

# Members Update Sheet

## Item 2 NYM/2019/0628/FL

Please note amendment to condition 21 as follows:

21. HWAY00 The existing outbuilding on the site shall only be used to provide a single garage for dwelling 1, and domestic stores/workshop for Brookfield and shall not be used at any time for any other purpose.

See objections received from CPRE set out below:



The countryside charity  
North Yorkshire

PO Box 189  
York  
YO7 9BL  
[www.cprenorthyorkshire.co.uk](http://www.cprenorthyorkshire.co.uk)

**NYM/2019/0628/F:** Land Adjacent Brookfield, Maltongate, Thornton-le-Dale

**CPRENY Response:** STRONG OBJECTION

### Key Points

In assessing this application, Members must remember that they are subject to the requirement to give considerable importance and weight to the desirability of preserving the setting of a heritage asset. They must also remember that considerations relating to the First Purpose of the Authority, namely the duty to conserve and enhance the... cultural heritage of the National Park, should take precedence over any other considerations.

Officers have 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.

The inspector finds that the application site forms an 'important part of the setting of the listed building'. She says it 'plays a role in the historical significance of the collection of traditional agricultural buildings including the listed building' adding that 'as open land the site contributes to the grouping's relevance as a former farmstead'. She also states that 'despite the intervening vegetation the open nature of the site is appreciated from Maltongate'. She adds that 'the site plays a role in defining the traditional rural character of the settlement which is part of the Conservation Area's significance'.

The NPPF states that any harm to heritage significance requires clear and convincing justification. The Inspector found that the provision of two dwellings was insufficient to justify the harm that would be caused by developing this site.

The application site falls within the setting of five, Grade II listed buildings, within Thornton-le-Dale Conservation Area (CA) and within a National Park.

It is one of the last remaining, undeveloped parts of the planned, medieval, landscape

As an in-village farm that emerged following the amalgamation of medieval burgage plots it is also an important part of the historical development of the village. It demonstrates 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 site is shown in historic mapping in its current form. It is not, as the applicant argues, a bit of left over land. It is very likely that the site was related to the nearby village pound which augments its significance. The CBA supports this theory.

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.

The proposal would undermine the traditional enclosed plan form of the listed farmyard and the legibility of the function of the listed farmhouse by undermining their undeveloped, open setting.

The North Yorkshire branch of Campaign to Protect Rural England  
Registered charity number: 1174989  
Registered address: PO BOX 189, York, YO7 9BL

Brookfield is a humble, one and a half story farmhouse. It will be dominated by the proposal whose ridge height and mass will be higher and greater than Brookfields.  
The Authority's own Conservation Area Appraisal states that green, open spaces like the application site are an important part of the Conservation Area's character and should be conserved.  
The non-vernacular design and detailing also contravenes design advice in the Authority's Conservation Area Appraisal.

Officers have not considered non-visual impacts on setting as required by established case law such as Catesby V. Steer.

We would urge Members to refuse this application let the Planning Inspectorate determine the right course of action.

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**Others: Ian and Shirley Neale, Rose Cottage, Maltongate, Thornton-le-Dale** - We are surprised at the Planning Officer's recommendation of approval for this application in view of the evidence from:

NYMNPA's own planning policy for the area  
The government appeal inspector's conclusions  
Reservations of NYMNPA archaeologist (29.09.20)  
Reservations of NYMNPA Buildings Conservation Officer (23..11.20)  
Independent comments from CBA

Independent comments from CPRE  
Objections from the Parish Council  
Objections from local residents

In fact, apart from the paid consultants, the only support is a largely irrelevant letter from former Brookfield tenants with no local connections who now live in America

