

# Agenda

**Meeting:** Planning Committee

**Venue:** The National Park Office, The Old Vicarage, Bondgate, Helmsley

**Date:** Thursday 8 February 2024, 10.00am

## Business

1. Apologies for absence
2. Public minutes of the meeting held on Thursday 30 November 2023
3. Public question time (an opportunity for members of the public to ask questions)
4. Members are reminded that it is their responsibility to declare the nature of any personal, prejudicial and/or disclosable interests relating to any agenda item immediately prior to its consideration and are encouraged to complete a written declaration using the form provided.
5. Emergency evacuation procedure – The chair to inform members of the public of the emergency evacuation procedure.
6. Exclusion of the public from the meeting during consideration of Item No. 9 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 6 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972.
7. Miscellaneous items
  - a) Appeals (Development Management)
  - b) Appeals (Enforcement)
  - c) Planning applications determined by the Director of Planning
  - d) List of enforcement matters determined by the Director of Planning
8. To consider applications, together with the Director of Planning recommendations thereon:-

<b>Plans List Item Number</b>	<b>Application Reference</b>	<b>Development description and site address</b>
1	<a href="#"><u>NYM/2023/0868</u></a>	variation of condition 2 (material amendment) of planning approval NYM/2022/0001 to allow a reduction in footprint, increase in height,

<b>Plans List Item Number</b>	<b>Application Reference</b>	<b>Development description and site address</b>
		creation of recess for bins and alterations to fenestration and doors of the approved side extension (retrospective) at 43 Brook Lane, Ainthorpe
2	<u><a href="#">NYM/2023/0712</a></u>	construction of workshop/store/maintenance building with associated parking and landscaping works (revised scheme following refusal of NYM/2021/0532/FL) at Windhill Farm, Bentley Buildings, Glaisdale
3	<u><a href="#">NYM/2023/0806</a></u>	variation of conditions 2 (material amendment), and 4 of planning approval NYM/2021/0999/FL to allow enlargement of one window opening and installation of doors and to allow the sale of beach toys, equipment and seaside memorabilia at The Galley on the Quarterdeck, Covet Hill, Robin Hoods Bay
4	<u><a href="#">NYM/2023/0850</a></u>	removal of condition 5 of planning approval NYM/2021/0472/FL to allow permanent siting of the shepherd's huts at Land off Sutherland Road, Cropton
5	<u><a href="#">NYM/2023/0857</a></u>	erection of stable building for equestrian and livestock purposes (revised scheme following refusal of NYM/2023/0204) at Land south of St Margarets Church, Aislaby
6	<u><a href="#">NYM/2023/0607</a></u>	Listed Building consent for installation of seven replacement traditional weighted vacuum sealed sliding sash windows and two Yorkshire sliding sash vacuum sealed windows at The Old Vicarage, 40 North End, Osmotherley
7	<u><a href="#">NYM/2023/0640</a></u>	conversion of former store to holiday letting cottage together with construction of replacement porch and masonry access bridge (retrospective) at West Cliff Farm, Danby Head, Danby
8	<u><a href="#">NYM/2023/0646</a></u>	erection of 17.5 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, siting of generator cabinet, perimeter fencing and hardstanding parking area at land south of Cleveland Way, Ingleby Greenhow
9	<u><a href="#">NYM/2023/0698</a></u>	erection of 25 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, off-grid power generator, fencing, landscaping and construction set down area at site 70 metres north of existing mast, Newgate Farm, Lockton
10	<u><a href="#">NYM/2023/0560</a></u>	erection of lattice tower (20 metres) with attached antennas and dishes, ancillary ground based equipment and access track at North

Plans List Item Number	Application Reference	Development description and site address
		Ings Plantation, Thunderbush Moor, Commondale

**Relevant planning files are available for inspection prior to the Meeting upon request. Photographic evidence will be on display in the Committee Room (where applicable).**

9. Such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

**Private Business - Minutes/Reports Circulated To Members Only**

10. Private minutes of the meeting held on Thursday 30 November 2023

Chris France  
Director of Planning

**Press Contact: Nina Beadle, Media and Communications Officer, 01439 772700**

**Note:**

- To ensure this meeting is conducted in an open and transparent manner it will be live streamed to the public and recorded. A link will be published under the relevant meeting heading on the Authority's website. The recording will be held in accordance with the Authority's retention policy.
- The Authority allows the recording and reporting of public meetings but asks that any party wishing to do so informs the Authority in advance of the meeting. Recording and reporting that disrupts the meeting is not allowed. Persons expressly refusing consent, children and vulnerable adults cannot be filmed or photographed. The existing rules relating to confidential and exempt information, defamation, Data Protection and Public Order apply. The Authority accepts no liability whatsoever for the recording and reporting carried out by other parties.
- Members are reminded to turn all electronic equipment to silent mode, including mobile phones, laptop computers and tablets. Please note that only information that is available to Members during the Committee meeting should be accessed from a computer in the interests of sound decision making.
- Please note that the meeting may be adjourned to enable Members and Officers to have appropriate breaks (including lunch). This will only be undertaken when absolutely necessary and at the Chair's discretion. Lunch will be available at approximately 12.30 pm. Members taking lunch will have the appropriate amount deducted from any subsistence claim they may make.
- Tea and coffee will be available a quarter of an hour before the meeting.
- Please ensure when parking in the car park that you have not caused an obstruction which could prevent emergency vehicles accessing the building.
- Judith Seaton should be notified of any apologies.

- This agenda and application documentation are also available on the website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). Comments on planning applications can be submitted by post to North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, YO62 5BP or by e-mail to [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)
- This agenda is available in large print on request.

# North York Moors National Park Authority

## Item 2 Public minutes of the meeting held on Thursday 30 November 2023, 10.00am

### Present:

Joy Andrews, Jim Bailey, Malcolm Bowes, David Hugill, David Jeffels, John McCue, Heather Moorhouse, Clive Pearson, John Ritchie, Christine Robertson, Arnold Warneken

**The Chair notified all present that the meeting is being live streamed to the public and recorded.**

### Apologies:

Michelle Donohue-Moncrief, Jane Harper, Patrick James, Bob Marley, Abida Nayyar, Curt Pugh, Janet Waggott, Colin Williamson

## Copies of all documents considered are in the minute book

### 59/2023 Minutes

That the public minutes of the meeting held on Thursday 12 October 2023, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 60/2023 Public question time

There were no questions from members of the public.

### 61/2023 Members interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or disclosable interests relating to any agenda item prior to its consideration.

### 62/2023 Emergency evacuation procedure

The Chair informed members of the public of the emergency evacuation procedure.

### 63/2023 Exclusion of the public

That the public be excluded from the meeting during consideration of Item No. 12 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 6 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972

### 64/2023 Miscellaneous items

Considered: The report of the Director of Planning

**Resolved:** That the report be noted.

## **65/2023 North Yorkshire Housing Strategy**

Considered: The report of the Planning Officer

**Resolved:** That Members noted the contents of the draft North Yorkshire Council Strategy, agreed to the Officer response as outlined in Section 4 of the report, and additionally asked how the strategy is to be delivered and monitored and how it linked to other key NYC strategies and visions such as the Local Transport Plan and Economic Strategy.

## **66/2023 Annual Monitoring Report of the Local Plan**

Considered: The report of the Head of Strategic Policy

**Resolved:** That Members noted the contents of the Annual Monitoring Report 2022-23, authorised publication of the document on the Authority's website and requested that the report includes a summary of the effectiveness of the application of planning policies.

## **67/2023 Applications for planning permission**

The following members of the public addressed the meeting regarding the plans list items indicated:

Plans list item 1: Karen Fojit spoke as the applicant and William Robert McCutcheon spoke in favour of the application.

Plans list item 2: Chris Stamp spoke as the applicant.

Plans list item 3 : Jeff Granger spoke as the agent.

Plans list item 6: Craig Sewell spoke in objection to the application.

Considered: The report listing applications and the Director of Planning's recommendations thereon.

Members also considered further information circulated on the Members' update sheet including; updates from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

### **Resolved:**

That with regard to all applications listed in the report and subject to:

the amendments specified below; and

the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above:

Decisions be given in accordance with the Director of Planning's recommendations.

## Plans list item 1

NYM/2023/0498 – Demolition of existing hotel, construction of three-storey replacement hotel and community facility including pub and restaurant with associated access, parking, and landscaping works at Cliffemount Hotel, Runswick Bay

**Resolved:** Members were verbally informed that the fire officer comments should be stated in the report as ‘no objections,’ not ‘no comments.’

Approved with amendments to conditions 3, 7, 10, 14 and 20, deletion of conditions 6 and 21 and additional highway condition together with an amendment to informative three to make reference to condition 6 not 7 and additional informative as set out on the Members Update Sheet:

3. The hotel rooms hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition ‘holiday letting’ means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
7. No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
10. The Development shall be built in accordance with the following submitted designs;
  - FRA & Drainage Strategy, HEXA Consulting, Reference 700126-HEX-00-XX-RP-C-9240, Revision V04, Dated 08/11/2023.
  - Drainage Layout, HEXA Consulting, Reference 700126-HEX-00-XX-DR-C-9202, Revision P04, Dated 08/11/2023.
  - Catchment Areas, HEXA Consulting, Reference 700126-HEX-00-XX-DR-C-9203, Revision P04, Dated 08/11/2023.
  - Existing Drainage, HEXA Consulting, Reference 700126-HEX-00-XX-DR C-9201, Revision P01, Dated 08/11/2023.
  - Exceedance Flows, HEXA Consulting, Reference 700126-HEX-00-XX-DR C-9204, Revision P04, Dated 08/11/2023.

The flowrate from the site shall be restricted to a maximum flowrate of 3.0 litres per second. A 45% allowance shall be included for climate change for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

14. The development hereby approved shall be undertaken in accordance with the tree protection plan and Arboricultural Method Statement prepared by Elliott Consultancy Ltd dated July 2023.
20. The development hereby approved shall be undertaken in accordance with the Construction Management and Logistics Plan dated July 2023, ref 22-1116.

**Additional condition:**

The development must not be brought into use until the access to the site has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:

- The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and Standard Detail number E50A and the following requirements.
- Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed in accordance with approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

**Additional informative:**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by North Yorkshire Council as the Local Highway Authority, is available to download from the [Council’s web site](#). The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to .

**Plans list item 2**

NYM/2023/0562 - Removal of oil tank from rear garden and installation of replacement tank in front garden (retrospective) at 69 South End, Osmotherley

**Resolved:** Approved with an amendment to condition 2 as set out on the Members Update Sheet:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Document Description	Document/Drawing No.	Date Received
Location Plan	N/A	12 June 2023
Proposed Elevations	1860 06 Rev B	12 June 2023
South Elevation	1860 02A	28 November 2023
Proposed Floor Plans	20/022/03A	7 November 2023
Mitigations set out in Bat, breeding bird and barn owl survey (MAB, 2022)	N/A	12 June 2023



**Plans list item 3**

NYM/2023/0372 - Change of use and alterations including 2 no. rooflights to former stables to form one principal residence dwelling at Pease Court, Guisborough

**Resolved:** Approved as recommended.

**Plans list item 4**

NYM/2023/0477 - Conversion of and extension to outbuilding to form one holiday let with amenity space, parking and landscaping works at 2 Castlegate, Helmsley

**Resolved:** Approved as recommended.

**Plans list item 5**

NYM/2023/0648 - Advertisement consent for the display of 1 no. illuminated fascia sign, 1 no. illuminated menu board and 'A' board (resubmission of NYM/2018/0715/AD) at La Trattoria, 17 Market Place, Helmsley

**Resolved:** Granted as recommended

**Plans list item 6**

NYM/2023/0504 - Variation of condition 3 of planning approval NYM/2012/0585/FL to limit the number of users of the amenity block to 50 for 28 days of the year at land to the southeast of 11 Easton Lane, Ainthorpe

**Resolved:** Approved with the decision delegated to the Director of Planning to clear an amendment to the wording of condition 2 to ensure the camp site is only used by 50 persons during a single event and for no more than 28 days per calendar year and an additional condition removing camping/caravanning/temporary use of land permitted development rights.

**Plans list item 7**

NYM/2023/0560 - Erection of lattice tower (20 metres) with attached antennas and dishes, ancillary ground based equipment and access track at North Ings Plantation, Thunderbush Moor, Commondale

**Resolved:** As stated on the Members Update Sheet this application was deferred to the February 2024 Planning Committee meeting at the agent's request to allow time to address the ecology issues.

**68/2023 Private report – Silpho Brow Farm West and Whin Covet, East Ayton**

Considered: The report of the Senior Enforcement Officer

**Recommendation:** That Members note the report and endorse the proposal to prosecute for non-compliance with the appeal decisions relating to these sites.

**Resolved:** Members noted the report and endorsed the proposal to prosecute for non-compliance with the appeal decisions relating to these sites. Furthermore, members requested that dialogue with the landowner continues, and that the Authority is fully prepared with a press release.

# North York Moors National Park Authority

## Item 3, Public Question Time

### When?

Public Question Time will be at the beginning of each meeting, immediately after the minutes of any previous meeting have been agreed and will be limited to a maximum of 15 minutes of questions and answers in total.

### What?

- Only questions will be allowed, and these must relate to the business of the Authority.
- Any questioner will be limited to two minutes maximum speaking time.
- Supplementary questions will only be allowed for purposes of clarifying an earlier answer.
- If answers cannot be provided on the day a reply in writing will be offered

### How?

Any questions must be delivered in writing to the Director of Planning at least two clear working days before the meeting. The Chair will then call questioners at the meeting in the order questions were received.

**Answers to questions will normally be given by the Chair.**

### Exclusions?

No question relating to an individual recipient of services will be allowed, as appropriate alternative channels exist for such inquiries.

The opportunity to ask questions under this scheme does not apply to staff or their representatives, since other mechanisms are available.

No questions can be accepted which relate to matters which would normally be dealt with in private session because they relate to exempt information, for example: -

- Legal actions
- Financial and business affairs of other organisations
- Individual members of staff
- Trade Union negotiations

No questions can be accepted where there is a statutory procedure in place for public consultation, for example: -

- Traffic regulation orders
- Public rights of way orders, etc

### Notice of questions should be sent to:

Director of Planning, National Park Office, Old Vicarage, Bondgate, Helmsley, YO62 5BP  
or by email to [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk).

