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Authority: North York Moors National Park Authority

Type of consultation: Planning Application

Full details of application/consultation: NYM/2019/0628/FL - construction of 2 no. single storey dwellings with associated access, parking and amenity space (revised scheme to NYM/2015/0919/FL)

At land at: the rear of Brookfield, Maltongate, Thornton Dale

Type of response: Objection

Date of Submission: 28th July 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please note, CPRE has undergone a national rebrand and whilst the charity, ethos and motivation remains the same – CPRE will now be known as 'CPRE – The Countryside Charity'

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External Heritage Consultant used in this response:



1 Voyage Ltd.
Beth Davies,
MA Hons, PgDip

Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on this revised application for 2 new dwellings at Thornton Le Dale.

CPRENY object to the proposals on the grounds that the proposals detrimentally impact the setting, significance and special historic interest of six heritage assets (five of which are designated) will be undermined by the proposal.

The application is contrary to legislation and policy relating to the conservation of heritage assets and fails to take into consideration the relevant appeal findings issued by the Planning Inspectorate. The Local Planning Authority's recommendation to approve the application places a greater weight on the provision of local housing than it does on its statutory duty to conserve the relevant heritage assets. It has adopted the view that, because the proposed dwellings are lower than the previously proposed dwellings and the application site is currently screened by trees that have been allowed to dominate, the impact of the development will be negated. This approach places an undue focus on temporary views (or lack therefore) and fails to consider Historic England's guidance on setting and the findings of the Catesby and Steer appeals.

Please see attached detail report setting out their concerns in relation to Heritage Matters.

Appendix 1

Heritage Matters – 1 Voyage Limited



1 VOYAGE LTD

NYM/2019/0628/F

**Land Adjacent Brookfield,
Maltongate, Thornton-le-Dale**

Heritage Matters

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15.7.2020

For the attention of the CPRENY

Comments on Application NYM/2019/0628/FUL with regards Heritage Matters

The application site falls within the immediate setting of a Grade II listed building and also falls within the wider, nested settings of other listed buildings along Maltongate including Brooklet House, Ivy Cottage and Rookwood. Additionally, it falls within the setting a non-designated heritage asset; the medieval village pound. The application site is also located within a Conservation Area and forms the last part of an historic, agricultural, open space which contributes to the rural and historic character of the Conservation Area. It is also located within the historic core of a medieval settlement where there is a risk that the proposal may affect archaeological deposits. The application site therefore contributes to the heritage significance of a number of heritage assets and has layered and multiple heritage values.

Despite this, the application has been submitted and validated without an appropriate Heritage Impact Assessment (HIA). This is a requirement of para. 189 of the National Planning Policy Framework 2019 (NPPF) which states that, *'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'* I do not consider that the information submitted by the applicant satisfies this requirement. I have not even been able to locate a basic map regression within the application which would help assess the historic development of the application site.

