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Branch Chair
Mrs Jan Arger

Authority: Richmondshire District Council

Type of consultation: Written Representation

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

Full details of application/consultation: 22/00136/FUL – Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots together with associated open space and infrastructure

At land: Hurgill Stables, Hurgill Road, Richmond, North Yorkshire, DL10 4TA

Type of response: Objection

Date of Submission: 18th April 2024

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.

All CPRE North and East 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 planning consultant used in this response:



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1. Comment

- 1.1 CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to submit a written representation to the Planning Inspectorate regarding an appeal made by Zetland Estates Ltd. ('the Appellant') against the refusal of planning permission by North Yorkshire Council ('the Council') on 28th September 2023 (reference: 22/00136/FULL), for a hybrid planning permission consisting of (Full) application for 29 dwellings with associated open space and infrastructure and (Outline) application for 3 Self/Custom Build plots with access, appearance, landscaping, layout and scape to be reserved at land at Hurgill Stables, Hurgill Road, Richmond, North Yorkshire ('the appeal site').
- 1.2 The application was submitted to the former Richmondshire District Council on 17th February 2022 for full planning permission for the erection of 30 dwellings at the appeal site, additional information was submitted in July 2022 and the proposal was eventually revised by the Appellant to the current description relating to a hybrid application in November 2022 with further amendments and information submitted up to September 2023. During this time period, CPRENEY submitted 2 strong objections as detailed in the Case Officer's Report to the Richmond (Yorks) Area Constituency Planning Committee ('the Planning Committee'), dated 14th September 2023.
- 1.3 Against the recommendation of the Case Officer, Members of the Planning Committee unanimously refused to award planning permission for the hybrid proposal. The Decision Notice was issued on 28th September 2023 setting out the following two reasons for refusal:
1. *The application site is at the edge of Richmond Town, extruding into the countryside beyond the built-up form of the settlement. The development of this land for housing will result in visual intrusion into the landscape and associated views from public vantage points including the adjacent coast to coast walking route and Westfields. The development would also harm Richmond's setting/approach. For these reasons, the development is considered to conflict with Policy CP4 (part 3a), of the Central Richmondshire Spatial Strategy (part b) and Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy 2014.*
 2. *The development would cause harm to the character and appearance of Richmond Conservation Area. Harm would also be caused to the setting of Hurgill Stables which is a non-designated heritage asset. The development would erode the Westfield medieval field system by causing harm to the agricultural setting of Westfield and the legibility of the medieval field system which are a non-designated heritage asset(s). It is not considered the public benefits of the application outweigh the harm to these heritage assets and therefore conflicts with paragraphs 202 and 2023 of the National Planning Policy Framework 2023 and Policy CP 12 of the Richmondshire Local Plan 2012-2028 Core Strategy 2014.*
- 1.4 CPRENEY fully support the members for refusing the proposal in seeking to protect the landscape and important setting of the settlement, the Richmond Conservation Area and Non-Designated Heritage Assets in the immediate vicinity of the appeal site, in line with both local and national planning policies. Members are fully entitled to place more weight on material planning considerations than their officers providing they have acted reasonably and rationally. Having had representation at the Planning Committee Meeting, CPRENEY believe that the Members did indeed act rationally, having duly considered the information put forward by the Officers, the applicant and members of the public, having a detailed discussion weighing up the positives and negatives of the case and ultimately concluding that the public benefits of the provision of dwellings did not outweigh the harm that the proposal would cause if permitted.
- 1.5 Having had the opportunity to consider the original application documents alongside those submitted

for the appeal, CPRENEY fully supports the Council's ultimate reasons for refusal and maintains its strong objection to the proposal for residential development located in a prominent area of steeply sloping countryside on the western edge of Richmond, outside of the development limits. The proposed development at this location would constitute an inappropriate and unacceptable intrusion to the attractive rural setting of the western edge of Richmond, which will be particularly detrimental to users of the famous Coast to Coast walk which was designated as a new National Trail in 2022, one of only 17 across the country. The appeal site was not selected for allocation in the emerging Local Plan by the previous Local Authority (prior to becoming unitary) meaning that the Council's own officers considered that there were more sustainable options for residential development in Richmond. Furthermore, CPRENEY object to the impact the proposal would have on the character and appearance of the Richmond Conservation Area and the setting of the original Hurgill Lodge Stables.