# North York Moors National Park Authority

## Item 7, Miscellaneous items

### Appeals

a) Development Management

Please note that the appeal documentation for each of the applications listed below can be found by clicking on the application reference number.

### Hearings and inquiries

None

### Appeals received

Reference number	Appellants name	Development description and site address
NYM/2023/0107	Clarke Telecom c/o Agent	Prior notification for erection of 17.5 metre high mast with antennas and remote radio heads together with associated ground based equipment under Part 16 (revised scheme following refusal of NYM/2022/0453) at Gateway Centre Garages, Whitegate Close, Staithes.
NYM/2023/0248	Ms Frances Lockey	Erection of timber clad cabin for use as holiday accommodation (retrospective) at Suffield Cottage, Suffield .

### Appeals determined

Reference number	Appellants name	Development description and site address	Decision
NYM/2022/0254	The Farndale Estate	Conversion of outbuildings to domestic accommodation and home office, construction of double garage and connecting workshop together with alterations to stable building and landscaping works at Rawson Syke, Daleside Road, Farndale East.	Decision attached at appendix 1
NYM/2022/0540	Mr Andrew Robson Lady Kate Barnard Mrs Sarah Roberts c/o Agent	Construction of four principal residence dwellings with associated accesses, parking, amenity spaces and landscaping works at land between 42 Church Street and 50 Church Street, Castleton.	Decision attached at appendix 2

(b) Enforcement

Please note that the appeal documentation relating to the enforcement cases listed below can be found by clicking on the reference number.

**Hearings and inquiries**

None

**Appeals received**

None

**Appeals determined**

None

# Appeal Decision

Site visit made on 30 October 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/W9500/W/23/3319675

Rawson Syke, Daleside Road, Farndale East, Kirkbymoorside YO62 7XQ

- 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 R Lucas on behalf of The Farndale Estate against the decision of North York Moors National Park Authority.
- The application Ref NYM/2022/0254, dated 16 June 2022, was refused by notice dated 21 October 2022.
- The development proposed is conversion of outbuilding to domestic accommodation and erection of new double garage.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are;
  - whether the outbuilding is capable of conversion without demolition and rebuilding;
  - the effect of the proposal upon the housing mix of the area;
  - the effect of the proposal upon the character and appearance of the area, including the landscape and special qualities of the North York Moors **National Park ('the National Park')**.

## Reasons

3. The appeal site is within the North York Moors National Park and sits on the eastern side of Farndale, which is a shallow valley typical of the area. The surrounding landscape is characterised by agricultural pasture and individual farms interspersed with groups of trees.
4. Currently, the appeal site is occupied by a traditional farm grouping comprising a residential dwelling which faces across the valley and outbuildings arranged around a central yard. A range of outbuildings is attached to the dwelling, and I saw on my site visit that these are used for storage and kennelling purposes. Further detached outbuildings are located to the south-west of a yard area. The buildings within the appeal site are of coursed stone construction with pantile roofs and are inward facing in character.

### *Whether the outbuilding is capable of conversion*

5. The evidence before me includes a structural survey<sup>1</sup> prepared by an appropriately qualified person. Although this survey does not take account of

<sup>1</sup> 'Structural Report on Outbuildings to Rawson Syke, Low Mills, Farndale, North Yorkshire YO62 7XQ, MCB/JC/47526 Rpt-001', Alan Wood & Partners, July 2022

the proposal specifically, and acknowledges that no detailed information is available in relation to the foundations of the outbuildings, it nevertheless provides a baseline for the condition of the buildings, and concludes that they are of generally sound condition.

6. The Council has described the outbuildings as being in poor condition. Having viewed the buildings at my site visit, I agree that they would benefit from renovation. Nevertheless, there were no obvious structural defects, and all appeared to be weatherproof, as well as in use. This correlates with the findings of the structural survey. Overall, in principle, the outbuildings appear capable of conversion.
7. However, the proposal before me would involve significant levels of intervention, including raising the eaves height of the building, introducing a new first floor, as well as a new roof structure. These works would go beyond cosmetic renovations and would have the potential to increase loadings on the existing walls, as well as the foundations of the structure, should any exist.
8. It is indicated that an inner-leaf wall could be incorporated in order to provide adequate support. However, there is no other evidence before me in the form of structural calculations or construction methodology, which considers whether such a measure would be effective, or whether the outbuilding is otherwise capable of accommodating the proposal as part of a conversion scheme without the need for substantial rebuilding, such as would be likely to occur if additional work to the foundations of the building were required. Therefore, it has not been demonstrated that the building is capable of conversion without substantial rebuilding.
9. The proposal would therefore be contrary to North York Moors National Park **Authority Local Plan ('LP')** Policy CO12 which states, amongst other factors, that the conversion of outbuildings will be supported where they are structurally sound and capable of conversion without substantial rebuilding.

#### *Housing mix*

10. LP Policy CO17 states that residential extensions should not increase the habitable floorspace of dwellings by more than 30%, unless there are compelling considerations in favour of a larger extension. The supporting text to this policy sets out that large extensions or incremental proposals which extend small dwellings beyond their original size can have a detrimental effect on the mix of dwelling types needed to sustain balanced communities. Whilst this policy makes allowance for other considerations to justify larger extensions, it is clear in its requirement that the 30% threshold be the starting position for any assessment. The supporting text to this policy is also clear in stating the starting point for calculating habitable floorspace should exclude outbuildings.
11. The existing dwelling is currently of a modest scale, and it is not disputed between the parties that it is currently a three-bedroom property, with two reception rooms, kitchen and a utility. The attached outbuildings are clearly associated with the farmhouse and the property as a whole amounts to a relatively large holding. However, the range of outbuildings, although physically attached and providing generous amounts of storage space, are nevertheless separate from, and do not form part of the habitable floorspace of the dwelling itself.

12. I acknowledge that the outbuildings may have historically been used for providing accommodation for workers, however there is no substantive evidence beyond an inconclusive historic photograph to confirm this. Furthermore, it is indicated by the appellant that the outbuildings could be subsumed into the dwelling in their current form, however this has not occurred, nor is it clear that it could, or would occur in the future. I have therefore considered the habitable floorspace of the dwelling on the basis on the situation as it currently exists.
13. **On the basis of the appellant's figures, the current dwelling amounts to around 113 square metres (sqm) floorspace.** Even taking the additional floorspace to be created at first-floor level in the outbuilding alone, this would amount to an addition of around 73sqm of floorspace, in excess of the 30% limit set out in LP Policy CO17.
14. I am mindful that there is no evidence before me in relation to property prices or affordability levels within the local area. Nevertheless, I consider that the incorporation of the extended outbuildings into the dwelling as functional habitable living space, would lead to a materially different situation to that which currently exists; a modest farmhouse with a number of associated domestic outbuildings would become a much larger house with generous amounts of internal space and an increased number of bedrooms. This would not reflect the need to avoid the loss of smaller properties set out in the supporting text to LP Policy CO17.
15. Furthermore, whilst acknowledging that the proposal forms a hybrid scheme of both conversion and new-build elements, and would represent only a modest increase in the physical size of the house and outbuildings when taken together, it has not been shown that the circumstances are such that there is justification for a significant departure from the 30% threshold set out in LP Policy CO17.
16. On this issue, I conclude that the proposal would have a detrimental effect on the housing mix of the area. It would therefore be contrary to LP Policy CO17, the requirements of which I have set out above.

#### *Character and appearance*

17. Paragraph 176 of the **National Planning Policy Framework ('the Framework')** states that great weight should be given to conserving the landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. It also states that the conservation of cultural heritage is an important consideration in these areas and should also be given great weight.
18. The appeal site incorporates both a modest farmhouse and associated outbuildings, both attached and detached. The evidence indicates that the buildings existed in the early 20<sup>th</sup> century, if not before. Although unremarkable in their design and in need of some renovation, these buildings nevertheless have a degree of formality and quality that is evident from the use of squared and course sandstone in their construction. Together, the grouping forms an example of a farm holding characteristic of Farndale and the National Park and it contributes positively to the character and appearance of the area.
19. The proposal would incorporate the attached range of outbuildings into the existing farmhouse and would also result in part of the outbuildings being



increased in height by around 600mm at the eaves in order to provide first floor accommodation.

20. At present the hierarchy of the two-storey farmhouse in comparison to the attached single-storey outbuildings is clear, as is the function of both elements. This is clear even from the road that passes to the rear of the farmhouse as the outbuildings contain very few openings in this elevation.
21. The proposal would change this relationship to an extent. Although the increase in height of the outbuildings would be modest, it would partially erode the hierarchy between the buildings. The addition of a further chimney and an increased number of openings in the rear elevation, as well as further openings in the front elevation of the outbuildings would also result in the functional relationship between the two elements being less clear than at present.
22. However, these effects would be limited, and the hierarchy and relationship between the elements would remain sufficiently clear, with the outbuildings remaining clearly subservient to the farmhouse in appearance. Additional openings in the rear elevation have been minimised and would be of a size and style reflective of the farmhouse. Overall, the proposal would continue to reflect the form and character of the existing farmholding.
23. For the above reasons, and notwithstanding my findings on the first main issue, I conclude on this main issue that the proposal would not harm the character and appearance of the area, or the landscape and special qualities of the National Park. It would therefore be in accordance with LP Strategic Policy C, LP Policy CO12 and LP Policy CO17 insofar as they relate to this main issue. Together, and amongst other matters, these policies require new development to maintain and enhance the distinctive character of the National Park, be of a high-quality design, reflect and complement the architectural character and form of the local vernacular and existing buildings, and be compatible with surrounding buildings in terms of scale, height, massing and form. They also require that extensions are subservient to the main dwelling, and in the case of conversions, that they relate to buildings that make a positive contribution to the landscape and special qualities of the National Park, and do not require significant alteration or extension.
24. The appeal proposal would also accord with Parts 2 and 4 of the North Yorks Moors Local Development Framework Design Guide, which together provide guidance in relation to domestic extensions and the conversion of rural buildings.

#### Other Matters

25. The proposal would enable the modernising of the existing farmhouse, and would also result in the renovation of the outbuildings. These are benefits of the proposal. However, it has not been shown that these benefits could not be achieved by other, less harmful means. Accordingly, I afford them limited weight in my consideration.
26. The proposal includes the erection of a double garage to the side of an existing outbuilding. The Council has not raised specific concern with regard to this element of the proposal and there is no evidence before me which would lead me to disagree with this conclusion. However, I have considered the proposal as a whole.

## Conclusion

27. Although I have found that the proposal would not harm the character and appearance of the area, and landscape and special qualities of the National Park, it would nevertheless conflict with the development plan read as a whole. There are no material considerations, including the Framework, that would indicate a decision other than in accordance with it.

28. For the reasons given above, I conclude that the appeal should be dismissed.

*C Harding*

INSPECTOR

## Appeal Decision

Site visit made on 5 December 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> January 2024

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Appeal Ref: APP/W9500/W/23/3324778

Land between 42 and 50 Church Street, Castleton

- 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 Andrew Robson, Lady Kate Barnard, and Mrs Sarah Roberts against the decision of North York Moors National Park Authority.
  - The application Ref NYM/2022/0540, dated 12 July 2022, was refused by notice dated 6 April 2023.
  - The development proposed is residential development of 4 dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address on the decision notice more accurately reflects the location of the appeal site than the description of the site location on the application form. As such, I have used this address in the banner heading above.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised **Framework, and I am satisfied that no party's interests have been prejudiced** by my taking this approach.

### Main Issues

4. The main issues are:
  - whether the proposal would provide a suitable location for housing, having regard to the main built up area of Castleton;
  - the effect of the proposal on the character and appearance of the area, bearing in mind that it would be within the Castleton Conservation Area (CCA); and
  - the effect of the proposal on highway safety, with regard to visibility splays, surface water drainage and street furniture.

## Reasons

### *Location*

5. Strategic Policy M of the North York Moors National Park Authority Local Plan (2020) (LP) sets out the strategy to meet the housing needs of local communities which includes windfall development on suitable small sites in listed settlements. The supporting text explains that the strategy is to allow a limited amount of housing, including principal residence, on suitable sites in larger villages. A flexible approach will be adopted to help stem population decline and support the vitality of the local economy and services whilst respecting the character and form of the built environment.
6. Policy CO7 of the LP sets out the circumstances under which the development of small sites within larger villages may be acceptable, including that development should be on sites within the main built up area and would meet the need for smaller dwellings. The supporting text sets out that many villages within the National Park have loose knit character and sporadic past development, which can exist outside the main core and that these areas are not regarded as being part of the main built up village.
7. The LP identifies Castleton as a larger village but does not define its settlement limits. While I accept that the historic linear street pattern extends to the appeal site locality, there is a discernible difference in the character and form of the built environment on Church Street to the east, beyond the junction with Ashfield Road. Development in the area surrounding the appeal site has a looser grain owing to extensive gaps between the properties, including the undeveloped area of which the appeal site forms a part. The Church also has a significant set back from the road which contributes to the open qualities of the locality. The character of the built form at the appeal site location, at one of the primary entrances/exits to the village, therefore creates a gradual transition between the more built up parts of the village with its strong linear form and the open countryside to the east.
8. I have carefully considered the examples provided of new housing granted planning permission within larger villages in the authority area. The majority of the examples are in a different settlement and therefore are not directly comparable. Furthermore, from the information that has been provided the context of the examples appear to differ from the form and character of the appeal location and are not sites at a main entrance/exit from the respective villages with a transitional role and function. The other examples do not, therefore, lead me away from my above findings.
9. Notwithstanding the proximity of the site to the historic core of the village and that it falls within the 30 miles per hour speed limit zone of Church Street, I conclude that the proposed development would not be within the main built up area of the village as required by Policy CO7. The proposal would increase the quantum of development in this section of the village and in doing so would disrupt the gradual transition from its built up area to the open countryside.
10. While the proposal would provide for principal residences and smaller dwellings, this does not negate the conflict with the other requirements of Policy CO7. Therefore, overall, the proposal would not provide a suitable location for housing, having regard to the main built up area of Castleton, in conflict with Strategic Policy M and Policy CO7 of the LP.

