

**Parish: Thirsk**

**Ward: Thirsk**

**7**

**Committee date:**

**29th July 2021**

**Officer dealing:**

**Mr. M. Pearson**

**Target Date:**

**3<sup>rd</sup> June 2021**

**Date of extension of  
time (if agreed):**

**21/00912/LBC**

**Listed building consent for the creation of a sculpture park and gallery.**

**At: Thirsk Hall, Kirkgate, Thirsk**

**For: Mrs D. Bell**

**This application is referred to Planning Committee due to the scale and significance of the proposal.**

## **1.0 Site, context and proposal**

1.1 The site application site is located in the curtilage of the Grade II\* Thirsk Hall in Thirsk. The hall itself is three storeys in height located on Kirkgate with its principal façade orientated east to face the highway set behind a small front garden area with driveway. To the rear (west) are substantial grounds that extend to Newsham Road, Cemetery Road and Masonic Lane. Officers consider the curtilage of the hall is characterised as follows:

- To the south of the hall is a collection of outbuildings accessed via a driveway off Kirkgate. These buildings comprise of a variety of generally two storey functional buildings that served the estate including stables and a dovecote.
- Lawned area with footpaths and bedding areas immediately to the west and north-west of the hall defined by an L-shaped Ha-Ha that separates the more formal area gardens to the parkland beyond.
- To the west of the Ha-Ha is the grassed parkland. This is the largest area and comprised a grassed area with isolated mature trees that is defined by high brick walls to the west along Newsham Road to south-west along Masonic Lane. At the junction of Masonic Lane and Newsham Road is a gated entrance. This area of the parkland also contains belts of trees that restrict views into grounds from the public and height of the walls. These walls are considered to define the extent of the curtilage and are also considered to be curtilage listed.
- To the north-west of the hall, beyond the formal gardens is the former Kitchen garden. This is rectangular in shape and is defined by high brick walls and also includes an access track to the gated entrance on Cemetery Road. These walls are considered to be curtilage listed.
- To the west of the former kitchen garden are two paddock areas defined by high brick walls. All of the walled areas are linked via existing gated entrances. The smaller paddock (roughly square in shape) contains the former single storey stables located along the northern boundary, whilst the larger paddock (roughly rectangular in shape) extends down to Newsham Road contains no structures. This is the part of the area subject to application. In south-west corner of the paddock is a short break in walled enclosure that allows for access into the

parkland to the south. In the north-east corner is an existing gated entrance that provide access to the field enclosure to the north. These walls are considered to be curtilage listed.

- To the north of the two enclosed paddocks is a large rectangular field enclosure that is defined by hedgerows along Cemetery Road and Newsham Road. to the east along the garden boundaries of the properties on Church View. The southern boundary is defined by the brick walls of the paddocks to the south. The field enclosure has two breaks in the hedgerow, one at the junction of Cemetery/Newsham Road and the other along Cemetery Road. These gaps in the hedgerows afford views across the field enclosure, towards the high brick walls and other structures stables check. This fields provides the extent of the curtilage to hall and part of the field is included within the area subject to the application.

- 1.2 Within the curtilage are a number of other buildings and structures as noted below. Some of these buildings are individually listed whilst other due to their age (constructed pre-1948) and location within the curtilage of the hall are considered to be curtilage listed and thus afforded listed building protection:

#### Listed

- Wall to south of Thirsk Hall Grade II listed
- Wall to north of Thirsk Hall, extends along Cemetery Road Grade II listed
- Dovecot and outbuildings and the Stables are Grade II listed
- Thirsk Hall Cottages Grade II listed to the north

#### Curtilage listed

- Perimeter wall along Newsham Road and Masonic Lane
- L-shaped Ha-Ha
- Variety of walled enclosures
- Single storey stables

- 1.3 The application site also located in the Thirsk Conservation Area – Character Area 2 - Kirkgate and within the character appraisal the grounds to the rear of the hall are identified as a key open space and the frontages along Cemetery Road, Newsham Road and Masonic Lane are identified as important frontages and walls. In the wider vicinity there are a number of listed buildings on both sides of Kirkgate to the south-east of the hall and to the north is the Grade I listed Church of St Mary. Immediately to the south of Masonic Lane is the Thirsk Castle Scheduled Ancient Monument.
- 1.4 The immediate context is varied with residential properties on Church View and Cemetery Road the closest cluster of residential properties to the north-east of the application site. These are generally modern two storey properties. The closest properties are c. 75 metres from the north-east corner of the walled enclosure. These properties have rear elevations and garden areas that overlook the field

enclosure subject to the application. There are some residential properties at Croft View and to the rear of west side of Kirkgate c. 250 metres to the south-east of the application site that are located immediately to the south of the of the outbuildings at Thirsk Hall. These are a variety of modern and historic buildings that are generally two storeys in height. Given the separation distance and intervening buildings these residential properties have no direct relationship to the application site.

