribution to local character and distinctiveness.

Saved policy B13 of the adopted Local Plan states that proposals affecting listed buildings will only be permitted if the development is in keeping with the character of the building and does not detract from or prejudice its special interest.

ASSESSMENT OF SPECIAL INTEREST OF HERITAGE ASSET

The main consideration of this proposal is the impact of the proposed works on the significance of the historic asset. Section 16 of the Town & Country Listed Building & Conservation Areas Act 1990 requires that the local planning authority has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 128 – 131 of the National Planning Policy Framework set out the government's advice in relation to the assessment of the significance of heritage assets, and the impact any works may have on this significance.

The proposal is for a service building for the principal house of the complex (and also that of Blake House, its former main wing). Scale House is a substantial grade II listed building dating from the late 17th – early 18th century and was built in its current form for a prominent local family. Its origins are likely to be 15th century. Significant 19th and early 20th century alterations have added to the special interests of the building. The landscaped grounds are also of great interest. The property was formerly a Quaker stronghold and mentioned directly by George Fox (Founder of the Society of Friends) in personal journals.

Map evidence shows that the site layout was extensively altered in the mid 19th century with the construction of the turnpike road (c1853) and the modernisation of the house (1866) under Captain Blake; mid-nineteenth century mapping shows Scale House prior to the later extension and modernisation works. At this time there was an enclosed courtyard garden to the south of Scale House, an orchard to the east and a walled garden with trees to the west. At this time the building group is arranged around a small courtyard, open to the east and west with a coach house to the north. Access onto the site was gained via a lane leading from the old Skipton-Rylstone road to the west of the property, which terminated in the courtyard at the main entrance to the coach house.

By the late 19th century the building group was much altered and a new layout to the access as well as a re-design of the grounds had been carried out. At this time the main entrance to the Coach House was no longer directly from the west, instead it appears to have been relocated to the rear/side. The low wall along the western side of the courtyard also appears by this time and remains in-situ.

Scale House retains significant 17th century fabric and features, both internally and to the rear/east. The predominant appearance is that of the c.1866 building phase carried out by Captain Blake. The south and west elevations, which face onto private gardens and overlook the entrance road respectively are of high significance. The formation of Blake House effectively enclosed the rear courtyard to the east and although of inferior grandness, still portrayed a high degree of architectural interest. The west elevation includes the substantial entrance portico added in c.1910 by the Standeven family.

There is strong evidence therefore that the property has historically functioned around a west facing courtyard, enclosed by Scale House (south), Blake House (east) and the Coach House (north). Whilst the recent subdivision of the building group has introduced multiple residences at the site, the courtyard has remained 'open' since at least 1838, with access having always led from the courtyard / coach house towards the old Rylstone-Skipton road. The importance and use of this access and the courtyard to the setting of Scale House was accentuated by the Standeven portico.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE GRADE II LISTED BUILDING

In considering the biomass boiler building it was acknowledged by the Planning Officer that the house has "historically been added to over time as further services and accommodation have been required. The proposed biomass boiler building would continue this precedent". The biomass boiler building was a single cohesive building that, on balance, was considered to be adequately subservient in size, siting and presence to the setting of the heritage asset. Importantly the clearly utilitarian appearance of the service building did not encroach on the courtyard to the rear (north) of Scale House which has a higher ground level. The building was also positioned carefully so as not to dominate the southern

approach to Scale House, especially in views of its twentieth century grand portico.

Whilst it was accepted that the historic courtyard, Coach House and Blake House would be concealed, at least to some degree, behind the new biomass building the overall proportions of the courtyard space and significance of the access through the site remained readily apparent. The building had a low height in comparison to the surrounding building group and in time a weathered timber building was considered to provide a suitably discreet addition that would not, because of its overall scale and position, detract unduly from the setting and historic significance of the heritage asset. There were clear connected benefits relating to the preservation of the heritage asset from allowing the provision of a sustainable energy resource for the occupants of Scale House and Blake House.

The proposed combined biomass and garage building fails to respect the importance of the courtyard space and the historic access route into the site. The building, in terms of both its jarring position when arriving from the south and its failure to acknowledge the historic access to Scale House and the function of the courtyard, is an incongruous addition that dominates the setting of the grade II listed building. Whereas the approved biomass building was discreetly sited and a modestly sized building, the combined building proposed has a significant negative impact because of its position, shape and much greater size.

Unlike the low mortared wall separating Quaker House and Scale House, constructed to provide a private amenity space and privacy to the residents of the neighbouring residential property (part of the former coach house), the garage and biomass building serves to completely obscure the former openness of this space and the historic relationship between the building group.

The combined biomass and garage building is also significantly larger than approved biomass building. The outcome is a building which in massing and form bears little relationship with the wider vernacular building group. Furthermore the scale, orientation and materials provide a harmful focal point within the courtyard that detracts from the setting of Scale House as seen from important views when approaching the site particularly from the south.