### *Character and appearance*

11. The appeal site comprises an area of sloping grassed land located in between a detached dwelling and a short row of terraces on Church Street. It is bounded by a stone wall, hedging and a gate at the boundary with the road. Opposite the site is a Church, set back from the road with intervening mature vegetation and there is another short row of terraced properties on this side of Church Road. The combination of built form interspersed with undeveloped land in this section of Church Street creates a spacious character with open qualities, providing wide vistas of the countryside on approach to and leaving the village and forms a key part of the character and appearance of the area.
12. The site falls within the CCA. From my observations and the CCA Character Appraisal and Management Plan (2023) (the CCA Appraisal) the significance of the conservation area, insofar as is relevant to this case, is primarily derived from the layout of the buildings within it and views between buildings towards the surrounding countryside. As an open area of land providing clear views to the surrounding countryside the appeal site contributes positively to the CCA.
13. The proposed development has been designed to respond to the constraints of the site and would have materials to tie in with nearby properties. However, the sense of subordination created by the set back and lower ground level of the proposed dwellings, and the staggered layout would not relate positively to the linear pattern of street fronted development created by the adjacent properties or the majority of traditional linear built form in the wider village. Despite the angled orientation of the property to the other side of the appeal site, the proposal would have an awkward relationship with it, owing to the substantial set back from the road of this pair of proposed semi-detached properties. As such, the juxtaposition of buildings would be disjointed, resulting in an incongruous form of development that would not compliment the layout of the historic environment and its distinctive character.
14. While the appeal site itself is not recognised as an important green space in the CCA Appraisal, views between buildings towards the surrounding countryside and views from surrounding moorland back to the village are identified as important features within the CCA. Furthermore, I note that open countryside to the rear of the appeal site falls within the conservation area, such is its importance. I observed clear, prolonged views of the countryside across the appeal site.
15. Irrespective of whether there has historically been some development on the appeal site, and despite the retention of the tree at the site frontage and part retention of the hedgerow and stone boundary treatment, the proposal would represent a marked visual change **owing to the proposal's design and appearance** and would be a detrimental intrusion into the openness currently provided by the site. Even though some views of the countryside would remain, they would be significantly reduced, diminishing the contribution the site makes to the character and appearance of the CCA.
16. The increase in built form would also be readily apparent in views from the public footpath and bridleway to the rear of the site, detracting from views of the village from these vantage points which form part of a significant view towards the village identified in the CCA Appraisal. Moreover, the more modern three storey design with gable feature, Juliet balconies and extensive glazing at the ground floor level would draw the eye and be a focal point in these views.

The intrusion of built development, noticeable in public views, would therefore be detrimental to the intrinsic character of the CCA.

17. Overall, the proposal would fail to preserve or enhance the character or appearance of the CCA and would harm its significance as a whole. The harm **that I have identified is 'less than substantial' harm. The Framework requires** that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.
18. Nevertheless, the Framework also requires such harm to be weighed against any public benefits. There would be modest benefits arising from the delivery of four new principal residence dwellings in the National Park where there are limited opportunities for new housing and a high demand for properties, and that this would assist in supporting the services and maintaining the economic vitality of Castleton. However, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.
19. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the CCA and harming its significance. The scheme is therefore in conflict with Strategic Policies C and I and Policy ENV11 of the LP. Amongst other things, these policies require proposals to be of a high quality design where the siting, orientation, layout and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site. Developments affecting the historic environment are required to make a positive contribution to the local distinctiveness of the National Park, reinforcing its historic character.
20. The proposal is also contrary to the heritage protection policies of the Framework at Section 16.

#### *Highway safety*

21. The appellants' submissions include a detailed technical highway plan which addresses concerns regarding visibility splays, surface water drainage and accessibility for all users. I observed that the 43 metre (m) visibility splays shown on the plan, would not be compromised in either direction by obstructions, following the lowering of the existing stone wall and pruning of the cherry tree and hedgerow. Reference is made in the Authority's **statement** to 33m splays which were originally indicated in the Local Highways Authority consultation response. Irrespective of which is the required splay, I am satisfied that satisfactory visibility can be achieved at the proposed access.
22. Existing street furniture near to the proposed access comprises a road sign and a street light mounted on a telegraph pole. The technical information submitted does not indicate that either of these items would be required to be relocated or replaced to achieve the necessary access and surface water requirements. Furthermore, the scheme does not propose any new street furniture.
23. Therefore, the proposal would not adversely affect highway safety, with regard to visibility splays, surface water drainage and street furniture and accords with Policy CO2 of the LP. This policy requires associated surfacing works to take account of the needs of all users, and that highway detailing, road improvements and street furniture are sensitive to the area and are the minimum required to achieve safe access.

## Other Matters

24. The Grade II listed building known as Church of St Michael and St George is located opposite the appeal site. Its significance includes the architectural style and associated appearance, comprising stonework and mid fourteenth century style features. The setting of the Church includes the streetscape within which it is located, including the appeal site. The Church is set back from the road and largely screened by mature vegetation, as such there is generally a physical and visual separation with the architectural interest of the Grade II listed building, which is not directly experienced from the appeal location.
25. Neither of the main parties have concerns regarding the impact of the development on the significance of this designated heritage asset and its setting. Having considered the proposal and visited the site, I concur with that view and find that the development would preserve its significance.

## Conclusion

26. While the proposal would not adversely affect highway safety, my above findings in relation to the location of the proposed housing and the effect of the proposal on the character and appearance of the area, including the CCA, bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

*F Harrison*

INSPECTOR

### **Applications determined by the Director of Planning**

A list of applications determined by the Director of Planning in accordance with the scheme of delegation is attached at appendix 3.

NB: Members wishing to enquire further into particular applications referred to in the Appendix are asked to raise the matter with the Director of Planning in advance of the meeting to enable a detailed response to be given.

### **List of enforcement matters determined by the Director of Planning**

A list of enforcement matters determined by the Director of Planning in accordance with the scheme of delegation is attached at appendix 4.

Tom Hind  
Chief Executive

Chris France  
Director of Planning

Background documents to this report

<b>Document</b>	<b>File Ref</b>	<b>Location</b>
Signed letter: dates as given	3024	The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP



## Appendix 3

### List of applications determined by the Director of Planning in accordance with the scheme of delegation for the period of 6 November 2023 to 25 January 2024

Please note that the decision notice for each of the Authority's applications listed in this report can be found by clicking on the application reference number.

#### North Yorkshire Council (Ham)

**Application reference:** NYM/2023/0414

Certificate of lawfulness for use of land as garden area associated with the dwellinghouse in excess of ten years at Maltkiln House, Chop Gate for Mr Mike Simpson.

Issued on 22/11/2023

**Application reference:** NYM/2023/0474

Verification check of condition 25 of planning approval NYM/2018/0843/FL at Faceby Lodge Farm, Faceby for Mr Stuart Monk.

Decided on 24/11/2023

**Application reference:** NYM/2023/0503

Construction of two storey extension to form annexe accommodation together with alterations and construction of balcony and re-rendering of dwelling at Huntsville, 7 High Street, Swainby for Mr Gary William and Mrs Belynda Jayne Howes.

Refused on 19/01/2024

**Application reference:** NYM/2023/0520

Verification check of conditions 5, 6 and 11 of planning approval NYM/2023/0049 at Clack Cottage, Clack Lane, Osmotherley for Elder Lester Architects.

Decided on 17/11/2023

**Application reference:** NYM/2023/0544

Verification check of conditions 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 20 of planning approval NYM/2022/0230 at North Farm, Over Silton for Mr Julian Swinbank.

Decided on 07/11/2023

**Application reference:** NYM/2023/0561

Use of land for the siting of a pair of shepherds huts with link to create one unit of holiday accommodation with associated parking at Lunshaw House Farm, Boltby for Zetland Country Ltd.

Approved on 24/11/2023

**Application reference:** NYM/2023/0613

Installation of three replacement timber windows, reinstatement of blocked up window, replacement of roof and chimneys. (part retrospective) at The Johnstone Arms, Boltby at The Johnstone Arms, Boltby for Mr James Ashby.

Approved on 07/12/2023

**Application reference:** NYM/2023/0621

Verification check of condition 4 of planning approval NYM/2023/0196 at Fir Tree Barn, Gribdale Gate To Kildale, Kildale for Mrs Jane Pernet.

Decided on 13/11/2023

**Application reference:** NYM/2023/0653

Creation of three wildlife ponds and three scrapes at land at New Sheepfold Farm, Ingleby Greenhow for Mr Mark Day.

Approved on 13/12/2023

**Application reference:** NYM/2023/0656

Use of land for the siting of one camping pod for use as either visitor or holiday letting purposes at Ravens Downe, Clack Lane, Osmotherley for Mr Glenn Southall.

Approved on 05/12/2023

**Application reference:** NYM/2023/0658

Proposed programme of sectional rebuilding and repair works to field barn at Scencliff Grange, Coxwold for Mr and Mrs Lupton.

Approved on 24/11/2023

**Application reference:** NYM/2023/0659

Installation of replacement timber windows and door to front elevation at 8 High Street, Swainby for Mrs Horne.

Approved on 24/11/2023

**Application reference:** NYM/2023/0661

Variation of condition 2 (material amendment) of planning approval NYM/2023/0077 to allow alterations to fenestration and porch to front elevation, omission of rooflight and porch to side elevation and addition of lean-to open porch to rear elevation together with alterations to facing material of garage at Box Tree House, 13 The Crescent, Carlton in Cleveland for Mr and Mrs Brown.

Approved on 27/11/2023

**Application reference:** NYM/2023/0675

Construction of replacement dwelling and access track at Pine View Cottage, Bilsdale Hall, Chop Gate at Pine View Cottage, Bilsdale Hall, Chop Gate for Mr I. Davidson.

Approved on 06/12/2023

**Application reference:** NYM/2023/0681

Listed Building consent for installation of slimline heritage double glazed timber windows at The Mill House, Osmotherley for Dr Jonathan Round

Granted on 01/12/2023

**Application reference:** NYM/2023/0683

Verification check of conditions 17 and 20 of planning approval NYM/2023/0335 at Middle Cottage, Thimbleby for Mr and Mrs Tones.

Decided on 13/12/2023

**Application reference:** NYM/2023/0693

Construction of dry stone boundary wall, erection of timber entrance gates and installation of air source heat pump (retrospective) with timber screening at Rye Hill Farm, Great Ayton for Mr John Grimes.

Approved on 20/12/2023

**Application reference:** NYM/2023/0701

Certificate of lawfulness for non compliance with agricultural occupancy condition in excess of ten years at 1 Peartree Cottages, Battersby for Mr N (son) and Ms C (daughter) Stainthorpe (Joint owners).

Withheld on 15/12/2023

**Application reference:** NYM/2023/0730

Trees in Conservation Area works compromising of crown lift low branches overhanging on River Lane, fell Ash with Ash dieback, fell 2 dead elm trees, fell damaged sycamores at The Cottage, High Kilburn for Mr Nick Walker.

No objections on 28/11/2023

**Application reference:** NYM/2023/0748

Trees in Conservation Area compromising of works to Sycamore (0923) at Manor Barns, Coxwold for Paul Grimwood.

No objections on 08/01/2024

**Application reference:** NYM/2023/0759

Creation of two wildlife ponds at land north-east of Espelt House, Bank Lane, Faceby for Craig Loftus.

Approved on 08/01/2024

**Application reference:** NYM/2023/0778

Trees in Conservation Area comprising of reducing height of Thuja, Chamaecyparis and Abies at North End, Osmotherley for Philippa Rennison.

No objections on 09/01/2024

**Application reference:** NYM/2023/0779

Demolition of pole barn and erection of livestock building at Thirlby Farm, Thirlby for Mr and Mrs Richard and Kate Hoskin.

Approved on 19/01/2024

**Application reference:** NYM/2023/0797

Trees in Conservation Area comprising of works to 213, 218, 224, 225, 2505, 2507, 2509, 2510 and 2512 at Swainby Country park, Swainby for Mr Nathan Maguire.

No objections on 12/12/2023

**Application reference:** NYM/2023/0834

Trees in Conservation Area compromising of works to Ash, Mixed broadleaves and Willow at Old Reading Rooms, Boltby for Mrs Jean West.

No objections on 22/01/2024

**Application reference:** NYM/2024/0018

Trees in Conservation Area compromising of works to fell large overhanging over neighbouring property, fell or crown reduce and deadwood remaining 2 Robinia at The Old Hall, Coxwold for Mrs Wiggins.

No objections on 22/01/2024

**North Yorkshire Council (Rye)**

**Application reference:** NYM/2023/0367

Listed Building consent for internal refurbishment works, alterations to layout, together with external works comprising alterations to chimneys, roof, rainwater goods, repointing, installation of aerials and replacement timber sliding sash slimline double glazed windows at West View Farm, Lockton for Mr Jason Coughlin.

Refused on 01/12/2023

**Application reference:** NYM/2023/0581

Installation of package treatment plant at land to the north of The Stables, Main Street, Oldstead for Mrs Lyndon.

Approved on 05/12/2023

**Application reference:** NYM/2023/0598

Construction of garage/workshop and creation of parking area at Leab, Maltongate, Thornton le Dale for Mr Adrian Carter.

Approved on 08/01/2024

**Application reference:** NYM/2023/0599

Construction of replacement porch to south elevation, raising of roof height to west elevation, removal of covered walkway/demolition of porch and construction of single storey extension to north elevation at Merrywood, Westgate, Thornton le Dale for Carole Winn.

Approved on 20/11/2023

**Application reference:** NYM/2023/0618

Installation of a domestic sewage treatment plant including separation of surface and foul drainage water at Blansby Park Farm, Blansby Park Lane, Newbridge, Pickering for The Duchy of Lancaster.

Approved on 08/11/2023

**Application reference:** NYM/2023/0619

Listed Building consent for installation of external waterproof RCD at Blansby Park Farm, Blansby Park Lane, Newbridge, Pickering for The Duchy of Lancaster.

Granted on 08/11/2023

**Application reference:** NYM/2023/0620

Construction of single storey rear extension, replacement porch and alterations to dormer windows to dwelling together with conversion of and alterations to outbuilding to form residential annexe and replacement of Dutch barn with garage/carport at Caydale Mill, Cadell Mill Road, Old Byland for Mr & Mrs Chisholm.

Approved on 13/11/2023

**Application reference:** NYM/2023/0639

Alterations to outbuilding to facilitate use as annexe accommodation together with relocation of oil tank at Little Owl, The Green, Fadmoor for Mr Sam Laycock.

Approved on 20/11/2023

**Application reference:** NYM/2023/0663

Listed Building consent for removal of internal wall and door casing together with replacement of solid timber door external door with glazed timber door to rear elevation at Mill House, Main Street, Oldstead for Mr Tom Kevill.