1.6 CPRENEY, therefore, respectfully consider that the appeal should be dismissed.

2. Planning Context

2.1 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 planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (Dec 2023) 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-date, 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.'*

2.2 Paragraph 225 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

2.3 The Development Plan relevant to this application consists of:

- The Richmondshire Local Plan 2012-28 Core Strategy (2014); and
- Saved Policy 23 of the Richmondshire Local Plan 1999-2006.

2.4 The former Richmondshire District Council commenced a review of the existing Local Plan documents with the aim of updating policies. The Issues and Options Consultation was undertaken in 2018 and CPRENEY commented at that time. The Preferred Options Consultation was published in July 2021 to which CPRENEY responded in full. However, as a result of the former district councils merging with the North Yorkshire County Council to become a Unitary Authority (the Council), the existing district Local Plan reviews were paused. The evidence bases which were being collated by the former authorities are in the process of being merged in accordance with The Local Government (Structural Changes)

(Transitional Arrangements) (No.2) Regulations 2008 (as amended) which requires that a single tier council adopts a local development document under section 23 of the 2004 Planning & Compulsory Purchase Act to apply to the whole of its area within a period of five years starting with the date of re-organisation. As such, due to the early stages of plan preparation, no weight can be attached to the new single Local Plan document as yet and ergo, full weight should be given to the saved Local Plan policies and other material considerations as necessary including the NPPF.

- 2.5 The appeal site was previously in equestrian usage with stables, a menage and training ground on the site, however, these were demolished circa 2002/2003. The Clock house, Hurgill Lodge and Hurgill Lodge Cottage sit within the centre of the site but do not form part of the application site. The site is bounded by Hurgill Road to the North and Westfields Road to the South and a public bridleway runs adjacent to the site on the Western boundary which links Hurgill Road with Westfields Road.
- 2.6 The appeal site is located adjacent to the development limits of Richmond (Saved Policy ('SP') 23), therefore, for the purposes of planning the site is located wholly within the open countryside. Equestrian usage is not considered to be previously developed land, therefore, the appeal site is a greenfield location, CPRENEY advocates for the redevelopment of brownfield land, therefore, fundamentally object to the principle of a major development at this location.
- 2.7 It is a much better strategy to reuse already developed urban land and buildings as the carbon emissions are lower per capita than green field development and in the majority of cases, these sites support walking and cycling rather than car dependency. Urban areas have existing infrastructure and services in place, or when new infrastructure is needed it can be more easily provided, unlike in more remote countryside locations. Brownfield development is essential for urban regeneration and done well, it brings homes, jobs, and services closer together, reduces car dependence and enhances communities. In this way, our green fields are saved from development for our nation's future food security, its potential for nature's recovery, and from urbanisation of rural character.
- 2.8 It is acknowledged that Core Strategy ('CS') Policy CP4 supports some development adjacent to the development boundaries, however, the site is not considered to be closely related to services and as such future occupants of the new estate would be reliant on private vehicles, adding to highway safety concerns already experienced by speeding vehicles in the area. CPRENEY also believe that due to its location on a very steep slope, it is highly unlikely that residents will walk to the town or nearest school as carrying shopping and bags will be challenging. It is not considered that access will be safe and suitable for all users (as per the tests in the NPPF paragraph 114), particularly people with impaired mobility or prams who will struggle as a result of the topography. Furthermore, there is currently no footpath from the site to Westfields Road (to the south) which is a narrow country lane and currently is located within the national speed limit zone of 60mph, increasing the risk to vulnerable road users. This is not in conformity with paragraph 116 of the NPPF which gives '*priority first to pedestrian and cycle movements...*', nor does it '*address the needs of people with disabilities and reduced mobility*'. The footpath along Hurgill Road is narrow and stops short of the site. To install a new footpath linking the existing to the appeal site would involve the removal of a well-established hedgerow which CPRENEY are completely resistant to.
- 2.9 In the Case Officers report to Committee, the Officer set out at paragraph 10.13 that permission was granted for 32 dwellings at Convent Close, Richmond (15/00939/FULL) with a 2 minute shorter walking distance than the appeal site and that the Convent Close site is situated on an incline when walking into town which makes it compatible in terms of walking duration and difficulty. It is acknowledged that 'steepness' is not an unusual factor when considering planning applications in Richmond.