Historic Development of Site

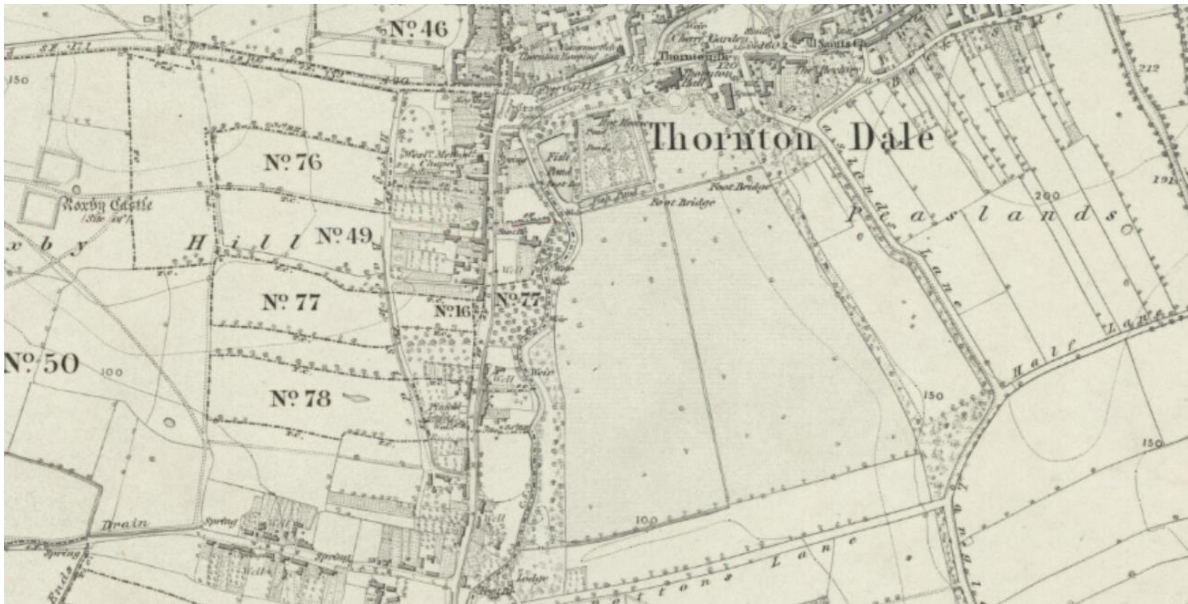
The applicant states in one of his communications that the village layout is 'random' which he states leads in part to its charm. The draft Conservation Area Appraisal and Management Plan (CAAMP) for

Thornton-le-Dale, which was issued in 1917, contradicts this however stating quite clearly in its summary of significance that the settlement has *'a planned 12th century layout'*.

The CAAMP also identifies the likely location of a medieval manorial demesne around Maltongate (plate 3) and includes the application site in a plan, on page 21, of the medieval village core. The CAAMP adds that, *'Medieval villages also had pounds to collect stray stock and these were located near High Hall on the south end of Outgang Lane¹² and another on the west side of Maltongate which can still be seen.'* This all reinforces the contribution of the adjacent application site to the medieval heritage of the settlement. A picture of the medieval Pound on Maltongate is included within the CAAMP. It states at page 66 that, *'The village pound on Maltongate ... is under appreciated and could benefit from a little more conservation'*. The relationship between the pound and relic medieval landscape of the settlement, certainly seems to have been overlooked by the application. The CAAMP adds that *'The houses along the main roads of High Street and Maltongate will be sitting on the foundations of houses dating from the 12th century and so it is possible that back gardens might contain evidence of wells, cess pits and other yard uses.'* This statement reinforces the medieval archaeological potential of the site.

The CAAMP states that, as part of the Enclosure process, *'Farms were concentrated into groupings each with access to much more land; strips were amalgamated into fewer farms'*. The in-village farm of Brookfield is therefore an important part of the historical development of the village, demonstrating the transition from its medieval origins to a post Enclosure rural settlement where food production became focused on a smaller number of purpose built, higher status, in-village farms rather than in communal fields and burgage plots.

The map at Fig 1 below shows evidence of relic medieval burgage plots to the west of Maltongate with narrow, linear field evident between the amalgamated, post Enclosure fields. This is evident between plots 49 and 77, 77 and 78 (associated with Beckfield) and to the south of plot 78. The medieval back lane is also evident running parallel with Maltongate.



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Fig 1 OS Six-inch England and Wales Series 1842-1952 (surveyed 1848-1850)

The enlarged 1848-50 survey at Fig 2 shows orchards to the north and west of Beckfield. The applicant argues that trees are used in historic mapping to refer to any garden space but this is not true and demonstrates a lack of understanding. Orchards were far more prevalent than they are today and are depicted in historic mapping by regular rows of trees. The garden and yard space immediately adjacent Beckfield, for example, have no such annotation. The square shaped field (application site) that the CBA refers to is also clearly seen to the west of the pond (referred to here as a pinfold). The applicant's argument that this square shaped field is a result of land left over following modern development demonstrates that he has not consulted the historic mapping. This map also clearly shows that the pinfold lay at this time within the curtilage of Beckfield (plot 78). This mapping therefore strongly supports the CBA's conclusion that the application site was a holding field associated with the pinfold and that the village pinder occupied Beckfield. Even if this is not the case, it is irrefutable that the application site has formed a clearly defined, undeveloped field for nearly two hundred years and that prior to this it formed part of the medieval, agricultural settlement. A curving wall and a track to the west of Beckfield separate the application site and pinfold from the various agricultural outbuildings to the north and west of Beckfield that support its farming function.