Granted on 07/12/2023

**Application reference:** NYM/2023/0674

Variation of condition 1 of planning approval NYM/2018/0628/FL to allow use of two ground floor rooms of Prospect Farm as extension to Forge Tea Rooms for a further five years at The Forge Tea Room, Main Street, Hutton le Hole for Mr Paul Everett.

Approved on 05/12/2023

**Application reference:** NYM/2023/0691

Removal of existing LPG tank and siting in a revised location together with construction of garage/store building at Nutwood, Low Dalby, Pickering for Mrs Elizabeth Cowley.

Approved on 18/12/2023

**Application reference:** NYM/2023/0694

Trees in Conservation Area comprising of works to large plum tree at 19 High Street, Helmsley for Dr Paul Johnson.

No objections on 21/11/2023

**Application reference:** NYM/2023/0706

Use of land for the siting of a refreshments van (resubmission of temporary consent NYM/2018/0834/CU) at land north of Saltergate Car Park, Lockton for Ms L Burgess & Mr T Cervone.

Approved on 15/12/2023

**Application reference:** NYM/2023/0714

Change of use of former Methodist Chapel to one dwelling (no external alterations) at Former Methodist Chapel, Appleton-le-Moors for Mr Paul Garbutt.

Refused on 14/12/2023

**Application reference:** NYM/2023/0716

Change of use from joiners workshop to equestrian stabling for domestic use (no external alterations) and creation of hardstanding at Kiln View, Daleside Road, Rosedale East for Mr Stephen Osbaldeston.

Approved on 02/01/2024

**Application reference:** NYM/2023/0718

Trees in Conservation Area comprising of felling 2 dead elm and 2 ash affected by Ash dieback at Rievaulx Terrace, Helmsley for Mr Gerald Dorrington.

No objections on 21/11/2023

**Application reference:** NYM/2023/0724

Verification check of condition 3 of planning approval NYM/2023/0496 at 33 Bondgate, Helmsley for Dr Jane Naish.

Decided on 24/11/2023

**Application reference:** NYM/2023/0725

Construction of replacement dwelling at The Bungalow, Low Kingthorpe for Mr Brian Peirson.

Approved on 20/12/2023

**Application reference:** NYM/2023/0729

Trees in Conservation Area comprising of works to lime at Lockton village Church for Ms Jennifer Collins.

No objections on 6/11/2023

**Application reference:** NYM/2023/0733

Works to trees protected by Tree Preservation Order compromising of Veteran Ash with crack at base at Aunums Field, Thornton le Dale for Mr Nathan McWinnie.

No objections on 12/12/2023

**Application reference:** NYM/2023/0735

Verification check of conditions 4 & 5 of planning approval NYM/2023/0194 at Abbey Cottage, Byland Abbey, Coxwold for Tim and Lucy Porritt.

Decided on 28/11/2023

**Application reference:** NYM/2023/0737

Works to Trees in conservation Area comprising of crown thinning to Cedar at Pine Tree Cottage, Thornton le Dale for Mrs Audrey Turner.

No objections on 23/11/2023

**Application reference:** NYM/2023/0740

Erection of extension to general purpose agricultural building at Alders Grange, Rosedale for Mr James Barraclough.

Approved on 22/01/2024

**Application reference:** NYM/2023/0751

Installation of replacement double glazed timber windows to front elevation at 12 High Street, Helmsley for Mrs Susan Bowes.

Approved on 10/01/2024

**Application reference:** NYM/2023/0756

Non material amendment to planning approval NYM/2022/0925 to allow alterations to approved extension comprising change to roof pitch, design and material and use of oak frame at Cragstone House, Elmslac Close, Helmsley for Mr Phil Crabtree.

Approved on 07/12/2023



**Application reference:** NYM/2023/0776

Alterations to windows and doors and installation of four rooflights at Abbey House, Byland Abbey for Mr T Porritt.

Approved on 18/01/2024

**Application reference:** NYM/2023/0777

Variation of condition 2 (material amendment) of planning approval NYM/2023/0285 to allow the installation of a reception pit to serve the approved slurry tank at Land north of Southview Farm, Yatts Road, Pickering for S B Bulmer Livestock Ltd.

Approved on 12/01/2024

**Application reference:** NYM/2023/0791

Removal of two silos and erection of general purpose agricultural building (resubmission following refusal of NYM/2023/0521) at land east of Pasture Road, Lockton for FHJA & MA Eddon

Refused on 15/01/2024

**Application reference:** NYM/2023/0795

Trees in Conservation Area comprising of works to Beech T1 and Beech T2 at Rievaulx Terrace , Helmsley for Mr Gerald Dorrington.

No objections on 04/12/2023

**Application reference:** NYM/2023/0796

Trees protected by Tree Preservation Order 1990/2 works to T1, T2, and T3 at Messuage Farm, Spaunton for Mr Ben Smailes.

No objections on 12/12/2023

**Application reference:** NYM/2023/0799

Non material amendment to planning approval NYM/2021/0340/FL (allowed on appeal) to allow repositioning of rear extension, omission of rooflights and alterations to fenestration and doors at Low Muffles, Hartoft for Mr & Mrs Dixon.

Approved on 20/12/2023

**Application reference:** NYM/2023/0800

Verification check of conditions 5 and 6 of planning approval NYM/2023/0285 at Land North of Southview Farm, Yatts Road, Pickering for Mr Duncan Bulmer.

Decided on 15/12/2023

**Application reference:** NYM/2023/0871

Verification check of condition 3 of planning approval NYM/2023/0529 at land on Levisham Moor, adjacent North Yorkshire Moors Railway, located east of Rapers Farm, Newtondale for North York Moors National Park Authority.

Decided on 10/01/2024

**Application reference:** NYM/2024/0014

Trees in Conservation Area works comprising of felling Rowan at Coromoor House, Lastingham for Mr Geoff Edwards.

No objections on 15/01/2024

**Application reference:** NYM/2024/0023

Overhead line exemption notification for removal of poles, diversion of a section of overhead line, replacement and additional poles and undergrounding of cable at Wass Grange to Carr House via Low Carr, Jerry Bank, Ampleforth travelling north and then north west to Stanbrook Abbey and then south through Wass Village for Northern Powergrid (Yorkshire) PLC Overhead Line.

Decided on 17/01/2024

**Application reference:** NYM/2024/0039

Verification check of condition 6 of planning approval NYM/2021/0822/FL at The Room That Sings, near Cross Cliff Car Park, Dalby Forest for Forestry England.

Decided on 22/01/2024

**Application reference:** NYM/2023/0805

Advertisement consent for the display of replacement projecting sign, illuminated fascia sign and logo sign at 2 Bridge Street, Helmsley for Nationwide Building Society

Granted on 23/01/2024

**Application reference:** NYM/2023/0809

Listed Building consent for erection of temporary arch support, dismantling of parapets and spandrel walls, removal of existing fill material and replacement with concrete saddle, installation of drainage, rebuilding of spandrels and parapets using original retained stone and resurfacing works at Cockayne Bridge, near Breck House Farm, Bransdale for The North Yorkshire Council

Granted on 23/01/2024

## **North Yorkshire Council (Sca)**

### **Application reference:** NYM/2020/0259/CVC

Verification check of conditions 4, 18, 34, 45, 46, 47, 52, 57, 60, 64, 68, 70, 71, 73, 76, 79, 81, 87, 91, 92, 93, 94, 95 and 97 of planning approval NYM/2017/0505/MEIA at Land at Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation), Sneatonthorpe (minehead); underneath 252 km<sup>2</sup> of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton Complex (mineral transport system); Ladycross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe, near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton Complex, Teeside (tunnel portal) for Sirius Minerals plc.

Decided on 16/01/2024

### **Application reference:** NYM/2021/0254/CLE

Certificate of lawfulness for use of land for the siting of 6 no. caravans for holiday purposes in excess of ten years at Bridge Farm, Langdale End, Scarborough for Dr Christine Newton.

Issued on 10/01/2024

### **Application reference:** NYM/2022/0595

Verification check of conditions 17 and 18 of Listed Building consent NYM/2021/0765/LB at Wood Hill House, Stonegate for Richard Smith.

Decided on 07/11/2023

### **Application reference:** NYM/2022/0614

Verification check of conditions 6, 7, 8 and 9 of planning approval NYM/2021/0763/FL and Listed Building consent NYM/2021/0765/LB and condition 16 of planning approval NYM/2021/0763/FL at Wood Hill House, Stonegate for Mr R Smith.

Decided on 07/11/2023

### **Application reference:** NYM/2023/0135

Listed Building consent for alterations including two rooflights, removal/relocation of stall divider to former stables to facilitate use as principal residence dwelling at Pease Court, Guisborough for Mr Charles Leonard.

Granted on 13/11/2023

**Application reference:** NYM/2023/0146

Certificate of lawfulness for subdivision of one dwellinghouse into two dwellinghouses in excess of ten years at Broadgate Farm, Westerdale for Mr David Alderson.

Issued on 22/01/2024

**Application reference:** NYM/2023/0164

Construction of two storey side extension, single storey rear extension and removal of wall to allow additional parking (revised scheme to planning approval NYM/2019/0632/FL) at 12 Runswick Lane, Hinderwell for Mr James Fox.

Refused on 29/11/2023

**Application reference:** NYM/2023/0164

Construction of two storey side extension, single storey rear extension and removal of wall to allow additional parking (revised scheme to planning approval NYM/2019/0632/FL) at 12 Runswick Lane, Hinderwell for Mr James Fox.

Refused on 29/11/2023

**Application reference:** NYM/2023/0309

Construction of one and a half storey side extension and installation of roof lantern at Gorse Cottage, Pollard Road, Ravenscar for Mr & Mrs Lockhead.

Approved on 07/12/2023

**Application reference:** NYM/2023/0327

Certificate of lawfulness for the erection of a building more than four years ago and use as a stable block in excess of ten years at Acklam Field located east of Newholm Village, Cliff Lane, Newholm for Mrs Evelyn Clarkson.

Issued on 16/01/2024

**Application reference:** NYM/2023/0415

Works to roof, installation of solar panels, replacement rainwater goods and terrace surface at Thorpe Hall, Middlewood Lane, Fylingthorpe for Mr and Mrs Coop.

Approved on 09/11/2023

**Application reference:** NYM/2023/0422

Use of land for siting of six chalets for holiday letting purposes with associated car parking and access at land at Seaton Hall, Whitby Road, Staithes for Mr William Kidd.

Approved on 09/01/2024

**Application reference:** NYM/2023/0523

Demolition of single storey structures, construction of replacement single storey extensions with rooflights and solar panels together with alterations to access, parking and landscaping works at The Lilacs, Scar Lane, West Barnby for Mr M Greenwood.

Approved on 08/01/2024

**Application reference:** NYM/2023/0546

Recladding of front elevation with stone, construction of stone screen to balcony and insertion of sliding doors at 22 Egton Road, Aislaby for Mr & Mrs Craven.

Approved on 08/11/2023

**Application reference:** NYM/2023/0551

Verification check of conditions 6 and 7 of planning approval NYM/2022/0657 at Low Hollins Farm, Low Hollins Farm Lane, Egton Bridge for Cheryl Ward Planning.

Decided on 15/11/2023

**Application reference:** NYM/2023/0557

Construction of detached garage (part retrospective) at 11 Long Row, Port Mulgrave for Mr Chris Smith.

Approved on 13/11/2023

**Application reference:** NYM/2023/0558

Demolition of detached store and construction of attached sun room together with removal of door and insertion of window at Coomb Slack, Wrench Green for Mr and Mrs Hooley.

Approved on 08/01/2024

**Application reference:** NYM/2023/0573

Proposed dropped kerb and widening of access at access off A169 to 161 Coach Road, Sleights for Mrs Julie Cownden

Approved on 06/11/2023

**Application reference:** NYM/2023/0586

Non material amendment to planning approval NYM/2022/0539 to allow the installation of two rooflights to the garage/store at Thatched Cottage, Underhill, Glaisdale for Mr Iain Groark.

Approved on 22/11/2023

**Application reference:** NYM/2023/0590

Erection of agricultural storage building at Inglegarth, High Cragwell, Aislaby for Mr James Robson.

Approved on 24/11/2023

**Application reference:** NYM/2023/0601

Creation of pond at Wheathill Cottage, The Common, Goathland for Mrs Kathryn Newton.

Approved on 21/12/2023

**Application reference:** NYM/2023/0612

Alterations, construction of enlarged dormer windows together with extension to veranda at Stella Maris, 11 The Bungalows, Long Row, Port Mulgrave for I Nadim.

Approved on 10/11/2023

**Application reference:** NYM/2023/0614

Demolition of porch and removal of window, installation of French doors and uPVC door with glazed screen at Far Rosedale, 3 Cliff Cottages, Port Mulgrave for Architects Build Limited.

Approved on 10/11/2023

**Application reference:** NYM/2023/0615

Demolition of outbuilding and construction of two storey rear extension at 13 Seaton Close, Staithes for Mr D Ward.

Approved on 13/11/2023

**Application reference:** NYM/2023/0623

Alterations to existing porch and construction of garden room to front elevation at 4 Brick Row, Potters Side Lane, Comondale for Jeremy Moiser.

Approved on 13/11/2023

**Application reference:** NYM/2023/0624

Installation of replacement wooden gate at 5 Castlegate, East Ayton for Mr Christopher Brett.

Approved on 27/11/2023

**Application reference:** NYM/2023/0627

Demolition of existing flat roof garage and construction of replacement pitched roof garage with study together with construction of single storey front extension with porch (revised scheme following expiration of planning permission NYM/2019/0550/FL) at Holt House, Hutton Village Road, Guisborough for C Millward.

Approved on 15/11/2023

**Application reference:** NYM/2023/0630

Variation of condition 2 (material amendment) of planning approval NYM/2022/0249 to allow first floor extensions to rear (Plot 3 a/b) at Low Farm, Beacon Way, Sneaton for Keeper Homes Ltd.

Approved on 10/11/2023

**Application reference:** NYM/2023/0631

Demolition of existing single storey extensions and construction of replacement two storey extensions at Mount Pleasant, Egton for Mr D Hart.

Approved on 12/01/2024

**Application reference:** NYM/2023/0633

Demolition of existing single storey kitchen and outbuilding and construction of single storey rear extension at 8 Elm Grove, Robin Hood's Bay for Mr Richard Martin.