2.10 CPRENEY however, disagree with the Officer with regard to several matters in relation to the Convent Close site. The location of both developments are entirely different, in that the 'inclines' are entirely different (the appeal site being 'uphill' on the way to the site from the town centre (thus making it harder to envision pedestrians carrying heavy bags home after a shopping trip) and is much steeper – being set higher than Convent Close, in the surrounding landscape. Furthermore, as seen in figure 1 below, the appeal site is currently accessed from Hurgill Road (entrance shown is Hurgill Lodge enclosed by the site), which resembles a typical narrow rural lane. The southern access from Westfields Road, again is set 'higher' in the surrounding landscape than the Convent Close site, as seen in figure 2 below, which whilst being 'lower' than Hurgill Road, still resembles a typical rural narrow lane, neither of which having footpaths.

Fig. 1: Hurgill Road – Looking towards Richmond



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Fig.2: Westfields Road appeal site entrance – looking towards Richmond



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2.11 In comparison, the built out development of Convent Close site is directly accessed via the A1608 (Reeth Road) and not only is that set out a 'lower' topography than the appeal site, but the incline is in the opposite direction – meaning that pedestrians accessing the town centre would carry bags 'downhill' and the actual incline is a lot less steep. Being an 'A' Road, Reeth Road is significantly wider than those either side of the appeal site, and benefited from footpaths on both sides of the carriageway as can be seen in figure 3 below.

Fig.3: Convent Close development on Reeth Road – Looking towards Richmond Town Centre



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2.12 Further Convent Close is located within the development limits of Richmond and was quite evidently an infill site as can be seen from the aerial image in figure 4 below.