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Fig 2 OS Six-inch England and Wales Series 1842-1952 (surveyed 1848-1850)

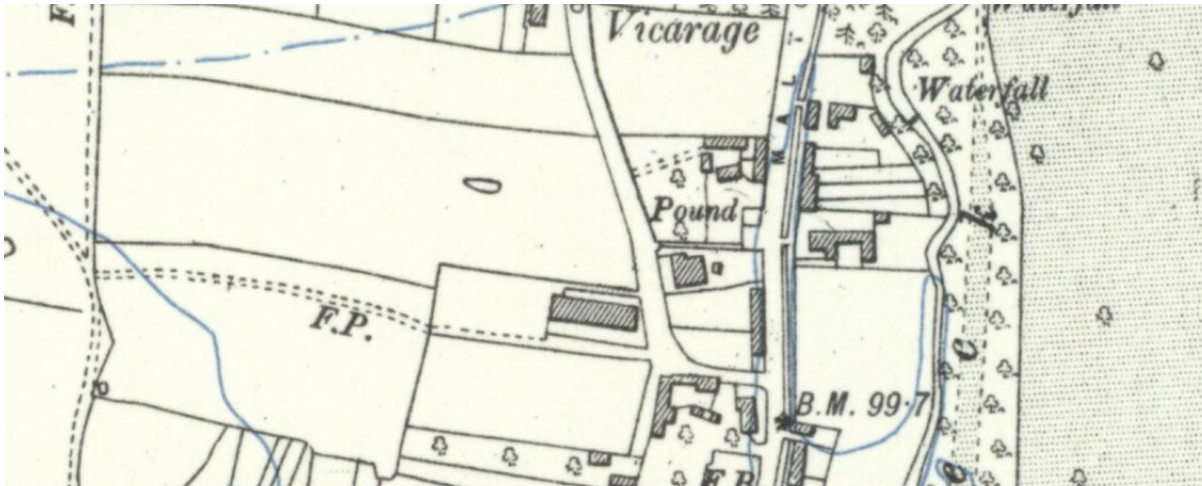
The 1890 OS survey at Fig 3 shows that the square shaped field has lost its northern boundary. Despite this, it remains separated from the farmyard to the rear of Beckfield by a clearly defined linear outbuilding that forms the southern wing of the farmyard to the rear of Beckfield. A further linear row of outbuildings forms the northern wing with a small building blocking the gap between the access to the back lane and the southern wing. This development shows the development of a classic rectangular farmyard to the rear of the farm, which is a typical, vernacular form of farmyard. The pinfold and adjacent field (application site) clearly fall beyond this farmyard and form part of the open landscape to the south of the farmhouse.