- 1.5 To the north of the application site on Cemetery Road is the cemetery defined by a low brick wall and agricultural land, whilst to the west is Thirsk Racecourse with its associated stables located opposite the application site and sports pitches with associated pavilions. To the south and east are the remainder of the curtilage of the hall described above.
- 1.6 The proposal is for the creation of a sculpture park and associated gallery space within the grounds. The sculpture park element is located in the lawned areas to the north-west of the Hall and the parkland area to the west. The proposal also includes the change of use of part of an outbuilding located to the south of the Hall that is constructed in brick with a pitched pantile roof. The proposal involves external works to the west gable to replace the large modern metal door with a timber framed glazed entrance. This outbuilding is considered to be a curtilage listed structure and thus is the subject of this listed building consent application.
- 1.7 During the course of the application further information has been provided regarding the location of the sculptures, scale and height parameters and clarification on the foundation design.
- 1.8 This proposal is part of wider plans for the estate and the submitted design and access statement lists the following:
  - Glamping
  - Conversion of the old stables to create luxury holiday accommodation,
  - Outside events, such as Thirsk Live Pop Concert, Classical Music Festival, Drive through Cinema, Art & Antique car boot Sales, James Herriot event / Dog Show, Bonfire Night, Santas Grotto, Literary Festival, etc where local suppliers, such as catering vans, will be invited to attend,
  - A number of open garden days and Private House Tours during the year,
  - Promote Thirsk Hall as a destination for films and photoshoots,
  - Use Thirsk Hall as a destination for wedding receptions, using local suppliers such as marquee companies, caterers, etc.,
  - Large Barn converted as a gallery space to support the sculpture park but also as an events space moving forward (Literary Festival, Classical Music Concerts, Pop up Supper clubs with visiting chefs, life drawing, art fair)
  - Outbuildings converted to offices for local businesses, Farm Shop, covered market, Yoga space (open to hire), Café
  - Re-establish Kitchen Garden and 'pocket' garden centre in main stables with the aim to sell produce in the farm shop.

## **2.0 Relevant planning history**

- 2.1 21/00911/FUL - Application for Change of Use of agricultural land, building and domestic garden to mixed use to allow for the creation of a sculpture park and gallery, along with the continued use of both existing agricultural land for grazing of livestock and private garden. Concurrent application - Pending consideration.
- 2.2 21/00501/FUL - Change of use of agricultural land to mixed use to allow for camping facilities, including up to 10 sleeping pods, temporary showers/wc's, access and parking, which would operate alongside the existing agricultural use for the grazing of livestock. Pending consideration.

## **3.0 Relevant planning policies**

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policy DP28 - Conservation

Development Policy DP32 - General design

National Planning Policy Framework

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

Policy S 7 - The Historic Environment

Policy E 1 - Design

Policy E 5 - Development Affecting Heritage Assets

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

## **4.0 Consultations**

- 4.1 Thirsk Town Council – No objection. Aware of the concerns and objections but considers that the benefits to Thirsk will outweigh any negative impact of the proposal.
- 4.2 NYCC Highways Authority – No comments received.
- 4.3 NYCC Heritage Services – No objection.
- 4.4 Historic England – No observation (noted on concurrent planning application)

- 4.5 Council for British Archaeology – No comments received.
- 4.6 Site Notice expired on 28.4.2021 and Neighbour Consultation period expired on 19.5.2021 – one observation in support as summarised below:
- Notes the benefit of the proposal that will increase visitor spending in the town and the temporary nature of the displays will not have an adverse impact on the setting of the listed building.
  - Also notes public access will require facilities such as WCs and a cafe but these do not these do no part of the application

## **5.0 Analysis**

- 5.1 The main issue to consider is: (i) the impact of the proposed change of use and alterations to the curtilage listed structure.
- (i) the impact of the proposed change of use and alterations to the curtilage listed structure
- 5.2 As noted above in section 1 the building subject to the application is considered to be a curtilage listed structure. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function for development which affects a listed building or its setting, special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework at paragraphs 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.3 The significance of the outbuilding relates to its historic and limited architectural interest following significant alterations. This is evidenced in the location building in the area to the south of Thirsk Hall where many of the former working buildings associated with the operation/maintenance of the hall and its grounds are located complex. Its simple architectural form and limited architectural detail suggests the functional nature of the building. It is also noted that the building has been altered over time with new openings in the north and south facades together with the insertion of large modern opening in the west gable. Furthermore, a concrete floor has been inserted and modern light fittings are also in-situ.
- 5.4 The proposed change of use does not involve any internal alterations and the only external works relate to the replacement of the large modern door in the west gable. The proposal is to provide a glazed timber entrance door within the same opening size. This approach is considered to be satisfactory subject to a condition on the precise details of the proposed timber framing. On the basis of the above the proposal would preserve the curtilage listed building and would not cause any harm to the identified significance.
- 5.5 The outbuilding subject to the application is located within the setting of Hall, other nearby listed buildings – Dovecot and Stables. However, given the relationship and location of the outbuilding together with the relatively minor proposed external works the proposed development is not to impact on the setting of the Thirsk Hall, the

adjacent listed buildings or curtilage listed buildings structures located within the grounds.

- 5.6 On the basis of the above it is considered that the proposal would satisfy LDF policies CP16 and DP28. In terms of the emerging Local Plan the proposal would satisfy Policies S7 and E5 relating to heritage.

#### Planning Balance

- 5.7 In accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered the proposals would preserve the curtilage listed structure. As no harm to the significance of the designated heritage assets has been identified, the requirements of paragraphs 195 and 196 of the NPPF are not engaged on this occasion. In addition, it is considered that the proposed development complies with the relevant Local Development Framework policy in terms of conservation, design, and is otherwise in accordance with local and national policy requirements.

### 6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with drawing no. 3904/PD/06A received by Hambleton District Council on 8.4.2021 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to the construction or alteration of above ground external surfaces commencing, details of the cross section of the window and door frames in the west gable, together with details of the method of construction and opening mechanism and opening movement shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows and doors shall conform to that approved specification.

#### Reasons:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP16, CP17, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policies CP16, CP17, DP28 and DP32.