Fig.4: Aerial image of the built out Convent Close 'infill' development

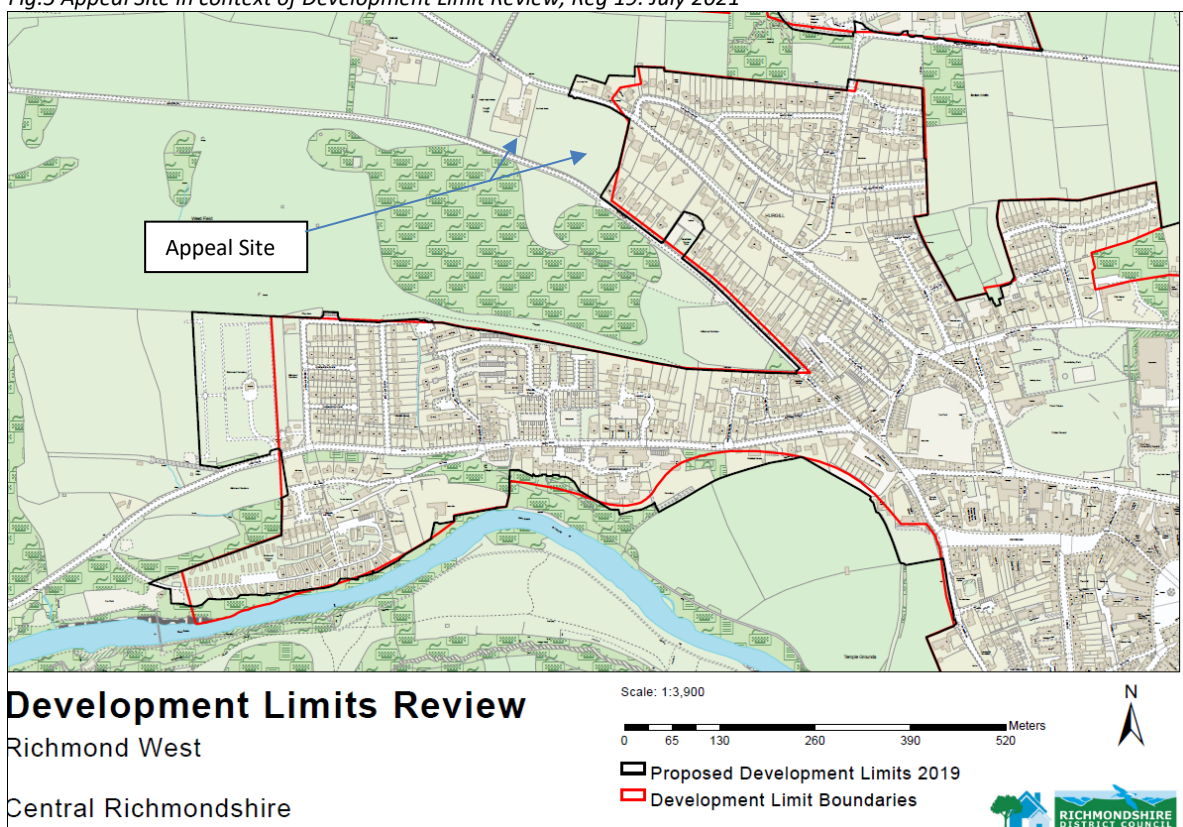


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2.13 CPRENEY consider that of more relevance to the determination of this appeal was an application for a single dwelling opposite the appeal site (ref: 15/00046/OUT) which was dismissed at appeal (APP/V2723/W/16/3153331) in October 2016, with the Inspector setting out paragraph 7 that *“It is close to existing residential areas although a significant walk to services and facilities within the town”* and at paragraph 9 that *“Although the site is close to other dwellings, it is not close enough to the town centre to convince me that prospective occupants would not rely upon private vehicle use to reach day to day services and facilities.”* The report goes on to state within the same paragraph that *“It is in the countryside and isolated from services for the purposes of the Framework. In relation to the main issue, the site is therefore unsuitable for the proposal as the location does not comply with Policy CP4 or the Framework.”*

- 2.14 Since the appeal was dismissed, the Framework has been updated several times and places even more importance on sustainable development requiring decisions to achieve economic, social and environmental objectives, all of which are interdependent. Paragraph 8b sets out that the social objective includes ensuring *‘A sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*’ (My emphasis). Alongside the tests relating to highways set out above and in section 10 of the NPPF, CPRENEY consider that the reasons for the dismissed appeal for a single dwelling opposite the appeal site, are even more relevant at the present time in light of the Government’s recognition of the need to promote truly sustainable development. The potential for circa 77 people from a total of 32 dwellings at this site (in accordance with the Officer’s Report) would inevitably lead to reliance on the private car to access services on a daily basis and most-likely private journeys to nearby schools, which the Case Officer acknowledged in her Committee Report as being ‘not ideal’ (paragraph 20.14). CS Policy CP3 seeks to achieve sustainable development. Point 5 specifically sets out that development should *‘be located so as to minimise the need to travel. Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to all.’*
- 2.15 Furthermore, whilst no weight can be attributed to the paused emerging Local Plan, at the Regulation 19 Preferred Options stage, the former District Council did not include the appeal site (which was put forward during the call for sites exercise in 2017) as a potential allocation and chose not to redraw the development limits to include the site, only extending them slightly to incorporate existing built development, which suggests the Council considers there to be much more suitable and sustainable sites to deliver the Council’s future housing need over the plan period (see figure 5 below).

Fig.5 Appeal Site in context of Development Limit Review, Reg 19. July 2021



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- 2.16 Richmond is identified as a Principal Town via CS Policy SP2 located within the Central Richmondshire Sub Area (CS Policy SP1) which sets out that the Central Richmondshire is the *'area of greatest growth, reflecting the location of the main towns of Richmond and Catterick Garrison, the scope of development and the scale of existing facilities and infrastructure, This is the area where most housing and employment related development will take place.'*
- 2.17 CS Policy SP4 sets the scale and distribution of housing development across the Richmondshire district up to 2028 aiming to deliver 180 dwelling per annum, totaling 3,060 dwellings over the plan period 2012-28. Paragraph 3.1.27 of the CS supporting text sets out that the target number of dwellings per year *'is not a ceiling for the level of expected growth.'* Whilst the adopted Development Plan sets out that Central Richmondshire will be the focus for the greatest growth, the CS does not actually include any housing allocations in the settlement of Richmond, instead allocations are made in adjacent settlements within the Central Richmondshire sub-area through which, alongside windfall and infill opportunities, the Council envisaged the minimum housing requirement (180 dwellings) being delivered.
- 2.18 The Appellants agent states at paragraph 5.7 of the Appeal Statement that *'the interpretation of Local Plan policy and need to deliver minimum housing numbers has been repeatedly been endorsed by Planning Inspectors in determining appeals for housing development'* setting out clearly within the two appeals referenced that a Local Plan target is merely a target and should the housing figure for principal towns be exceeded, that would not in itself represent a reason to dismiss the appeal. This is accepted planning practise.
- 2.19 The North Yorkshire Annual Housing and Employment Land Report (2022-2023), September 2023, states that within the Richmondshire Local Plan area, net housing completions have been low with an updated remaining target for the remaining plan period of 1,058 units (based on a revised calculation for Richmondshire using the Council's SHMA update in 2016 and the ONS 2014 household projections to calculate the housing requirement through the standard methodology which results in 115 homes per year rather than 180 dwellings). This revised figure equates to 264 units over the remaining plan period (4 years) for the entire district. CS Policy SP4 sets out that the Central Richmondshire Sub-Area should deliver 79% of the housing required with 8% (of the 79%) being specifically aimed at the settlement of Richmond. The target (minimum) figure, therefore, for the settlement of Richmond is 16.7 dwellings per annum for the remaining plan period. The provision of 32 homes (including 3no. self/custom build) must, therefore, weigh positively in the planning balance when determining this appeal in that they would go some way toward achieving housing delivery in Richmond and the sub-area.
- 2.20 The Council can demonstrate a 5 year housing land supply as evidenced through the most-up-to date North Yorkshire Council report therefore the tilted balance in NPPF paragraph 11 is not triggered and full weight can be given to all policies within the current adopted Development Plan documents.
- 2.21 CS Policy SP4 goes on to state *'A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward – they will be considered on their merits.'* The application seeks a total approval of 32 dwellings which (according to the Case Officer's report – para. 10.7) is circa 13% over the minimum dwelling target for Richmond increasing the population by circa 77 people. CPRENEY agree that this number is considered to be acceptable and proportionate to the size of the settlement. However, what is disputed with the Appellant is whether the appeal site is a 'suitable and sustainable' housing site to be in conformity with planning policy.
- 2.22 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities pay special attention to the desirability of preserving or enhancing the character or