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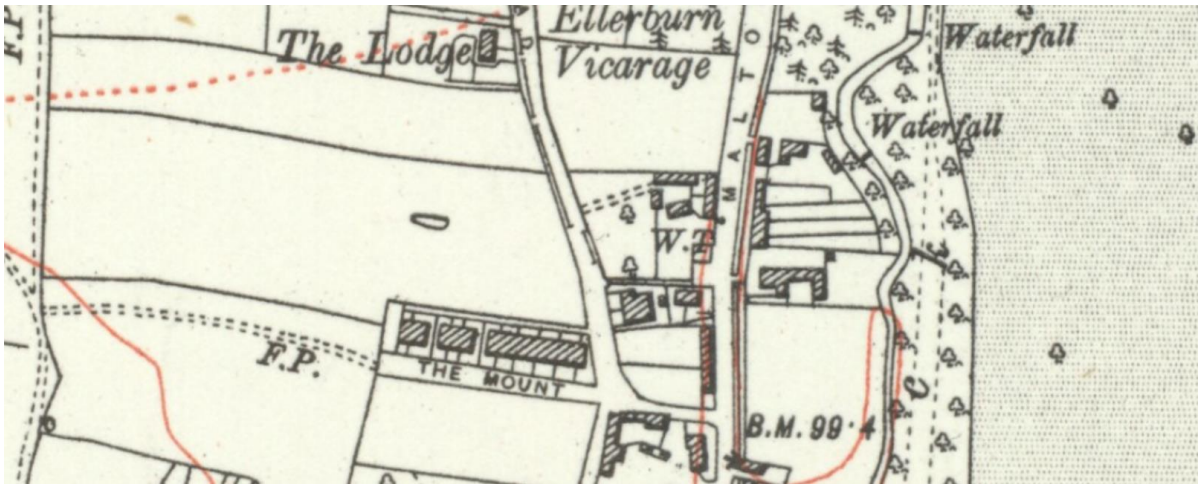
Fig 3 OS Six-inch England and Wales Series 1842-1952 (surveyed 1890)

The 1910 and 1926 OS maps (Figs 4 and 5) and 1952 map (not included as not changes evident) show no changes in the site layout other than the brief location of a wireless transmitter adjacent the pound in the 1926 edition.



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Fig 4 OS Six-inch England and Wales Series 1842-1952 (revised 1910)



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Fig 5 OS Six-inch England and Wales Series 1842-1952 (revised 1926)

The historic layout of the site described above has been largely conserved by the modern development that has taken place, as shown in the aerial image at Fig 6. The pinfold and open, agricultural setting to the south of the former farmyard remains intact and, although the northern field boundary to the square field has not been reinstated, the edge of the gravel parking area runs along virtually the same line as this former boundary. As such the historic plan form of the site is well conserved.



Copyright Google Maps

Fig 6 Aerial view of application site 2020

It is clear therefore that the application site is possibly part of the relic, medieval landscape with a holding area adjacent a pound that was conserved within the post Enclosure field system as it continued to serve a useful function. This would explain the unusual square shaped field evident in the first edition OS map. Even if this is not the case, however, the application site definitely forms part of the eighteenth century, agricultural landscape in which there is no precedent for development. It has also formed part of the open, rural settings of Brookfield and the pinfold since their construction.

Impact on Significance of Adjacent Heritage Assets

Brookfield is a very humble, one and a half storey, eighteenth century, listed farmhouse. It is possible that it has earlier origins or was built on the site of a medieval dwelling as it is located within the bounds of a medieval settlement with a back lane. The medieval pinfold fell within its curtilage in the mid-nineteenth century showing that the site has a layered historic significance. The application site is evidence of the historic, agricultural land use associated with the listed farm and of the possible association between Brookfield, the pinfold and the adjacent square field (application site). It connects us to the past by acting as a tangible link to the eighteenth century (and possibly medieval) settlement and a time when in village farms were in operation and had far more land around them. It therefore aids our understanding and appreciation of the agricultural roots of the listed building and pinfold thus and contributing to the historic illustrative value of these heritage

assets. By creating an attractive but unplanned, charming, green foil in which the listed building and pinfold are viewed the application site also contributes to the aesthetic fortuitous value of both heritage assets. The rest of the farmland historically associated with Brookfield has been developed making what is left even more important by virtue of its scarcity. The proposed development would be higher than the diminutive listed building and would dominate it visually in views from the east, south and north. It would effectively destroy the contribution that the application site makes towards the significance of the listed building and the pinfold. It would also undermine views out from the diminutive Brooklet Cottage, from Ivy Cottage and from the higher status and elevated Rookwood which has clear inter-visibility with the site (Fig 7). It would therefore undermine the setting of four listed buildings and one non-designated heritage asset.