NEIGHBOUR AMENITY

The rear (north) elevation of the building would be positioned 9.5 metres from the windows of the closest neighbouring dwelling, Quaker House, and slightly further from The Coach House and Blake House. As existing, the outlook from these properties is directly towards the existing tall landscaped area and mortared wall to the rear of the building already constructed. The (retrospective) proposal will alter the outlook but would not be unduly harmful having regard to neighbour amenity issues of overbearing impact or overshadowing/loss of light.

The processes that take place within the boiler building include a self-filling system, feeding wood pellets into the boiler, which would run for approximately 15 minutes in any 24 hour period. The noise has been stipulated as 72db @ 1m (without enclosure) which is equivalent to a domestic vacuum cleaner. Due to the relative close proximity of neighbouring properties and Scale House itself, it is considered appropriate to stipulate a condition requiring the self-filling system to be set so that it does not operate during night-time hours. 23:00 to 07:00 hours have previously been recommended by the Environmental Health Officer and are considered appropriate for the revised scheme also. Should approval for the latest proposal be given, these hours could be imposed by planning condition.

The formation of a garage accessed from the south is not likely to result in any additional harm to the amenity of neighbouring properties beyond the existing use of this space for ad-hoc vehicle parking.

MICRO-RENEWABLE BENEFITS

Scale House and Blake House are big properties with large vertically proportioned windows and high ceilings. Heating the property has proved difficult and costly, especially for modern family lifestyles. The existing oil powered boiler system is very expensive and the applicant advises that to be cost-effective some rooms are not heated within Scale House. It is accepted that this lack of heating would ultimately be damaging to the long-term condition of the building.

Saved policy U6 allows for small-scale renewable energy developments that do not adversely affect the character of the area and residential amenity. A renewable energy source for the property would achieve local environment benefits. However, this policy also requires the proposal to 'not adversely affect the... conservation value' of the surrounding area. The impact upon the conservation value of

the site is assessed elsewhere within this report.

ANALYSIS OF MATERIAL CONSIDERATIONS

The development of a sustainable energy supply for Scale House has obvious links to the long-term conservation of the heritage asset and this was a key consideration in granting permission for the lone biomass building. A further addition to the biomass building to provide a garage, at the scale and massing proposed, would unacceptably exacerbate the presence of an existing building constructed from materials not wholly sympathetic to the grandeur and visual quality of the listed building. Whilst a simplistic design for a timber service building may be acceptable for a modestly sized and sensitively sited structure, or a building in a more considered location away from the principal elevations of Scale House, the presence of the biomass building as constructed, with the substantial garage wing, is considered to be inappropriate in an historically sensitive position within the site.

The building constructed dominates the openness of the historic courtyard and thoroughfare, providing a negative focal point of inferior built quality when accessing the site from the south. The position and shape of the building would obscure an important open space integral to the setting of Scale House and the building group that would detrimentally affect the character of the heritage asset. The current proposal undermines the relative lack of impact of the approved biomass building in this regard.

The relationship between the service building and host property, in terms of its detailed design, form and materials is limited. In the position proposed the massing and overall appearance of the building dominates the courtyard in a manner which undermines several earlier phases of historic development at the site relating to the site access and the formation of the courtyard.

The cumulative impacts of the building's massing, scale, height, position and detailing, has a harmful impact upon the character and appearance of the listed building group. In particular, its size and massing would compete and detract from the important vernacular appearance of Scale House. This harm is not justified as being exceptional nor has it been demonstrated that the harm is necessary to achieve public benefits that outweigh the harm caused. The harm is also not outweighed by the environmental gains of providing a renewable energy source for the site or the linked conservation gains associated with a well-heated property. Moreover, the building is in a viable use.

Consequently, the proposal is considered to result in substantial harm to the special interests of Scale House and its setting which includes the immediate building group. For these reasons, the works are considered to be contrary to saved policies GP1, GP2, U6, B7 and B13 of the Yorkshire Dales Local Plan (2006) and Section 12 paragraph 134 of the National Planning Policy Framework (NPPF).

RECOMMENDATION

Refuse planning permission, for the following reasons:

1. In the opinion of the Local Planning Authority the proposed biomass and garage building by virtue of its size, scale, siting, design, form and materials would result in substantial harm to the architectural and historical interest of Scale House, Rylstone. The proposed building would harm the character and visual quality of the heritage asset as seen from important views within the site and as such the proposal is considered to be contrary to saved policies GP1, GP2, U6, B13 and B7 of the adopted Local Plan and paragraph 132 of the National Planning Policy Framework (NPPF). The proposal also fails to meet the statutory purposes of conservation and enhancement of the cultural heritage of the National Park, as required under Section 61 of the Environment Act (1995).
2. In the opinion of the Local Planning Authority the building by virtue of its position, shape and scale would result in substantial harm to the setting and historic special interests of the listed building. The harm is not justified as being exceptional. The works are therefore considered to be contrary to saved policy B13 of the adopted Local Plan and paragraph 132 of the National Planning Policy Framework (NPPF). The proposal also fails to meet the statutory purposes of conservation and enhancement of the cultural heritage and natural beauty of the National Park, as required under Section 61 of the Environment Act (1995).

[Redacted]

Signed by Case Officer

Date 15.12.2015

[Redacted]

Principal Planning Officer

Date 15.12.15