appearance of that area. Having considered both the application documents, the appeal submission documents and the responses of the Council's Conservation Officer and that of Humble Heritage (commissioned on behalf of a group of objectors), it is considered that the proposals will have a high level of harm to the non-designated heritage assets of the former Hurgill Lodge Stables, and to the Richmond Conservation Area and to the Richmond Racecourse Conservation Area by changes to important elements of their setting and historical links between the assets and the appeal site. Changes within the settings of both the non-designated heritage assets of Westfield public open space (medieval open field patterns) and the 18th Century (or earlier) Belle Isle Farmstead will cause moderate-high levels of harm.

- 2.23 Paragraph 205 of the NPPF requires that *'great weight'* is awarded to the conservation of heritage assets, including the two Conservation Areas which the appeal site is within the setting of. The NPPF clearly sets out that *'This is irrespective of whether any potential harm amounts to substantial harm.'* It goes on to state that any harm to the *'significance of a designated heritage asset (from its alteration, or destruction or from development within its setting), should require clear and convincing justification'* (paragraph 206). Less than substantial harm must be weighed against the public benefits of the proposed development.
- 2.24 Furthermore, paragraph 200 of the NPPF requires applicants to *'describe the significance of any heritage assets that will be affected, including any contribution made by their setting'*. The Appellant's Statement of Case does not appear to describe the significance of any of the heritage assets which are relevant to the determination of the appeal, nor does the Heritage Rebuttal, prepared by the Appellant's Agent, shown at their Appendix 8. Similarly, there is no evidence presented by the Appellant that consideration has been given to the appeal site's contribution to the significance of the heritage assets or the *'great weight'* to be afforded to their conservation, or indeed the appeal site's contribution to significance of the non-designated heritage assets in the immediate vicinity. Instead, these documents focus on the design of the proposed buildings and the fact that the appeal site consists of 'former stables' therefore diminishing any associated equestrian use with the site. The Heritage Rebuttal in particular focusses on the Council's lack of identification of the level of harm to the heritage assets in the Officer's Report in coming to their reasons for refusal. However, whilst CPRENEY has read the Rebuttal, particularly chapter 5, the Appellants also do not appear to identify any level of harm.
- 2.25 Richmond Conservation Area was designated by the former District Council in the early 1970s and the Richmond Conservation Area Appraisal states that development should respect *'the character and setting of this truly outstanding Conservation Area'* noting the contribution of the setting of the 'superb' countryside surrounding the built development. The appeal site forms a prominent part of the countryside setting of Richmond Conservation Area, bounding the settlement's western edge. The appeal site is visible from the 11th century Richmond Castle (which is noted as being one of the highest ranked market towns in the north of England from the middle ages). Hurgill Lodge Stables were built on land that formed part of the West Field open field, built specifically to incorporate views of Richmond as set out in the autobiography of the 2nd Marquess of Zetland *'commanding a fine view of the old town at the mouth of Swaledale.'*
- 2.26 The proposed development would be visible from the Castle Keep, which would harm the understanding of the historic form of the settlement. The Conservation Area Appraisal sets out that *'Richmond is however far more than an historical legacy, and its outstanding character is derived from the combination of a magnificent natural setting, the remarkably high survival rate of its historic street pattern, buildings and floorscape, and the preservation of important open "green" spaces which add considerably to its overall form and character. These qualities have led to Richmond attaining both national and international recognition as a truly outstanding historic market town. Pevsner described*

Richmond as "one of the visually most enjoyable small towns in the North of England" This further supports the former District Council's decision to not include the site within the development limits for Richmond or indeed allocate the site as a preferred option for emerging planning policy.