Approved on 24/11/2023

**Application reference:** NYM/2023/0635

Verification check of conditions 5, 6 and 7 of planning approval NYM/2022/0338 at Prospect House Farm, Hay Lane, Scalby for Joe & Kimberley Marshall.

Decided on 15/12/2023

**Application reference:** NYM/2023/0636

Trees in Conservation Area comprising of works to Beech and Apple at Newton House, Fylingthorpe for Mr Oliver Gower.

No objections on 06/11/2023

**Application reference:** NYM/2023/0637

Change of use from a principal residence dwelling to a flexible use of a dwelling or short term holiday let for a temporary 36 month period at The Old Guardhouse, Goldsborough Lane, Goldsborough for The Mulgrave Estate.

Approved on 20/11/2023

**Application reference:** NYM/2023/0643

Variation of conditions 2, 5 and 6 (material amendments) of planning approval NYM/2021/0966 to allow the building of the approved garage in timber not stone, change in roof material to grey sheeting not pantile, alterations to fenestration and addition of doors to north elevation at No 2 Hayburn Beck Cottages, Staintondale Road, Cloughton for Mr N Watson.

Approved on 11/12/2023

**Application reference:** NYM/2023/0650

Installation of replacement uPVC windows and composite door to rear at Millstones, Egton for Mr R Banton.

Approved on 20/12/2023

**Application reference:** NYM/2023/0664

Erection of pole barn for parking purposes at High Farm, Stonegate, Whitby for Mr Peter Clark.

Approved on 05/12/2023

**Application reference:** NYM/2023/0668

Variation of condition 3 of planning approval NYM/2007/0902/FL to broaden the wording of the local occupancy condition at Holly Cottage and Willow Cottage, Postgate Way, Ugthorpe for Dennis Harley Developments LTD.

Approved on 01/12/2023

**Application reference:** NYM/2023/0677

Construction of porch canopy at Speedwell House, Red Lion Square, Lythe for Sheila Tulley.

Approved on 08/12/2023



**Application reference:** NYM/2023/0679

Demolition of greenhouse and outbuilding and construction of replacement greenhouse, together with construction brick walled garden, terrace and log store at Thorpe Hall, Middlewood Lane, Fylingthorpe for Mr and Mrs Coop.

Approved on 13/12/2023

**Application reference:** NYM/2023/0680

Variation of condition 3 of Listed Building consent NYM/2021/0943/LB to omit the requirement for putty pointed windows and glazing bars at The Anchorage, High Street, Staithes for Mr & Mrs Grunwell.

Approved on 11/12/2023

**Application reference:** NYM/2023/0682

Listed Building consent for demolition of greenhouse and outbuilding and construction of replacement greenhouse, together with construction brick walled garden, terrace and log store at Thorpe Hall, Middlewood Lane, Fylingthorpe for Mr and Mrs Coop

Granted on 13/12/2023

**Application reference:** NYM/2023/0692

Construction of dormer to rear elevation at 1 Station Close, West Ayton for Mr and Mrs Hugill.

Approved on 21/12/2023

**Application reference:** NYM/2023/0696

Construction of single storey side extension at Esk Cottage, 13 Arncliffe Terrace, Glaisdale for Mr & Mrs Prowse.

Approved on 13/12/2023

**Application reference:** NYM/2023/0697

Verification check of conditions 14, 15, 17, 21, 27 and 28 of planning approval NYM/2013/0532/FL at Clay Hall Farm Easington for Mr Luke Collins.

Decided on 13/12/2023

**Application reference:** NYM/2023/0699

Alterations and construction of single storey front and rear extensions (resubmission following withdrawal of NYM/2023/0322) at Loghouse, Roseberry Lane, Newton Under Roseberry for Frances Dodd.

Approved on 13/12/2023

**Application reference:** NYM/2023/0700

Demolition of existing side extension conservatory and replacement with pitched roof side extension together with new timber boundary fence at 1 Park View, Glaisdale for Mr M Lonsdale.

Approved on 14/12/2023

**Application reference:** NYM/2023/0702

Verification check of condition 11 of planning approval NYM/2023/0490 at 1 Eskdaleside, Sleights for Andrew and Polly Brown.

Decided on 06/12/2023

**Application reference:** NYM/2023/0703

Installation of glazed balustrade to roof terrace (retrospective) at Honeybee House, Egton for Professor Rebecca Hodgson.

Approved on 07/12/2023

**Application reference:** NYM/2023/0705

Conversion of barn to one annexe with associated parking, amenity space and installation of package treatment plant at Partridge Hill, Ugglebarnby Lane, Sneaton for Mr and Mrs Helen and Trevor Hodges.

Approved on 18/12/2023

**Application reference:** NYM/2023/0707

Variation of condition 2 and 10 (material amendment) of planning approval NYM/2022/0249 to allow alterations to Plot 2 comprising changes to roof pitch, enlargement of approved single storey extension and addition of first floor above and details of stone at Low Farm, Beacon Way, Sneaton for Christina Collinson.

Approved on 18/12/2023

**Application reference:** NYM/2023/0709

Advertisement consent for the display of two non-illuminated signs (submission prior to expiration of NYM/2018/0774/AD) at Lythe Community Shop Ltd, High Street, Lythe for Lythe Community Shop Ltd.

Granted on 10/01/2024

**Application reference:** NYM/2023/0711

Non material amendment to planning approval NYM/2017/0282/FL to allow the use of corrugated PVC plastisol coated metal sheets for the roof material of the approved artists studio at Groves Hall, Woodlands, Sleights for Mr Charles O'Connor.

Approved on 23/11/2023

**Application reference:** NYM/2023/0713

Verification check of conditions 14 and 15 of planning approval NYM/2017/0505/MEIA at Woodsmith Mine, Sneaton for Mr Robert Staniland.

Decided on 15/01/2024

**Application reference:** NYM/2023/0715

Creation of accessible path to picnic bench area at Ravenscar Visitor Centre, Peakside, Ravenscar for National Trust.

Approved on 20/12/2023

**Application reference:** NYM/2023/0726

Construction of orangery and link extension to outbuilding at Lodge Farm, Common Lane, Glaisdale for Mr W Whitehead.

Approved on 20/12/2023

**Application reference:** NYM/2023/0727

Change of use of two local occupancy dwellings to dual use of either holiday letting accommodation or principal residence dwellings (no external alterations) (part retrospective) (revised scheme following refusal of NYM/2023/0368) at South Cheek and Old Peak, Raven Hall Road, Ravenscar for Mr John Gordon Cordukes.

Refused on 11/12/2023

**Application reference:** NYM/2023/0731

Trees in Conservation Area comprising of felling Ash at Bay Bank House, Robin Hoods Bay for Ms Linda Torpey.

No objections on 21/11/2023

**Application reference:** NYM/2023/0734

Trees in Conservation Area comprising of works to Cedar at Cedar Cottage, East Ayton for Mrs Hazel Rowley.

No objections on 06/11/2023

**Application reference:** NYM/2023/0738

Variation of condition 3 of planning approval NYM/2021/0548/FL in order to allow a dual use as either a holiday let or local occupancy dwelling at Seaton Grange, Seaton Hall Farm, Whitby Road, Staithes for Mr William Kidd.

Approved on 08/01/2024

**Application reference:** NYM/2023/0739

Variation of condition 3 of planning approval NYM/2021/0548/FL in order to allow a dual use as either a holiday let or local occupancy dwelling at Seaton Park, Seaton Hall Farm, Whitby Road, Staithes for Mr William Kidd.

Approved on 08/01/2024

**Application reference:** NYM/2023/0741

Use of land for the siting of one glamping pod for holiday letting purposes (retrospective) at Woodhall Farm, Ugthorpe for Mr Ian Schofield.

Approved on 09/01/2024

**Application reference:** NYM/2023/0761

Replacement of window on south elevation with new timber door and window arrangement at Broom House, Broom House Lane, Egton Bridge for Mr & Mrs Cockill.

Approved on 12/01/2024

**Application reference:** NYM/2023/0762

Construction of single storey extension with glass canopy, erection of glazed balcony and rendering/cladding together with demolition of existing double garage, construction of quadruple garage and alterations to stores at 12 Strait Lane, Ainthorpe for Harker.

Approved on 05/01/2024

**Application reference:** NYM/2023/0765

Verification check of conditions 3 and 4 of planning approval NYM/2021/0100/FL at 17 High View, Eskdaleside, Sleights for Mr Lee Atkinson.

Decided on 08/01/2024

**Application reference:** NYM/2023/0767

Variation of condition 2 (material amendment) of planning approval NYM/2021/0746/FL to allow enlargement of approved rear extension at first floor level at Glendower, 5 Sled Gates, Fylingthorpe for Mr & Mrs G & K Kidd.

Approved on 04/01/2024

**Application reference:** NYM/2023/0768

Verification check of condition 1 of planning approval NYM/2010/0551/FL at Stoupe Brow Farm, Ravenscar for Cheryl Ward Planning.

Decided on 17/01/2024

**Application reference:** NYM/2023/0772

Erection of footbridge at Old railway track between Coverdale Lane and Ellerby Lane located north of Low House Farm for Marquis of Normanby.

Approved on 15/01/2024

**Application reference:** NYM/2023/0773

Verification check of condition 6 of planning approval NYM/2021/0935/FL at High Cragwell, Moor Lane, Aislaby for Adrian Pearson.

Decided on 11/01/2024

**Application reference:** NYM/2023/0774

Variation of conditions 2 (material amendment) and 7 of planning approval NYM/2021/0935/FL to allow the extension to be built out of coursed stone and change horizontal cladding to slate at High Cragwell, Moor Lane, Aislaby for Adrian Pearson.

Approved on 22/01/2024

**Application reference:** NYM/2023/0775

Trees in Conservation Areas works to T63, Y64, T66 to T73, T77 to T91, T113 and T115. at various sites in Egton Conservation Area for Mr Oliver Foster.

No objections on 06/12/2023

**Application reference:** NYM/2023/0780

Work to trees protected by Tree Preservation Order 1963-27 at Egton Bridge for Mr Oliver Foster.

No objections on 06/12/2023

**Application reference:** NYM/2023/0782

Variation of condition 1 of planning approval NYM/2019/0237/FL to allow the continued siting of the storage container at Sleights Sportsfield for Mr D Tate.

Approved on 15/01/2024

**Application reference:** NYM/2023/0783

Work to trees protected by Tree Preservation Order 1980-1 at Dalehouse Plantation, near Staithes for McLachlin.

No objections on 15/01/2024

**Application reference:** NYM/2023/0784

Construction of first floor rear extension with balcony (revised scheme following refusal of NYM/2023/0276) at Underhill Cottage, Blue Bank, Sleights for Mr A Hodgson.

Refused on 12/01/2024

**Application reference:** NYM/2023/0786

Verification check of conditions 5, 6 and 8 of planning approval NYM/2022/0793 at Mill Hill Farm, Ugthorpe for Mr Eric Matthew.

Decided on 22/12/2023

**Application reference:** NYM/2023/0790

Advertisement consent for the display of an interpretation board at National Trust World War 2 Lookout, land at Bent Rigg, Ravenscar for National Trust.

Granted on 16/01/2024

**Application reference:** NYM/2023/0792

Trees in Conservation Area works comprising of felling Ash due to Ash dieback at Gingerbread Cottage, Lythe for Hon C Normanby.

No objections on 04/12/2023

**Application reference:** NYM/2023/0810

Trees in Conservation Area works comprising of reducing crown to T1 Cedar at Burnwood, Hutton Buscel for Dennet.

No objections on 18/12/2023

**Application reference:** NYM/2023/0821

Verification check of conditions 6 and 7 of planning approval NYM/2022/0539 at The Thatched Cottage, Glaisdale for Pamela Groark.

Decided on 12/01/2024

**Application reference:** NYM/2023/0851

Verification check of conditions 5 and 8 of planning approval NYM/2022/0518 at Land to the rear of Holly Cottage and Meadowfield House, High Street, Lythe for Mr Marcus Lingley.

Decided on 18/12/2023

**Application reference:** NYM/2023/0853

Verification check of condition 4 of Listed Building consent NYM/2023/0417 at Thorpe Hall, Middlewood Lane, Fylingthorpe for Mr and Mrs Coop.

Decided on 11/01/2024

**Application reference:** NYM/2023/0863

Verification check of condition 3 of planning approval NYM/2023/0475 to confirm compliance with local occupancy restriction at Low Garth, Fryup for Mr Thomas Woods.

Decided on 11/01/2024

**Application reference:** NYM/2024/0025

Verification check of condition 11 of planning approval NYM/2023/0488 at Plot 1, Low Farm, Beacon Way, Sneaton for Mr J Sutton.

Decided on 19/01/20 Redcar and Cleveland

**Application reference:** NYM/2023/0642

Use of land for the siting of timber building for holiday letting purposes (retrospective) at Valley View, Golden Grove, Whitby for Whitby Log Cabins

Approved on 24/01/2024

**Application reference:** NYM/2023/0781

Installation of replacement garage doors (retrospective) at East View, High Street, Staithes for Ms Jill Turton.

Approved on 25/01/2024

**Application reference:** NYM/2023/0815

Installation of three replacement rooflights and construction of three dormer windows to facilitate conversion of attic to bedrooms at Briar Hill House, 27 Briar Hill, Danby for Mr Brian Hobbs.

Refused on 24/01/2024

**Application reference:** NYM/2023/0816

Demolition of existing conservatory and construction of garden room with three rooflights at 50 Rosedale Lane, Port Mulgrave for Mrs Julia Black.

Approved on 25/01/2024

**Application reference:** NYM/2023/0817

Listed Building consent for installation of replacement garage doors at East View, High Street, Staithes for Ms Jill Turton.

Consent Granted on 25/01/2024

**Application reference:** NYM/2023/0826

Construction of replacement detached garage at Weighbridge, Station Yard, Castleton for Mr Stuart Thompson.

Approved on 25/01/2024

**Notifications under Schedule 2, Part 6, of The Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order)**

**North Yorkshire Council (Ham)**

**Application reference:** NYM/2023/0378

Prior notification for creation of turning area for forestry purposes under Part 6 at located north west of Kidstye, Newtondale Forest Drive for Forestry Commission.

Approved on 29/11/2023



## **North Yorkshire Council (Rye)**

### **Application reference:** NYM/2023/0626

Prior notification for removal of stable and erection of agricultural machinery storage building under Part 6 at The Pheasantry, Scawton for Mr J Birkett.