Impact on significance of Conservation Area

The draft Conservation Area and Management Plan (CAAMP) for Thornton-le-Dale provides a summary list of *'features of historic or architectural interest which should be sustained and enhanced'*. Included in its list of features, which the CAAMP highlights are being of *'considerable significance'* are:

- Street fronted or near street fronted properties
- Broken roof lines
- Predominance of red pantile
- Stone kneelers and water tabling
- Traditional timber window styles – Yorkshire sliding sash (some tripartite), lead glazing, multi pane sash and four pane Victorian sash
- Traditional timber doors, panelled or plank and batten.
- Agricultural character (barns, **narrow windows**, cart doors, lack of chimneys)
- Traditional door furniture

It clarifies that, *'no appraisal can ever be entirely comprehensive and the omission of any particular building, feature or space in the village, should not imply that it is of no interest.'* I would add that the contribution of gardens and relic in-village farms should also be included within the list.

At page 24, however, the CAAMP does state that, *'Green spaces play an important role in defining the character of Thornton le Dale.'* Fig 8 on page 44 of the CAAMP also includes the application site in a broad 'significant view' along Maltongate. It advises at page 45 that, *'Any new development should consider its impact on the views shown on figure 8.'* It concludes again at page 67 that, *'The*

village is rich in green open spaces' implying that these are an important defining characteristic of the Conservation Area and should be conserved.

There are a number of views through the application site from the approach to Brookfield Gardens (Figs 7), from the adjacent footpath called Ladies Walk (Fig 8) and from listed houses on Maltongate including Rookwood, Brooklet Cottage and Ivy Cottage (Fig 9). Fig 9 is taken from Google Maps and dates to 2016. It is evidence of how views can change over time and how clear views of the proposed development will be when the deciduous trees along the eastern boundary of the site are felled or pruned and during the six months of the year when they are not in leaf.



Fig 7 View into open application site from approach to Brookfield Gardens with Rookwood beyond



Fig 8 View towards application site from Ladies Walk



Fig 9 View of the elevated application site from Maltongate

Whilst mature trees and bushes currently limit views into the site from the south and east, Historic England's guidance advises that the availability of views can change over time and that this should be considered in assessing the impact of a development on heritage assets. The vegetation that separates the application site from Ladies walk for example is poor quality (largely conifers and ivy) and is already collapsing into the footpath (Fig 10). It is clear that in the lifetime of the proposed building the existing vegetation will die or be removed. Whilst it may possibly be replaced there are limited planning controls over planting. As such it should not be assumed that existing screening will remain and an assessment of the impact of the proposal should assume that no trees exist.



Fig 10 Vegetation separating Ladies Walk from application should be considered temporary

Historic England's Guidance, '*Historic Environment Good Practice Advice in Planning, Note 3– The Setting of Heritage*' highlights a number of types of, '*Views which contribute more to understanding the significance of a heritage asset*'. Of these views the application site contributes to:

b. those where town- or village-scape reveals views with unplanned or unintended beauty (*views towards the application site from three listed buildings, views of Brookfield and the pound from Maltongate, views towards Brookfield and through the Conservation Area from Ladies Walk and views through the Conservation Area and of Rookwood from the north-west.*

The CAAMP identifies a list of '*opportunities to conserve and enhance*' the Conservation Area at page 36. Included here are the recommendations that, '*Back lane developments should respect the linear layout of the inherited medieval field patterns*' and '*The ability to distinguish the evolution of different medieval manors should be retained and new development should avoid blurring this distinction*'. The proposed development, which is designed to lay parallel to Maltongate is located at right angles to the earlier, perpendicular, medieval burgage plots that would have characterised the medieval settlement. The proposed structure also lies beyond the eighteenth-century farmyard, which superseded the medieval landscape. This farmyard is evident in the map regression above. The proposed development therefore shows no respect for the historic patterns of development of the application site and will, accordingly, undermine our ability to appreciate and understand the historical significance the Conservation Area, the medieval, listed pound and the eighteenth century, listed farmhouse.

At page 53 the CAAMP states that, '*agricultural character is still very much in evidence along the main roads*'. Former agricultural yards and open spaces such as the application site are an important element of this agricultural character. By urbanising an attractive, open space and one of the few remaining parcels of undeveloped in-village farmland, it will also increase the density of the Conservation Area thus undermining its rural character.