- 2.27 Under the heading 'Historic Assets' in CS Policy CP12, point 1 refers to those elements which contribute to the significance of the heritage assets across the Plan area being preserved and enhanced, *'paying particular attention to assets referred to in Paragraph 4.12.16 which make a particularly important contribution to the character and sense of place of Richmondshire.'* Of relevance to the determination of this appeal, paragraph 4.12.16 of the supporting text includes, amongst other things, *'those elements which contribute to the special architectural or historic interest of Richmondshire's Conservation Areas and their setting as identified in the respective Conservation Area Appraisals'; 'the medieval heritage including Richmond Castle and field system's; 'undesigned heritage assets which contribute to the overall character of the area'; 'the character of Market Towns'; and, 'historic public viewpoints from Richmond Castle Keep'.*
- 2.28 CPRENEY, defer to the conclusions of the Heritage Assessment produced by Humble Heritage in relation to the significance of the heritage assets and their settings and the degree of harm to be caused to them by the Appellants proposals. As such, and in conformity with the NPPF, CPRENEY place great weight on the conservation of heritage assets, in particular the Richmond Conservation Area and the Richmond Racecourse Conservation Area and consider that any perceived public benefits of the scheme as set out in the Appellants Statement of Case (namely the provision of 32 homes including affordable housing), do not outweigh the harm from the proposed development. Nor would the public benefits outweigh the very high level of harm to the non-designated heritage assets of the former Hurgill Lodge Stables or the moderate-high level of harm to Westfield public open space and Belle Isle Farmstead. Thus, CPRENEY consider that the proposal is contrary to the NPPF and CS Policy CP12.
- 2.29 As set out above, the appeal site is situated in the open countryside to the west of the settlement boundary of Richmond and in a prominent raised position, visible from the Castle Keep, a key vantage point looking north towards the town and countryside beyond. Furthermore, the site is considered to be one of the key 'gateways' into Richmond, particularly when entering the settlement by foot along the Coast-to-Coast National Trail. Given its topography, views are afforded towards the town and Castle from the site and the adjacent narrow rural roads. Additionally, to the west of the site is a public bridleway (ref: 20.57/15/1) known as 'Westfield Lane' which is highly frequented by horse-riders, dog walkers, pedestrians, runners and cyclists.
- 2.30 CPRENEY consider that the important rural landscape and historical setting of Richmond which includes the appeal site, are intrinsically linked.
- 2.31 Paragraph 180 of the NPPF directs that planning decisions should contribute to and enhance the natural and local environment by (inter alia):
- a) *'Protecting and enhancing valued landscapes [...];*
 - b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; [...]'*
- 2.32 Furthermore, the environmental objective for achieving sustainable development in the planning system is set out at paragraph 8c of the NPPF as *'to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources*

prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

- 2.33 CPRENEY are aware just how locally valued the site is from Members in the area who regularly utilise the narrow rural roads surrounding the site and the footpath to allow easy access to the countryside at this location to experience both physical and mental health benefits. As a result of the recent COVID pandemic, we are more aware than ever as a nation of the huge benefits provided by accessing the countryside. Whilst Westfields Lane is not being proposed to be diverted or stopped up, CPRENEY consider that the provision of 32 dwellings within the currently open appeal site would in fact deter users of the Lane and prevent ready access to the countryside for residents.
- 2.34 CS Policy 12 sets out clearly under 'Environmental Assets' at point b) that *'the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment.'* The same policy goes on to expressly state at point d) that *'the green infrastructure network of the plan area will be protected and where appropriate enhanced to provide a high quality, accessible, diverse and well-connected network of green space to meet the needs of the community, businesses and visitors'*. It goes on to list the key areas of green infrastructure network, including: (inter alia), the Coast to Coast Walk and views from it; woodlands, scrubland, wetland, running water, wasteland, open land and parks and gardens, river banks, cycleways and the Public Rights of Way Network.
- 2.35 At present, the landscape character of the area consists of undulating pasture land, farm dwellings, converted barns and agricultural buildings. The attractive rural landscape can be seen from far reaching vantage points, including the National Trail. The proposed development would significantly alter the rural landscape character at this gateway to the historic market town. The National Character Area ('NCA') which the appeal site sits within is the 'Pennine Dales Fringe'. The Appellants have provided a Landscape and Visual Impact Assessment ('LVIA') in support of the appeal which sets out the key characteristics of the NCA at page 14. These include (amongst others): field boundaries of drystone walls on higher ground and hedges in lower areas; a generally tranquil and rural area with a distinctly ancient character in some parts, with several small, historic market towns, including Richmond, linked by a network of minor roads; and, historically rich area with many parklands, abbeys, and historic buildings, well visited by adjacent urban populations, as well as medieval and Roman earthworks.
- 2.36 The appeal site also sits within the Landscape Character Type ('LCT') of 'Gritstone High Plateau' as identified by the North Yorkshire and York Landscape Characterisation Project, 2011. To its east, lies the Moor Fringe LCT and the Farmed Dale LCT to the south of Richmond and Urban Landscapes LCT which covers the main town of Richmond. The LVIA considers the relevant key features of these LCTs at pages 16-17. A common thread throughout all LCTs noted in the LVIA is the relationship between a rich human heritage, minor roads, strong sense of tranquillity and remoteness, panoramic views over surrounding landscapes, and a surrounding landscape which provides a setting for the edges of each urban area, which is a determining factor in their distinctiveness and sense of place. The reader therefore develops a true sense of the rurality and heritage of the landscape and appeal site.
- 2.37 The Appellants Zone of Visual Influence shown in figure 4 of the submitted LVIA shows those locations at which the appeal site can theoretically be seen within a 5km radius of the site, taking into account topography, intervening vegetation and buildings (assuming an existing building height of 7m above ground level and a woodland height of 10m). The 'blue' colour on the plan, sets out the significant areas where the proposal could be viewed from. The plan illustrates that the site will not 'only' be viewed from the Castle Keep. Whilst the view might not represent a *significant* visual change in the landscape character in the LCT or wider NCA at all of these locations, it does serve to highlight that the proposal

will be visible within the landscape and that there will be a visible change on the landscape 'which make a particularly important contribution to the character and sense of place' of Richmond as set out in the Conservation Area Appraisal.

2.38 The Council has recently (28.03.24) placed Tree Preservation Orders ('TPO') on 61 trees (additional to the 4 already under TPO), totalling 65 trees, which would be potentially impacted should the development be allowed. The LVIA makes reference to the retention of existing site boundaries and vegetation, however, in actuality, some of these are proposed to be removed as shown on the Appellants submitted proposed site plan (re: PL 01 REV E) shown below in figure 6.

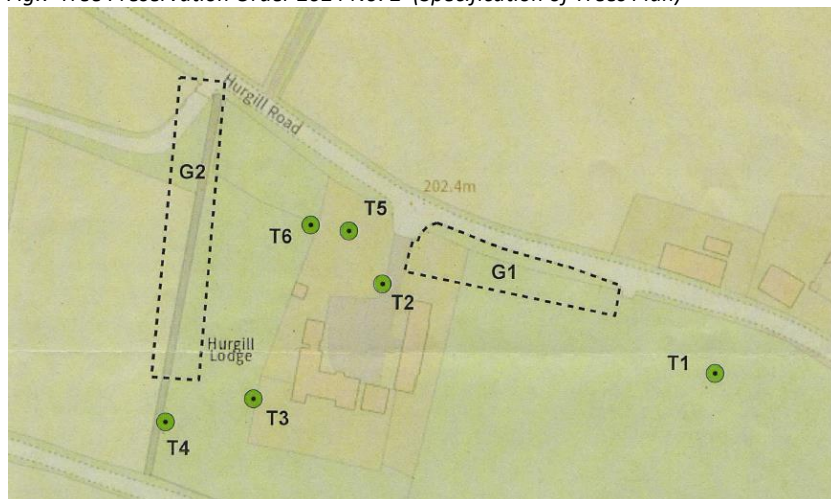
Fig.6: Proposed Site Plan Rev 6



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2.39 According to the TPO plan (shown in Figure 7 below) produced by the Council, the copse at G1 would be entirely removed to make way for the site access and comprises 52 trees. 7 trees within the copse at G2 would need to be carefully managed as their roots will encroach into the site. T4, T5, T6 would require to be removed to facilitate the development. T1 and T3 also require a root protection area, whilst T2 appears to have been missed from the proposed documents, however, would need to be removed for the proposed self/custom build house.