Approved on 13/11/2023

### **Application reference:** NYM/2023/0657

Prior notification for 5 metre extension to existing tower (total height of 25m), installation of antennas, dishes, remote radio heads, mast head amplifiers and GPS nodes, siting of six ground based equipment cabinets and associated ancillary works under Part 16 (resubmission following withdrawal of NYM/2023/0468) at land west of South House Farmhouse, Bransdale for The Home Office.

Approved on 05/12/2023

### **Application reference:** NYM/2023/0788

Prior notification for erection of hay storage building under Part 6 at Wethercote Farm, Cold Kirby for Mr Richard Bell.

Refused on 15/01/2024

### **Application reference:** NYM/2023/0818

Prior notification for erection of 20 metre high lattice mast with antennas, dishes and remote radio heads together with associated ground based equipment, RRV area, off-grid power generator, fencing, landscaping, access track and welfare/lay-down area under Part 16 at east of Duck House Farm, Daleside Road, Tenter Hill, Farndale East for Home Office on Behalf WHP Telecoms.

Approved on 25/01/2024

## **North Yorkshire Council (Sca)**

### **Application reference:** NYM/2023/0051

Prior notification for creation of slurry pit under Part 6 at Travellers Rest Farm, Ugthorpe for M A Chapman.

Approved on 06/11/2023

### **Application reference:** NYM/2023/0870

Prior notification for creation of road with turning area for forestry purposes under Part 6 at east of Reasty Bank car park off Swang road, Broxa Forest for Forestry England.

Approved on 11/01/2024

## Redcar and Cleveland

**Application reference:** NYM/2023/0753

Prior notification for widening and resurfacing of existing forwarder ramp and construction of additional forwarder ramp for forestry purposes under Part 6 at Blue Lake and Hutton Lowcross Woods located south west of Hutton Village, Guisborough for Forestry England.

No prior approval required on 24/11/2023

**Application reference:** NYM/2023/0632

Prior notification for erection of agricultural storage building under Part 6 at land west of Westholme, West Lane, Danby for Mr Ben Tyreman.

Approved on 22/11/2023

**Application reference:** NYM/2023/0634

Prior notification for restoration works to two agricultural field barns comprising rebuilding of north side gable wall and construction of roof structure to Robin Leys Barn and selective rebuilding works and roof repairs to Turf House under Part 6 at Leath House Farm, Westerdale for Mr Alec Thompson.

Approved on 15/11/2023

**Application reference:** NYM/2023/0673

Prior notification for erection of agricultural storage building under Part 6 at land south of the A171 between Hawsker and Stainsacre for Mr Michael Sedman.

Approved on 05/12/2023

**Application reference:** NYM/2023/0678

Prior notification for siting of water storage tank under Part 6 at land east of Applegarth Farm, Fryup for J.C and P Harrison.

Approved on 15/01/2024

**Application reference:** NYM/2023/0814

Prior notification for extension to existing grain store and repositioning of fuel tank under Part 6 at Bedale Farm, Wykeham Lane, Wykeham for Wykeham Farms Ltd.

Approved on 24/01/2024

**Post committee applications determined by the Director of Planning on expiry of advertisement, receipt of further amended plans and observations**

**Application reference:** NYM/2023/0504

Variation of condition 3 of planning approval NYM/2012/0585/FL to limit the amenity block and associated camping use of the site to no more than 28 days in a calendar year with a maximum of 50 persons during any single event at land to the south east of 11 Easton Lane, Ainthorpe.

The above planning application was approved by the Planning Committee on 30 November 2023 subject to an amendment to condition 2 and an additional condition removing caravan/camping permitted development rights. The decision notice has been issued with an amendment to condition 1 to include the revised site plan, amendment to condition 2 and additional condition 7 as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Document Description	Drawing No.	Date Received
Toilet & Shower Facility Plan & Section Proposed	06	13 September 2012
Toilet & Shower Facility Plan & Section Proposed	07	13 September 2012
Non Mains Drainage Form		20 September 2012
Site Location Plan		12 December 2023

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

2. The amenity block and associated camping use of the site shall be used for no more than 28 days in a calendar year and be limited to a maximum of 50 persons during any single event.
7. The site shall be used for recreational camping (tents only) and for no other purpose (including any other purpose in Part 4 (Class A to Class BC) or Part 5 of Schedule 2 of the Town and Country Planning Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.

**Application reference:** NYM/2023/0129

Construction of two local occupancy dwellings together with reconfiguration of site to combine Blacksmiths Cottage and Anvil Cottage to one dwelling (with alterations to front elevation) and to provide parking and amenity spaces for existing dwellings and

associated landscaping works at land to the rear of Blacksmiths Cottage, Back Lane, Hawsker.

The above planning application was approved by the Planning Committee on 7 September 2023 subject to confirmation from the Local Highway Authority (LHA) that their objections have been overcome. The Highway Authority have submitted their comments and recommended conditional approval as such the decision notice has been issued with the following additional condition and informative together with the removal of condition 20 requiring a 30 year management plan for landscaping, due to the delays in the BNG legislation

#### **Additional condition**

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 30 metres measured along the NW channel line of the major road and 17 metres measured along the SE channel line from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

#### **Additional informative**

An explanation of the terms used above is available from the Local Highway Authority.

#### **Applications adjacent to the National Park (3024)**

##### **Application reference:** ZE23/04569/FUL

For the formation of 10no. crushed stone bases for touring caravans and motorhomes to allow revising of the site to 13no. tents and 10no. caravans/motorhomes.

The Authority has assessed the details of the proposed development and made no objections subject to a condition being attached to control external light to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.

##### **Application reference:** R/2023/0754/SCP

Scoping opinion for a port handling facility and overland conveyor at land between Wilton International complex and the river Tees.

The Authority has assessed the details of the proposed development and raised no objections but requested to be consulted again on any planning application that is received relating to this proposed development.

##### **Application reference:** Renewable Energy Project

**Consultation** on solar farm in Selby.

The Authority has assessed the details of the proposed development and raised no objections.

**Application reference:** ZF23/01799/HS

Erection of extension to front elevation, extension to side and rear dormer window at Fernhill Cottage, Castle Road, Whitby.

The Authority has assessed the details of the proposed development and raised no objections but recommended a condition on any new lighting in order to protect our Dark Night Skies.

**Application reference:** ZE23/06839/HOUSE

Erection of detached two storey timber clad garage to form a domestic store, home office and hobby room, raising of the roof height of the house by 1 metre, installation of 2no. additional rear Upvc dormer windows, erection of attached pergola to the south elevation, formation of new timber framed sash window openings on the front elevation and other alterations to fenestration, installation of an oil tank and increased gravel parking and turning area at Cottesmore, Main Street, Ampleforth.

The Authority has assessed the details of the proposed development and raised no objections.

**Application reference:** ZF23/02014/FL

Erection of a single storey building for use as a boat repair and build workshop (use B2), improvements to existing entrance, formation of car parking and turning area at The Carrs, Ruswarp, Whitby.

The Authority has assessed the details of the proposed development and raised no objections but recommended a condition on any new lighting in order to protect our Dark Night Skies.

**Application reference:** ZF23/01932/OH

Proposed new wooden pole adjacent to existing intermediary pole at Cross Butts Farm, Guisborough Road, Whitby.

The Authority has assessed the details of the proposed development and raised no objections, providing the new pole is the same or similar height as the existing.

## Appendix 4

### List of enforcement matters determined by the Director of Planning in accordance with the scheme of delegation for the period of 7 November 2023 to 22 January 2024

Reference number	Development description and site address	Decision taken
19655	Monitoring of planning applications NYM/2021/0947, NYM/2022/0841 and NYM/2022/0749 at Egton Slaughterhouse, High Street, Egton.	Development in accordance with approved plans. Minor height increase in roof level – not expedient to pursue.
19953	Alleged unauthorised works to Grade II Listed Buildings at Mill Cottages, Rosedale Abbey,	No breach of planning found.
18300	Alleged unauthorised tree felling and potential pond at Roxby Manor, Thornton le Dale.	Planning permission sought for the works.
18285	Alleged poisoning of tree with a Tree Preservation Order 2010/5 at land at Tudor Mead, Thorpe Lane, Robin Hoods Bay.	Tree healthy and unharmed. No further action.
18040	Alleged unauthorised works at buildings opposite Grosmont Farm, The Priory to Fotherleys Farm, Grosmont, Whitby.	Retrospective planning permission sought for works.
17620	Collapse of wall potentially not built in accordance with plans/damage to neighbouring property at Wilf Noble, Ruswarp.	Concerns are a civil matter.
17455	Alleged non-compliance with NYM/2019/0500/FL at Bedeburne, High Hawsker.	Breach rectified. No further action.
17791	Alleged unauthorised works at Old Pigsty near car park, Goathland.	Not expedient to pursue.
17612	Alleged unauthorised dumping of waste at land behind Whitby Stoves, Briggswath.	Concerns passed onto Environmental Health.
16512	Alleged unauthorised installations and block path at St Athanasius Monastery, Langdale End.	Not expedient to pursue. No further action.
19783	Concerns regarding building works taking place under planning approval NYM/2021/0230/NM and NYM/2018/0526/FL at Bank House, Front Street, Grosmont.	Development authorised under NYM/2021/0230/NM and NYM/2018/0526/FL with further condition discharged under NYM/2023/0649.
19998	Alleged unauthorised rooflights at The Old Chapel, High Street, Staithes.	Not expedient to pursue.
19929	Alleged unauthorised signage within Faceby.	No development found.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
19995	Alleged unauthorised garage door next to Listed Building at Kirkhill House, Staithes.	Not expedient to pursue.
19362	Alleged unauthorised gravel parking at Dickens Cottage, Hutton le Hole.	Hardcore now grassed over – no further enforcement action necessary.
17310	Monitoring of NYM/2018/0237/CU and NYM/2018/0624/FL at Millinder House, Westerdale.	Works have planning permission under reference NYM/2018/0624/FL.
19905	Potential expiration of exemption certificate for camp site and alleged unauthorised structures at Wethercote Farm, Old Byland, Thirsk.	Caravan site has exemption license. No permission required.
20124	Pole potentially installed on a scheduled monument at land off Scarborough Road, Stainton Dale, Ravenscar.	Permitted development. Historic England to pursue the matter going forward due to damage to scheduled monument.
17885	Street trading consultation at Runswick Bank Top car park.	License expired and operation ceased.
19985	Alleged unauthorised fish and chip signage on the green in Osmotherley.	Development removed.
19976	Excavation of land adjacent to boundary wall in association with building work at Low Cow Helm, Chopgate.	Works being undertaken in accordance with planning permission.
19833	Concerns regarding works to Listed Building at Market Place Cottage, Egton.	No unauthorised works.
20021	Concerns regarding building works at Laurel Cottage, Stainsacre, Whitby.	Works are being completed in accordance with the planning approval NYM/2022/0604. Demolition of wall – the wall was not listed nor in a Conservation Area – does not state in the conditions that the wall is to be retained. Not expedient to pursue any further action.
20113	Alleged unauthorised tipping of waste at Beacon Farm, Scalby.	Permitted development as land approximately 0.267 hectares.
19455	Alleged breach of planning approval NYM/2020/0913/RM at land east of 12 Esk View, Egton.	New application NYM/2023/0513 for development, including access road approved.
19035	Expiry of temporary consent NYM/2012/0506/FL for use as stone quarry and extension to working area and NYM/2014/0056/FL for	Application NYM/2023/0017 approved for winning and working of stone and erection of

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
	construction of replacement building at Lowthers Cragg, Sleights Moor.	building together with extension to working area.
20023	Concerns regarding building works to the rear at 28 Castle Road, Thornton le Dale.	Permitted development – no further action necessary.
19756	Concerns regarding trees being cut down at land between 82 and 84 High Street, Hinderwell.	Works to clear site and remove some vegetation stopped and Tree Preservation Order served and confirmed.
18113	Unauthorised use of building as dwelling at Valley View Farm, Station Road, Castleton.	Planning permission granted.
18029	Alleged unauthorised change of use at The Forge Garage, Hawnby.	No change of use.
19806	Alleged unauthorised erection of two farm gates that block the bridle way and public right of way at Keasbeck Farm, Harwood Dale	No breach of planning found.
19991	Alleged unauthorised caravan near Cross Plantation, Farndale.	Permitted use of land under Class B – temporary use of land.
17961	Alleged unauthorised change of use from car park to allow motorhome parking overnight at Horse Shoe Hotel, Egton Bridge.	Unauthorised use ceased.
20004	Unauthorised sheds and fences at 1-7 Townend Farm, Easington.	Not expedient to pursue.
17266	Alleged unauthorised works at Bank Top Farm Caravan Park, Newton Upon Rawcliffe.	Planning permission sought to regularise the works.
20032	Breach of conditions of planning approval NYM/2017/0695 at Easington Garage, Whitby Road, Easington.	Enforcement case being opened.
20114	Vandalised signage on the A170 advertising commercial units in Riccal Drive at Helmsley.	Permitted development.
19529	Concerns regarding refused planning application NYM/2016/0279/FL at land to the rear of High Street, off Egton Lane, Egton.	No breach found.
19879	Alleged unauthorised double-glazed windows at Woodlands Farm, Thorgill, Rosedale Abbey.	Further enforcement action required.
17006	Possible change of use of land at land to the rear of Esk View, Commondale (accessed via Ravensgill Campsite).	Not expedient to pursue.