At page 58 the CAAMP advises that, '*Any new development needs to be modest in scale and reference traditional building materials; most development has traditionally been street fronted (but some with gardens), any new development should retain this layout.*' It is clear that the proposed development is not in accordance with this advice. It is located to the rear of the site, has a large footprint of non-vernacular proportions and is designed with an 'L' shape footprint which is also non-vernacular.

At page 48 the CAAMP states that *'Farmhouses survive in large numbers and have often incorporated byres into domestic use. The scale of building throughout the village is relatively modest and massing is broken up by varying roofline heights and small traditional windows and doors set back within their apertures.'* Elsewhere it states that, *'Most of the larger outbuildings have now been converted to residential use, but they have retained their agricultural character.'* At page 66 the CAAMP states that, *'Agricultural character should be retained where it survives'*. The proposed dwellings aim to simulate converted farm buildings but the proposed fenestration and doors are far too square and large to reflect the local, agricultural vernacular and so the buildings do not have an agricultural character. The CAAMP adds that *'buildings [are] of varied heights and so the roof lines are always broken and the roofscape varied. Chimney stacks, often in brick, add to interest.'* Despite this, the proposed roof line is unbroken creating an uninteresting, blockish character that is discordant with the character of the wider Conservation Area. The CAAMP also identifies the *'widespread use of simple batten and plank doors and traditional window types such as the Yorkshire sliding sash. Doors are often supplied with quirky door knockers and characterful furnishings.'* None of these architectural features, which the NYMNPAs has identified as typifying the Conservation Area, have been adopted in the proposed design.

The development of any structure on this site would erode the historic illustrative and aesthetic fortuitous value of the Conservation Area. As such it seems pointless to discuss matters of design. For the sake of thoroughness, however, it is worth highlighting that the proposed development has a non-vernacular, ubiquitous design and footprint that undermines the agricultural character of the Conservation Area and fails to satisfy the design recommendations made by the Local Planning Authority's own advice within the CAAMP.

Relevant Appeals

It is clear that the application site forms part of the Conservation Area and contributes to the setting of several listed buildings and a non-designated heritage asset as it is seen in views of these assets. However, the High Court, in *Steer v Secretary of State for Communities and Local Government & Ors [2017]*, clarified that the setting of a heritage asset is not solely established by the visual and physical connection of the surroundings with the heritage asset. Historic, social, and economic connections will also be relevant considerations. Similarly, in the case of *Catesby Estates Ltd and SSCLG v Steer [2018]* the Court of Appeal confirmed that the setting of heritage assets "is not necessarily confined to visual or physical impact" but that other considerations are potentially relevant. These

considerations would include light pollution, noise, smells and the psychological experience of a heritage asset.

The proposed development would, by virtue of the loss of undeveloped land, the introduction of domestic activity, vehicular movement, noise, smells and light pollution further undermine the rural experience of the heritage assets discussed above.

In the *Catesby v. Steer* case, the Court of Appeal identified three general points which apply in setting cases:

- Section 66(1) of the Listed Buildings Act 1990 requires the decision-maker to understand what the setting of the asset is – even if its extent is difficult or impossible to delineate exactly – and whether the site of the proposed development will be within it or in some way related to it. I do not consider that the Local Planning Authority has, in this instance, been sufficiently well informed to understand the heritage impact of the proposal and has instead based its decision on the fact that the proposed development is lower than the previous submission and is currently concealed by trees.
- It is necessary to concentrate on the 'surroundings in which the heritage asset is experienced', keeping in mind that those "surroundings" may change over time [i.e. the trees may be removed), and also that the way in which a heritage asset can be "experienced" is not limited only to the sense of sight.
- The effect of a particular development on the setting of a heritage asset – where, when and how that effect is likely to be perceived, whether or not it will preserve the setting of the listed building, whether, under government policy in the NPPF, it will harm the "significance" of the listed building as a heritage asset, and how it bears on the planning balance – are all **subject to the requirement to give considerable importance and weight to the desirability of preserving the setting of a heritage asset.**

The impact of the proposal on the historic, associative, psychological and sensory appreciation of the heritage assets all therefore need to be considered with the presumption in favour of preserving the setting of heritage assets.