Fig.7 Tree Preservation Order 2024 No. 2 (Specification of Trees Plan)



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- 2.40 CPRENEY consider that the removal of trees is a significant omission in the LVIA specifically in terms of mitigation for users of the adjacent footpath and the Coast-to-Coast route. The historic, tree covered character of the footpath would be destroyed by the removal of all the trees along it to facilitate the development. The Appellant's submitted Arboricultural Assessment at the time of the original application confirms that 7 mature trees will be removed plus 1 tree group and 1 hedgerow setting out that it *'will cause a major negative impact.'*
- 2.41 The LVIA sets out that to assist in screening the proposed development *'there is potential to add to the existing landscape character by planting new amenity trees along the north, west, south and eastern boundaries.'* It goes on to set out that this could be *'further enhanced with hedge planting to create new hedges, as well as gap up existing hedges, while wildflower meadow seeding could be introduced over amenity areas of the site to improve biodiversity.'* The LVIA suggests a series of mitigation measures, however, the Appellants do not appear to have produced a specific detailed Landscape/Planting Masterplan for the appeal site. The Appellants Design and Access Statement shows a 'Landscaping Plan' within the document, however, this was submitted with the original application in March 2022 and does not account for revisions to the site plan or the trees which would need to be removed, particularly copse G1 shown in figure 7 above and mentioned within the original Arboricultural Assessment.
- 2.42 With the potential loss of such a significant amount of trees and with no submitted detailed landscape masterplan setting out the actual mitigation for the site, CPRENEY does not consider it possible to determine that the proposal will not substantially change the landscape character and visual impact of the appeal site on the wider rural environment and the setting of Richmond and the historic environment.

3. Planning Balance

- 3.1 When considering the appeal proposals against the full weight of the adopted development plan policies for Richmond in the planning balance, CPRENEY consider that the delivery of 32 new dwellings is afforded moderate weight in the planning balance. However, as the titled balance has not been triggered, given the Council's healthy housing land position, the 'need' for housing must be considered against all the other relevant policies of the development plan.
- 3.2 As set out above, in accordance with the direction of the NPPF CPRENEY place *'great weight'* is awarded to the conservation of heritage assets, including the Conservation Areas which the appeal site is within the setting of. Further, CPRENEY places great weight on the *'very high level of harm'* to the non-designated heritage assets of the former Hurgill Lodge Stables and the moderate-high level of harm to Westfield public open space and Belle Isle Farmstead. Additionally, the impact from the proposals on the acknowledged contribution of the setting of the *'superb'* countryside surrounding the settlement of Richmond, particularly on users of the local PROW network and the Coast to Coast National Trail is afforded substantial weight in the planning balance.
- 3.3 CPRENEY share members concerns regarding the location of the site and impact on residential amenity and highways should the proposal be allowed. It is considered that the steeply sloping site, would act as a deterrent to those future occupiers who wish to access the town for daily provisions by foot. Further both Hurgill Road and Westfields are both typical narrow country lanes, frequented by vulnerable users for leisure and recreational activities (including cycling, walking, jogging and horse-riding) benefitting health and well-being. The NPPF prioritises sustainable methods of transport and accessibility for vulnerable users over journeys relying on private cars, as such CPRENEY places a high level of weight on this matter.

3.4 On balance, CPRENEY consider that the appeal site is located in such a prominent area of steeply sloping countryside situated at the gateway to the settlement of Richmond and that the development of 32 houses at this location would constitute an inappropriate and unacceptable intrusion to the attractive rural setting at the western edge of Richmond and as such the merits of the scheme would not outweigh the harm. The failure to conserve and enhance the significance of the area's natural assets is again contrary to CS Policies CP3, CP4 and CP12 alongside several sections of the NPPF.

4. Conclusion

4.1 CPRENEY welcomes the opportunity to provide a written representation to the Planning Inspectorate regarding a hybrid planning application for 32 dwellings to the western edge of Richmond. The greenfield site is located within the open countryside out with the development boundary and is not easily relatable to existing services. The former District Council did not propose allocation or the redrawing of development limits in the emerging paused local plan to include the appeal site meaning that their preferred direction is to propose more suitable and sustainable sites elsewhere in the Central Richmondshire Sub Area.

4.2 For the reasons set out in this representation, the proposed development is considered to be contrary to several local and national planning policies and therefore, CPRENEY respectfully ask that this appeal be dismissed.