<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
18134	Erection of telegraph pole at Dunsley Village Green.	Breach rectified.
19994	Alleged unauthorised works to Listed Building at Boulby Cottage, Staithes.	No breach found.
18245	Alleged unauthorised use as commercial dog breeding and dog boarding at Low Ellermire Farm Cottage, Chop Gate.	Further enforcement action required.
17827	Alleged unauthorised works to create extension at Cliff Cote, Prospect Field, Robin Hoods Bay.	Works completed in accordance with planning permission NYM/2021/0945/FL
15963	Alleged unauthorised works to Listed Building at 3 Bloomswell, Robin Hoods Bay.	Works completed in accordance with planning approval NYM/2023/0242.
19876	Alleged breach of planning approval NYM/2022/0646, conditions 6 and 7 at Lodge Farm, Cow Close Lane, Moorsholm.	Breach of condition rectified.
18208	Alleged unauthorised outdoor dining pods with lighting at Mallyan Spout Hotel, Goathland.	Breach rectified.
19997	Alleged unauthorised change of door at The Cottage, High Street, Staithes.	Not expedient to pursue.
19992	Alleged unauthorised change of paint colour to front elevation at Saltwick House, Staithes.	Not expedient to pursue.
18026	Notification of commencement of works at Toft House Caravan Site, Aislaby.	All relevant conditions have been discharged and development is so far in accordance with plans.
20112	Alleged unauthorised internal works to a Listed Building at Smugglers Ale House, Robin Hoods Bay.	Works undertaken consist of small like for like repairs, new furniture/kitchen and decoration/cosmetic works.
19829	Works allegedly not in accordance with planning approval NYM/2021/0466/FL at Pond Farm (55 The Lane), Mickleby.	Not expedient to pursue.
17717	Expiry of temporary consent NYM/2018/0381/FL at Raw Pastures Farm, Goldsborough.	Temporary use has ceased and farm returned to original state.
17818	Expiry of temporary consent NYM/2018/0454/FL for change of use of domestic garden to tea garden at Underhill Cottage, Glaisdale.	Application for permanent change of use approved.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
19571	Monitoring of NYM/2019/0194 at Castleton Primary School, Castleton.	Application approved for retention of canopy for further temporary period.
20039	Alleged unauthorised signage outside Spears Travel, Helmsley.	Signage removed.
20154	Alleged unauthorised signage along A170 towards Sutton Bank Visitor Centre.	Signage removed.
20165	Alleged unauthorised removal of dry stone wall and replacement gate to rear of 32 Castlegate, East Ayton.	Works constitute permitted development and not covered under the Article 4 Direction or legislation for demolition in Conservation Areas.
19572	Monitoring of NYM/2018/0322 at Castleton CP School, 38 High Street, Castleton.	Application approved for further temporary period.
19257	Alleged unauthorised shed, building, and sitting area on land at Allotment Gardens, Staithes.	Structure removed.
20206	Concerns regarding works to Listed Building at Rocklea, High Street, Staithes.	Small scale maintenance repair works.
19818	Alleged unauthorised uPVC windows fitted to rear of Listed Building at Lyndale Cottage, High Street, Thornton le Dale.	Notice of warning to be issued – Enforcement record to be opened.
18145	Alleged unauthorised hospitality lodge with veranda at land to north of Scawton Park Farm, Scawton.	Enforcement record to be opened.

### **Enforcement Notices served**

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
NYM/0003/2023	Alleged breach of local occupancy condition at Old Peak, Raven Hall Road, Ravenscar.	Planning Contravention Notice (served 04/10/23) and Breach of Condition Notice (served 16/01/2024)
NYM/0005/2023	Potentially unauthorised silo at Oscar Park Farm, Rievaulx.	Planning Contravention Notice (served 23/01/2024)
NYM/0008/2023	Potentially unauthorised use as commercial dog breeding and dog boarding at Low Ellermire Farm Cottage, Chop Gate.	Planning Contravention Notice (served 23/01/2024)
NYM/0002/2023	Shooting of ducks possibly being brought onto ponds in Stape.	Planning Contravention Notice (served 10/01/2024)

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
NYM/0006/2023	Breach of conditions at Easington Garage, Whitby Road, Easington.	Planning Contravention Notice (served 18/12/2023)

## **Item 8, List of planning applications together with the Director of Planning's recommendations**

The time period for responses to consultations/publicity carried out on individual applications may not have expired before the given closing date for such responses to be reported to the committee meeting. Any responses received within the various specified consultation periods but not reported to the meeting will be taken into account. If such responses are contrary to the Committee's resolution and raise new matters the application will be presented for reconsideration by the Committee at a future meeting.

The background papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

1. Application: includes, the application form, certificates under Section 65 of the Town and Country Planning Act 1990, plans, and any further supporting information submitted with the application.
2. Further correspondence with applicant, including any amendments to the application: includes any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent together with any revised details and/or plans.
3. Letters from Statutory Bodies – includes any relevant letters to and from the District Councils, Parish Councils, Departments of North Yorkshire County Council, Water Authorities and other public bodies and societies.
4. Letters from Private Individuals – includes any relevant letters to and from members of the public with respect to the application.
5. Statutory Plans and Informal Policy Documents – some or all of the following documents will comprise general background papers taken into account in considering planning applications in the National Park. The Plans listed under (b), (c) and (d) comprise the Development Plan which forms the basis for determining planning applications

### **Statutory Plans:**

- a) North York Moors National Park Management Plan – December 2016
- b) North York Moors Local Plan Adopted July 2020
- c) Helmsley Local Plan – July 2015
- d) Whitby Business Park Area Action Plan (2014) and Design Brief (2016)

**Supplementary Planning Documents (SPD):**

- e) Renewable Energy SPD (April 2010)
- f) Design Guide SPD
- g) Osmotherley and Thimbleby Village Design Statement SPD (2011)
- h) Ampleforth Conservation Area Appraisal & Management Plan SPD
- i) Oswaldkirk Conservaton Area Appraisal & Management Plan SPD (2011)
- j) Hutton Buscel Village Design Statement (2010)

# North York Moors National Park Authority

## Plans list item 1, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0868

**Development description:** Variation of condition 2 (material amendment) of planning approval NYM/2022/0001 to allow a reduction in footprint, increase in height, creation of recess for bins and alterations to fenestration and doors of the approved side extension (retrospective)

**Site address:** 43 Brook Lane, Ainthorpe

**Parish:** Danby

**Case officer:** Mrs Hilary Saunders

**Applicant:** Mr Colin Simmons, 43 Brook Lane, Ainthorpe, Whitby, North Yorkshire, YO21 2LD

**Agent:** Simmons Architects Ltd fao: Mr Colin Simmons, 45 Brook Lane, Ainthorpe, Whitby, YO21 2LD,

### Director of Planning's Recommendation

Refusal for the following reason(s)

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The extension as constructed, by reason of design and height is not subservient in scale to the host property and detracts from its character and form and the character of the locality, contrary to the requirements of Strategic Policy C and Policy CO17 of the NYM Local Plan. And Part 2 of the Design Guide Supplementary Planning Document.

## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0868

Scale: 1:1250



**Photo showing front elevation of property with extension as constructed**





## Consultation responses

### Parish

Object.

In 2022 the Parish Council supported the original application in respect of this property and subsequently the Authority granted conditional planning approval. It seems however that the applicant may have gone ahead with alterations but not in accordance with the original plans and with some disregard to the conditions set out in the planning approval. The applicant now seeks to legitimise his actions by seeking retrospective approval, the Parish Council see this as being somewhat of an abuse of the planning system, with the issue being compounded because of the applicant's background as a Chartered RIBA Conservation Architect (as stated in the Supporting Information in respect of the original plans). If approved this case could potentially open the door for further deliberate breaches of conditions followed by retrospective applications.

### Highways

The previous highway recommendation made for application 2022/0001 was based on that there was no increase in the number of bedrooms and that the parking space in the garage was being replaced with a space behind the plot.

The plans associated with this application show the previous kitchen area being replaced with another bedroom – drawing nr. 2104-12 Rev E.

The applicant should provide details of where vehicles would be expected to park. The Local Highway Authority would expect a four bedroomed dwelling in an area like this to have a typical demand for three parked vehicles.

## Third party responses

**J & K Graham, 41 Brook Lane, Ainthorpe** - Object.

Supported the original application but what has been constructed is materially different to what was approved.

We object for the following reasons:

- A second habitable floor has been added with large velux windows. This increases the habitable floor space beyond the limits specified in NYMP Policy CO17; increases the roof height materially to the extent that it is no longer subservient to the existing building in contravention to the NYMP Design guide (notwithstanding that the applicant specifically agreed to, and filed revised plans, lowering the roof height following officer comments to application NYM/2022/0001), and introduces a highly visible and incongruous soil pipe to the gable wall facing our property in order to service the ensuite to the second floor rooms constructed in contravention of the planning condition. The enlarged velux style roof windows now allow users of the unauthorised second floor, to look onto and into the full extent of our back garden, patio, and sun lounge. It is no longer private.

- UPVC windows and doors have been installed rather than traditional styled wooden windows and the layout and size has been altered on the rear elevation. These do not conform to the NYMP Design Guide and makes the extension look incongruous in the setting of Ainthorpe village green and neighbouring properties (including ours). What was applied for, supported by us, and permitted would have enhanced the setting, what has been installed detracts from that setting.
- What has been constructed is overbearing and fails to respect local character, or complement the scale, height, massing, appearance, and character of the existing dwelling. It breaches not only the original planning condition but contravenes NYMNPAs Householder Development Policy CO17, The Local Plan 2020 Strategic Policy C Quality & Design of Development, and Design.
- Had it been originally submitted as it is now constructed it would surely not have been supported or granted permission.

### **Consultation expiry**

12 January 2024

### **Background**

43 Brook Lane is a traditional stone and pantile end of terrace dwelling, located to the south of Ainthorpe and adjacent to the Fox and Hounds Inn. The property is not a listed building or located within a Conservation Area.

Planning permission was granted in 2022 for the construction of a 1½ storey side extension of matching stone and pantile with timber windows, with the drystone wall along the frontage to match the existing wall to the left of the house.

The scheme was significantly amended following negotiations with Officer's, to lower the eaves and ridge height of the extension to result in a development clearly subservient in character to the host dwelling and to remove the rooflights on the front elevation. The approved scheme would have resulted in a 29.8% increase in the property's total habitable floorspace complying with the limits set within Policy CO17.

At that time, the Case Officer advised the applicant as follows: -

- Design improvements are required before the application could be recommended for approval.

The proposed extension has a width and height similar to that of the main property. The extension is therefore not considered to be clearly subservient to the main house as required by Strategic Policy C and Policy CO17. I would advise that the ridge and eaves heights are lowered as there seems to be a significant distance between the proposed windows and eaves which appears out of proportion with the main house, particularly as a second floor is not being accommodated within this space.

The requirement for the rooflights on the rear of the property is accepted and the Authority is prepared to compromise on the length of the extension provided the ridge and eaves height could be lowered... there is a significant distance between the proposed windows and eaves which appears off balance. Furthermore, this design compounds the negative visual impact of the large expanse of solid stone wall created by the ground floor of the extension.

In response to this the applicant (who was also the agent and architect) submitted a revised drawing with the eaves and ridge heights lowered to reduce the distance between the proposed windows and eaves.

However, despite agreeing the amendments and submitting the revised plans, the applicant/architect has constructed the extension as originally submitted, with significantly higher eaves and ridges than approved, larger rooflights at the rear, poorly designed uPVC windows with prominent external trickle vents (contrary to the condition requiring timber windows) and additional rooms in the roof space in the form of a bedroom in bathroom, resulting in an overall increase in floorspace of approximately 35%. The stone wall along the frontage has also been constructed significantly lower than approved.

## **Main issues**

### **Local Plan**

**Strategic Policy C (Design)** seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

**Policy CO17 (Householder Development)** seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will only be permitted where the scale, height, form, position and design do not detract from the character and form of the original dwelling or its setting in the landscape; does not adversely affect the residential amenity of neighbouring occupiers and reflects the principles outlined in the Authority's Design Guide.

In the case of extensions and alterations to the existing dwelling, any extension should be clearly subservient to the main part of the building and should not increase the total habitable floorspace by more than 30% unless there are compelling planning considerations in favour of a larger extension; the design and detailing should complement the architectural form and character of the original dwelling.

It is explained within the text that very large extensions can be overbearing and proposals which incrementally extend small dwellings beyond their original size can have a detrimental impact on the character of an area and the mix of dwelling types needed to sustain balanced communities. Limiting the size of new extensions can avoid the loss of smaller more affordable dwellings in the National Park.

Part 2 of the Design Guide offers advice and guidance on the basic design considerations that should inform any proposed extension or alteration to a dwelling. Section 3.1 refers to side extensions and explains that it is important to have a lower roof height, in order to retain the architectural integrity of the original building but also ensure that the extension is subservient to the main house.

The National Planning Policy Framework (Dec 2023) promotes good design and advises against later harmful changes at para 140 that, Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

## **Material considerations**

### **Design and materials**

Whilst the materials reflect the local vernacular, the two-storey side extension as constructed has become the dominant form with a disproportionate amount of stonework in relation to the amount of fenestration, and with the wrong proportion of stonework above the lintel of the windows and the eaves of the roof. Furthermore, as the front wall has been constricted at a lower height than approved, this exacerbates the bulk of the primarily blank front elevation of the extension.

Due to rising ground levels the proportions of the rear elevation are better, albeit there is no break in levels on the eaves line. It is not considered that the larger rear rooflights are harmful.

The conditions on the approval of the original permission required the use of timber windows. However, whilst uPVC has been installed, the property is not listed or within a Conservation Area and the original dwelling has uPVC windows which will not have required planning permission. It is unfortunate however, that poorly designed windows have been installed in conflict with the planning permission.

### **Size and scale**

In this particular case, the size and scale of the extension is considered excessive and contrary to the very specific design criteria set out in Strategic Policy C and Policy CO17

as well as that set out in the Design Guide. In terms of the size restrictions set out contained within Policy CO17 the previous approval resulted in an increase in habitable floorspace of just below 30% whereas the scheme as constructed would represent an increase of approximately 35%. However, this small exceedance is not considered to be a reason in its own right to refuse the application. In this instance it is the visual impact of the size of the extension that is considered to be harmful.

### **Neighbour amenity**

Whilst the extension is very close to the neighbour boundary, the rooflights do not cause unacceptable overlooking due to aspect out of rooms.