Conclusion

The following tests should be applied to assess whether the proposed development is acceptable.

1 Does the proposal conserve and, where appropriate, enhance the setting, significance and special architectural or historic interest of the affected heritage assets? (s.66(1) of the 1990 Act; Para.s 192 and 193, NPPF.

No-this report has demonstrated that the setting, significance and special historic interest of six heritage assets (five of which are designated) will be undermined by the proposal.

2. Has 'great weight' been given to the assets' conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Para 193 NPPF.

No-greater weight has been placed on the provision of additional housing than on the conservation of the six heritage assets identified. The fact that that applicant has not been asked to satisfy para. 189 of the NPPF by submitting an appropriate Heritage Impact Assessment indicates that the Local Planning Authority has not given sufficient consideration to the conservation of heritage assets.

The Local Planning Authority has also ignored many relevant findings within the Inspectors report which highlight the heritage value of the site and the harm that any development of the site would cause. Relevant findings are at para.s 6 (site forms an important part of the setting of the listed building and so contributes towards its significance); 7 (site plays a role in defining the picturesque character of the Conservation Area); 12 (eastern boundary of site 2m above Maltongate so houses will be elevated above Brookfield); 13 (houses would be seen when trees not in leaf);15 (proposed dwellings would be on historically open ground and agricultural land serving Brookfield); 16 (as such proposed dwellings could not be reasonably expected to form part of the historic farmstead); 17 (current open appearance of the site reinforces Brookfield's historic connections as part of the farmstead. The proposal would undermine the historic role of both the site and the listed farmhouse); 18 (development would infill an existing gap that has arisen due to the sites agricultural past and detract from the open appearance of Brookfields side garden and the pinfold. This being so it would unacceptably erode the traditional rural character of the settlement)

3. Is there a clear and convincing justification for the harm to the significance of heritage assets that will ensue from this development? (Para.194 of the NPPF).

No-no such justification has been provided.

4. Have the bench-mark tests laid out in para. 194 of the NPPF to offset harm to significance been met?

No-the Inspector made it clear at para. 134 of her report that the economic benefits that would ensue from two large dwellings would be insufficient to outweigh the harm caused by the development of this site. The economic benefits of two smaller units are likely to be lower and so would carry even less weight.

5. Para 197 of the NPPF states that ,’The effect of an application on the significance of a non-designated heritage asset (in this case the pound) 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.’ It is considered that the erosion of the agricultural setting through the construction of two houses in an area that has historically been open, agricultural land will undermine the rural setting and significance of this historic pound.

In summary I conclude that the application is contrary to legislation and policy relating to the conservation of heritage assets and fails to take into consideration the relevant appeal findings issued by the Planning Inspectorate. The LPA’s recommendation to approve the application places a greater weight on the provision of local housing than it does on its statutory duty to conserve the relevant heritage assets. It has adopted the view that, because the proposed dwellings are lower than the previously proposed dwellings and the application site is *currently* screened by trees that have been allowed to dominate, the impact of the development will be negated. This approach places an undue focus on temporary views (or lack therefore) and fails to consider Historic England’s guidance on setting and the findings of the Catesby and Steer appeals. It also shows a total lack of understanding or consideration of the heritage value of this residual agricultural land and what this contributes to the six heritage assets discussed above. I therefore strongly recommend that this application be refused.

I would also advise that the Local Planning Authority reviews its validation criteria regarding proposals that affect heritage assets. In my experience, Neighbouring Planning Authorities would have required a Heritage Impact Assessment to inform their decision making for a site of such layered heritage significance. This would place the onus on the applicant to fund this type of assessment rather than on charities and local residents.

I hope these comments are of use. If you would like to discuss them in any more detail please do not hesitate to contact me.

Kind regards,

Beth

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