**Roger & Rosemarie Sharples, 1, Brookfield Gardens, Thornton-le-Dale**

- The new evidence provided by the NYMPA Building Conservation Officer deems the WSP Heritage Statement commissioned by the applicant as 'not fit for purpose'.
- This only goes to reiterate what has been highlighted in several documents, by independent organisations and qualified individuals, that the garden/orchard area where the development is proposed has always been an integral part of the Brookfield Cottage site and as such is an important element of the heritage of this Grade 2 listed cottage.
- If this area is allowed to be built on a historical site will be lost forever. How and where will future generations be able to appreciate the holistic significance of a Grade 2 cottage, outbuildings, a market garden/orchard and a pinfold?
- Why build on an area that has no existing buildings on it?
- How much of the original layout and character of the village will remain if the policy of infill with housing is pursued without due consideration to the need for specific open spaces to be retained?
- There must be a more appropriate site for two 2 bedroomed single storey, semi-detached houses in Thornton-le-Dale rather than on a conservation site of significant importance.
- Over the last seven years the area defined for the development has changed from an area separated by a farm gate from Brookfield Gardens with apple trees, bushes and covered in vegetation, to an area that now has a lone old pear tree with the majority of the vegetation killed off. This was obviously not the case in the past when the area provided an important source of food for the cottage. It would be far more appropriate for the preservation of the conservation aspect if it reverted to a small market garden with the fruit trees reinstated.
- The plans for the development identifies a turning area in front of the proposed houses adjacent to the neighbour's rear gardens. The Independent Inspector, who refused the Appeal by the applicant when the Planning Committee refused the last application for the site, stated that the noise disturbance for neighbours from an increase in the amount of traffic was a contributory factor in the refusal of the Appeal. The same amount of vehicles + additional delivery vans will be using the turning area as in the last application. Who wants to sit in the privacy of their garden with the noise of vehicles reversing when using the turning area?

To conclude, we were under the impression that one of the major roles of the North York Moors Park was to protect the conservation and heritage of the areas within their jurisdiction, particularly when the named site is designated as a Conservation Area of particular importance (see the comments in the independent reports). The exception to this is in the WSP report commissioned by the applicant where the significance of the garden/orchard area is described as a 'left over space'. Hardly an appropriate description of an identifiable heritage area.

We would appeal to the members of the Planning Committee to ensure that our village retains one of its important individual historical features and that you will help us protect this valuable asset for posterity.

**Richard Gray, Rookwood, Maltongate** - I would like to add that to the north and the south of the proposed development site the properties along Maltongate, including Brookfield itself, were built many years ago. Much of the more recent developments in the village are to the West of the proposed development which if it goes ahead would then be on the eastern

fringe of this area. To the east, immediately across Maltongate, are the two Grade 2 Listed properties Brooklet House & Rookwood. Extending this line further east the next houses encountered are in Allerston, two villages and almost three miles away. This does not fit with the statement 'main built up area'.

**Deborah Croot and Sue Brown, 61 Roxby Road, Thornton Dale** - Further to our previous letters of objection, we continue to object to this application for the following reasons, not previously stated and ask that these be considered:

- It has been clearly stated by CPRE, CBA and NYMNP's own Building Conservation Officer that this application contravenes several paragraphs of the NPPF. Surely, if this is approved, it sets a precedent for future applications here in the National Park to also potentially contravene policies.
- The NYMNP Building Conservation Officer has stated that the Heritage Statement is "not fit for purpose" and that "an important open space should be left undeveloped" How can the application be proposed for approval and a further heritage assessment to be submitted AFTER the event? This situation is not likely to allow for proper consideration with neither planning officers nor the Planning Committee not having the full facts available at present to assess.
- The nature of the site has been altered over the years from a productive garden and orchard to waste land, which has been deliberately sprayed with weedkiller on behalf of the applicant (as has the land within the historic Pinfold). Apple trees have been felled and the site is now barren, supporting no wildlife at all.
- Of the 146 pages of third party responses, 145 of these are letters of objection. The one letter of support was from former tenants of Brookfield (owned by the applicant...!) who have now left the country.
- Professional bodies – CPRE, CBA, NYMNP's Building Conservation Officer and also HM Government Planning Inspector have all objected to this application. They can't all be wrong.