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## Appeal Decision

Site visit made on 25 January 2022

by **M L Milliken BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

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### Appeal Ref: APP/Y2736/D/21/3287439

### 12 Balksyde, Slingsby, North Yorkshire YO62 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Thomas Norton against the decision of Ryedale District Council.
  - The application Ref 21/01054/HOUSE, dated 2 July 2021, was refused by notice dated 22 September 2021.
  - The development proposed is described as '*Driveway to front elevation of 12 Balksyde where access is needed over a pavement and grass verge*'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the possible effect of the proposed development on the significance of local heritage assets. In particular:
  - (i) Whether or not the proposed development would preserve or enhance the character or appearance of the Slingsby Conservation Area (the CA); and
  - (ii) The effect of the proposed development on the special interest of the Grade II listed mile post, and with particular regard to its setting.

### Reasons

#### *Character and Appearance*

3. The appeal site comprises a section of grassed verge along Malton Road. From the evidence before me, the significance of the CA relates, in part, to the presence of green verges, which provide a softening effect and separate the settlement from the highway. I observed and appreciated them during my site visit and consider that the appeal site makes an important and positive contribution to the character and appearance of the CA.
4. The proposed development would involve the creation of an area of hardstanding to form a driveway, which would link with the garden of the host property, enabling direct vehicular access from Malton Road. In so doing, it would erode a significant portion of the grass verge. It would not be sympathetic in its appearance and would result in an adverse effect on the character and appearance of the appeal site and its surroundings.

5. I understand the needs of the appellant to improve access to the property, however I am not satisfied that there are not other means of access available to the appellant with regards to the property that could otherwise be employed.
6. The appellant has also drawn my attention to the existence of a driveway at 1 Ryedale View that has access via Malton Road, which was granted on appeal. However, no further information regarding the appeal has been submitted for consideration. I therefore cannot conclude that the property in question is directly comparable to the appeal site, with regards to the location of the host dwelling and its immediate context adjacent to a listed building and within the CA. In any event, I have considered the proposal before me on its merits and I therefore attribute minimal weight to the example provided.
7. I also note references made to other driveways within the vicinity crossing green verges. However for the reasons as set above, I cannot reasonably conclude that these are directly comparable to the appeal site and the proposed development. Whilst I note that Highways England did not object to the proposed development, this does not in itself render the proposal to be otherwise acceptable.
8. The appellant asserts that the Council failed to visually assess the appeal site in person, however I do not have any further evidence from either party in this regard. I therefore give such statements little weight in the consideration of this appeal.
9. By virtue of its design and position, the proposed driveway would result in less than substantial harm to the significance of the CA. It would conflict with Policy SP12 of the Ryedale Plan – Local Plan Strategy (RPLPS) (adopted September 2013), which seeks to ensure that designated historic assets and their settings will be conserved and, where appropriate, enhanced.

#### *Setting of Grade II listed building*

10. The proposed development would be situated adjacent to a Grade II listed mile post. The Listing Description states that the mile post dates from the late 19<sup>th</sup> Century and is described as '*Made by Mattisons of Bedale. Triangular on plan with sloping upper face*'. I find that the significance of the asset relates to, in part, its form and location. The mile post is currently set within a grassed verge, which allows good legibility and serves to enhance its setting.
11. The proposed partial removal of the grassed verge, together with the materials to be used for creation of the driveway, would contrast markedly with the grassed verge and would appear incongruous in the context of the listed mile post and its setting, ultimately serving to undermine its historic significance.
12. I therefore consider that the proposed development would result in less than substantial harm to the significance of the setting of the mile post, a Grade II listed building, and would thereby have an adverse effect upon the significance of the designated heritage asset. It would conflict with Policy SP12 of the RPLPS (2013), the details of which are outlined above.

#### **Planning Balances**

13. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that

when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

14. The proposed driveway would fail to preserve the character and appearance of the CA and would have an adverse effect on the significance of a designated heritage asset. Paragraph 202 of the Framework requires that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. I have had regard to the benefits put forward by the appellant, however I do not consider that, in overall terms, the public benefits proposed outweigh the scale of the harm that I have identified in relation to both the CA and the Grade II listed mile post.
16. For the reasons stated, the proposed development would be contrary to Policy SP12 of the RPLPS (2013), which seeks to ensure that designated historic assets and their settings will be conserved and, where appropriate, enhanced, and that development which would result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.

### **Conclusion**

17. The statutory duty in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposed development would fail to preserve or enhance the character or appearance of the CA and would have an adverse effect on the significance of the designated heritage asset. The harm I have identified would not be outweighed by any public benefits.
18. The proposed development would also be contrary to the development plan, for the reasons cited. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*ML Milliken*

INSPECTOR