### **Conclusion**

This development as constructed has a detrimental impact on the character of the host dwelling and the street scene, which is why these details were negotiated out of the original application. The proposal is therefore considered to be contrary to requirements of Strategic Policy C, Policy CO17 and the Design Guide.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Not applicable.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

# North York Moors National Park Authority

## Plans list item 2, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0712

**Development description:** Construction of workshop/store/maintenance building with associated parking and landscaping works (revised scheme following refusal of NYM/2021/0532/FL)

**Site address:** Windhill Farm, Bentley Buildings, Glaisdale

**Parish:** Glaisdale

**Case officer:** Mrs Hilary Saunders

**Applicant:** Guy Bentley Limited fao: Mr Tom Bentley, Windhill Farm, Bentley Buildings , Glaisdale Hall Lane , Glaisdale, Whitby, YO21 2QY

**Agent:** BHD Design Ltd fao: Mr Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB,

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text															
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.															
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site location &amp; block plan</td><td>D12107-01B</td><td>27/10/2023</td></tr><tr><td>Proposed block plan</td><td>D12107-02D</td><td>27/10/2023</td></tr><tr><td>Proposed plan &amp; elevation</td><td>D12107-04B</td><td>27/10/2023</td></tr><tr><td>Existing &amp; proposed sections</td><td>D12107-03B</td><td>27/10/2023</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Site location & block plan	D12107-01B	27/10/2023	Proposed block plan	D12107-02D	27/10/2023	Proposed plan & elevation	D12107-04B	27/10/2023	Existing & proposed sections	D12107-03B	27/10/2023
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Proposed plan & elevation	D12107-04B	27/10/2023															
Existing & proposed sections	D12107-03B	27/10/2023															
3	UOR01	The premises shall be used as workshop, storage of plant machinery and energy storage ancillary to the existing business on the application site and for no other purpose (including any															

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
		other purpose in Classes B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
5	GPMT05	The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity.
6	GPMT06	The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in vertical tanalised timber boarding above natural stone dwarf walls and shall thereafter be so maintained.
7	BCMT05A	Any pointing in the development hereby permitted should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand). Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1½ times the width of the joint or until sound mortar is reached. Power tools including drills, grinders must not be used. The pointing shall thereafter be so maintained in that condition in perpetuity.
8	MC00	All external doors/roller shutter doors shall be finished externally in a dark green/dark brown/dark grey and thereafter be so maintained.
9	MC00	The solar panels hereby approved shall have black frames and shall be removed from the building if no longer needed.
10	MHC-03	The development must not be brought into use until the access to the site at Windhill Farm, Bentley Buildings has been set out and constructed in accordance with the 'Specification for

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
		<p>Housing and Industrial Estate Roads and Private Street Works” published by the Local Highway Authority and the following requirements:</p> <ul style="list-style-type: none"> <li>• The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E40 and the following requirements.</li> <li>• Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.</li> <li>• The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.</li> <li>• Measures to enable vehicles to enter and leave the site in a forward gear.</li> </ul> <p>All works must accord with the approved details.</p>
11	MCOO	<p>Prior to the development being first brought into use full details of the proposed management of the existing boundary vegetation and bio-diversity enhancement of any areas of retained grassland shall be submitted to and approved by the Local Planning Authority. The boundary planting and grassland shall be maintained in perpetuity in accordance with the approved management plan.</p>

### **Informative(s)**

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1	INF MHI-C	<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County</p>



Informative number	Informative code	Informative text
		Council's website [ <a href="https://www.northyorks.gov.uk/roads-parking-and-travel/roads-and-pavements/road-adoption">https://www.northyorks.gov.uk/roads-parking-and-travel/roads-and-pavements/road-adoption</a> ). The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0712

Scale: 1:2500



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## **Consultation responses**

### **Parish**

No objections

### **Highways**

No objections subject to conditions

### **North Yorkshire Fire & Rescue**

No objection/observation

### **Natural England**

No comments received.

### **Environmental Health**

No comments received.

### **CL163 Protection Group**

No comments received.

## **Third party responses**

No comments received.

## **Consultation expiry**

24 November 2023

## View of site (behind stone wall) from adjacent highway and existing business buildings



## Background

Windhill Farm is located on the northern slope of Glaisdale Moor, midway between Lealholm and Glaisdale.

It comprises a complex of traditional and modern farm buildings used to run a civil engineering and groundworks contracting company. Permission was originally granted on the site in May 1996 which changed the use of the site from agriculture to agricultural, horticultural or landscape contractors' premises, including a store for plant and equipment, office space and open storage. This included planning permission for the silage clamp at the side of the site to be used as open storage associated with the contracting business. The following condition was attached to this approval: -

- With the exception of drainage gravel stored within the existing silage clamp to a height not exceeding the height of the clamp walls, there shall be no storage of any materials, machinery, plant, vehicles, waste or other items outside the building without prior written agreement of the Local Planning Authority.

Planning permission was granted in 2013 for the construction of a small extension to the existing office building attached to the plant store.

Planning permission was refused in 2021 for a substantial detached building to be constructed within the area of the old silage clamp. The building was to be L shaped and measure 31.527m long (along road facing elevation) x 8.925m deep on the eastern gable and 18.402m deep on the west elevation, which you would view when approaching from Ainthorpe direction.

The building was to measure 5.5m to eaves and 7.35 to ridge with stone and Yorkshire boarded elevations, with a grey profile sheet roof with a solar array on the south facing roofslope.

This application was refused for the following reason: -

1. The massing and siting of the proposed office/storage building within the open countryside would represent obtrusive sporadic development in the open countryside, which would be detrimental to the landscape character and appearance of this part of the National Park. The building would be clearly seen from the adjacent public highway and wider landscape and by reason of its extension of development into the open countryside would have a harmful impact on this landscape. The proposal would therefore be contrary to Policy BL1 of the North York Moors Local Plan which only allows small extensions to existing buildings in the open countryside.

Following this refusal further negotiations with officers have taken place and justification have been put forward.

This revised application again seeks permission for a building that would be used to provide small plant hire storage unit, fabrication and maintenance workshop, and a plant and solar energy storage room, but on a reduced scale.

Following liaison with the officers the originally submitted design has been reduced in size and designed with more attention paid to specific uses which has assisted with the reduced size. This has been achieved by rationalisation of the existing offices to improve the use of the current space, removing a requirement for them to be within the new building.

Dimensionally, the proposed building has been reduced by 7.5m along its road facing elevation and on the same elevation, the ridge height reduced by 1.5m. Part of the ridge running parallel with the road rises to accept a perpendicular ridge to a short North/South part of the building. This height is required to the eaves to ensure it can be used for maintaining the larger items of plant currently used.

The site is at a lower level than the road and proposed materials are natural coursed stone base to walls, timber vertical boarding to the upper walls; dark grey profiled steel sheet to the roof (the plans state green but the applicant's agent has agreed a condition requiring dark grey) along with PV solar panels; roller doors to be green powder coated.

The site sections indicate a drop from the road verge into the site to the ground level of the proposed building.

In support of the application the applicant's agent has submitted the following information: -

- The "Bentley" Group of companies was established in 1989 operating from a rented office in Great Fryup Dale. They comprised of Guy Bentley Ltd, Guy Bentley Groundworks Ltd, Eldwick Ltd & Yorkshire County Homes.

- In 1994 we purchased our current premises at Windhill, Glaisdale. With the North York Moors National Parks support we converted a redundant milking parlour & agricultural shed into office & storage facilities. With further support from yourselves in 2016 we extended the office space.
- From 1989 to the current date, we have grown & have employed between 20 & 60 people from within the National Park which otherwise is mostly supported by tourism & farming. I feel passionately that our beautiful North York Moors National Park needs companies like our selves who offer the young alternative employment from Farming & tourism.
- The heart of our operation has always been in Glaisdale and 100% of our administrative employees (8 number) are from a 5-mile radius of Glaisdale.
- They could and some do, Cycle or Walk to work.
- Both of my Children (26 & 27 years old) work for the businesses & hopefully will have families to support from within the heart of the North York Moors National Park.
- The storage & workshop units we have applied for planning permission for are the next vital addition to allow us to bring further training & employment opportunities for the next generation.
- Glaisdale is the heart of the business & business like our selves are the heart of Glaisdale & the wider North York Moors National Park. Against all odds we own & have kept running the last remaining Public House in Glaisdale, we have built ( on the old Coal yard – in Glaisdale) & operate rental properties for young families and are currently developing, with your support, a tea room and accommodation on the brownfield site of the old garage - in Glaisdale.
- I feel we have a duty between ourselves to support alternative employment in the Parks & not turn our area into a theme park with little opportunity other than tourism. The farming element is already in serious decline with the true farmers left with little alternative but to turn to tourism in order to survive. We add to the opportunities for them, helping them to stay in the park.
- We are pleased and appreciate that Glaisdale Parish Council have given us their full support.
- The business continues to grow and adapt to meet the ever-changing customer requirements.
- Along with increased work is the demand for larger and more technical plant and
- equipment. A lot of this has to be stored externally. This is obviously a problem for the effect of weather on the plant and also the need for security which is unfortunately a pressing issue. Without enough indoor facilities obtaining insurance is also more problematic.
- The new building will include a rear offshoot that will be purpose made for maintenance of the larger machines used. It will provide a safer more practical environment for the work to be carried out which improves quality. Other areas will,

as labelled on the drawings, provide areas for storage, fabrication, hire and services such as a solar battery bank.

- The layout follows the line of the existing buildings and is kept as close as possible to these buildings just with a gap suitable for parking and access/turning. In terms of scale and massing we have used the sites lower level to reduce the visual impact by keeping the proposed floor level of the building down at existing ground level. Where there is a variation, the building will be 'dug in' not built up.
- Another gain by having the building will be a result of fewer vehicle movements. Currently some maintenance, especially to the larger items of plant must be carried out off site. This will not be a regular requirement going forward.

## Main issues

### Local Plan

**Strategic Policy B (Spatial Strategy)** seeks to guide developments to an appropriate location, it envisages that the focus for new business development will be in Helmsley. Within open countryside, new business development will only be permitted where it can be demonstrated that there are no suitable locations in Helmsley or larger villages.

**Policy BL1(Employment and Training Development)** requires that development of new or expansion of existing employment or training facilities will only be permitted within the main built-up areas of Helmsley and the Larger Villages where it reuses existing permanent buildings, forms a small extension of an existing building, or in the case of new buildings, there is no other suitable accommodation available in the locality.

Within the main built-up area of Smaller Villages, where a site in Helmsley or a Larger Village would not meet the requirements of the proposed enterprise; where it reuses existing permanent buildings, or it forms a small extension of an existing building.

Within Open Countryside where it reuses existing permanent buildings; forms a small extension of an existing building. Or where development proposals are part of a Whole Estate Plan that has been approved by the National Park Authority.

All proposals for employment and training development will be expected to demonstrate that the scale and location of the proposal would not be detrimental to the character and appearance of the local and wider landscape; the site can be safely accessed by the existing road network; there is sufficient land and storage space and there is no unacceptable harm in terms of noise, activity or traffic generation on the immediate neighbourhood, either individually or cumulatively with other development.

This policy goes on to state that employment land including land for storage and distribution (B8) uses is allocated within the National Park in the 2014 Whitby Business Park Area Action Plan and in the 2015 Helmsley Local Plan on land outside the National Park area.

**Strategic Policy C (Design)** seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

### **Material considerations**

The key issues are considered to be the appropriateness of locating this contracting business additional development in this open countryside, balanced against increased sporadic development and visual impact, where policy restricts development to small extensions only.

### **Scale of development**

Firstly, in terms of scale it cannot be done as a small extension and needs to be a detached new building however the proposed building has been reduced in scale, but still of a scale to serve the requirements of the business. Whilst located at the top of a valley, it would be set forward into the site so when viewed from lower aspects would reduce its impact. Furthermore, from the roadside aspect, it would be set down at a lower level and partly screened by the stone boundary wall which would reduce its impact from the road.

### **Locational requirement**

In terms of the need for this development in this location, whilst discussions have taken place regarding re-locating to Whitby Business Park, it is accepted that this established business operates from this location and employs people from the locality who would not travel to Whitby, and therefore this proposal seeks the continuation of a local employee and contributes to the rural economy.

### **Conclusion**

It is considered that the combination of revised scheme which addresses a number of concerns raised with the previously refused scheme, including, size, scale and details of use, along with additional locational and operational justification for development in this location provides sufficient 'other material considerations' justification to permit an exception to the strict provisions of Policy BL1. The previous parish council objection has also been removed.

On this basis it is considered that there is sufficient justification for an officer recommendation of approval as it would support the aims and objectives of Strategic Policy K and Policy BL1 in terms of supporting the local economy.



### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Outcome 5 which seeks to create a place that supports a diverse and innovative low carbon economy, providing opportunities that attract, upskill and retain a local workforce working in high-value, knowledge-intensive jobs and the 'green' or 'landscape' economy.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

# North York Moors National Park Authority

## Plans list item 3, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0806

**Development description:** Variation of conditions 2 (material amendment) and 4 of planning approval NYM/2021/0999/FL to allow enlargement of one window opening and installation of doors and the sale of beach toys, equipment, and seaside memorabilia.

**Site address:** The Galley on the Quarterdeck, Covet Hill, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Mrs Hilary Saunders

**Applicant:** Ghyll Wood Developments Ltd

fao: Mr Graham Kemp, Beacholme, Covet Hill, Robin Hoods Bay, Whitby, YO224SN

### Director of Planning’s Recommendation

Approval subject to the following:

**Condition(s)**

Condition number	Condition code	Condition text									
1	MC00	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed block plan</td> <td>3029-4</td> <td>20/05/2022</td> </tr> <tr> <td>Proposed site layout</td> <td>3029-6 B 2</td> <td>30/11/2023</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed block plan	3029-4	20/05/2022	Proposed site layout	3029-6 B 2	30/11/2023
Document Description	Document No.	Date Received									
Proposed block plan	3029-4	20/05/2022									
Proposed site layout	3029-6 B 2	30/11/2023									
2	MC00	<p>The timber cladding, doors, window frames and roof materials of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.</p>									
3	MC00	<p>The building hereby approved shall only be used ancillary to the existing tea hut building to which it is attached and for no other purpose, in accordance with the conditions attached to planning permission reference NYM/2018/0558 and the revised list of</p>									

Condition number	Condition code	Condition text
		<p>hot food and drinks and non-food goods which can be sold and equipment as follows:</p> <p>Hot drinks</p> <p>Soups</p> <p>Hot Sandwiches</p> <p>Toasted Panini</p> <p>Toasted Sandwiches</p> <p>American style Hot Dog</p> <p>Pizza Slices</p> <p>Warm freshly baked scones</p> <p>Donuts machine, Waffle toaster, Crepe griddle</p> <p>Small tabletop fryer not exceeding 8 Litres capacity.</p> <p>Any cold food and cold drinks</p> <p>Guide/local information books</p> <p>beach toys and equipment</p> <p>seaside memorabilia.</p> <p>None of the above shall be kept or displayed outside the building.</p>
4	MC00	The stone gabion baskets hereby approved shall match the existing gabion baskets, in terms of size and stone fill as the existing gabion baskets on site.
5	MC00	The planting of the stone gabions shall be in accordance with the planting scheme approved under NYM/2018/0713/CVC and shall be carried out no later than the first planting season following the completion of the development and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Map showing application site**



**North York Moors National Park**

Application Number: NYM/2023/0806

Scale: 1:1250

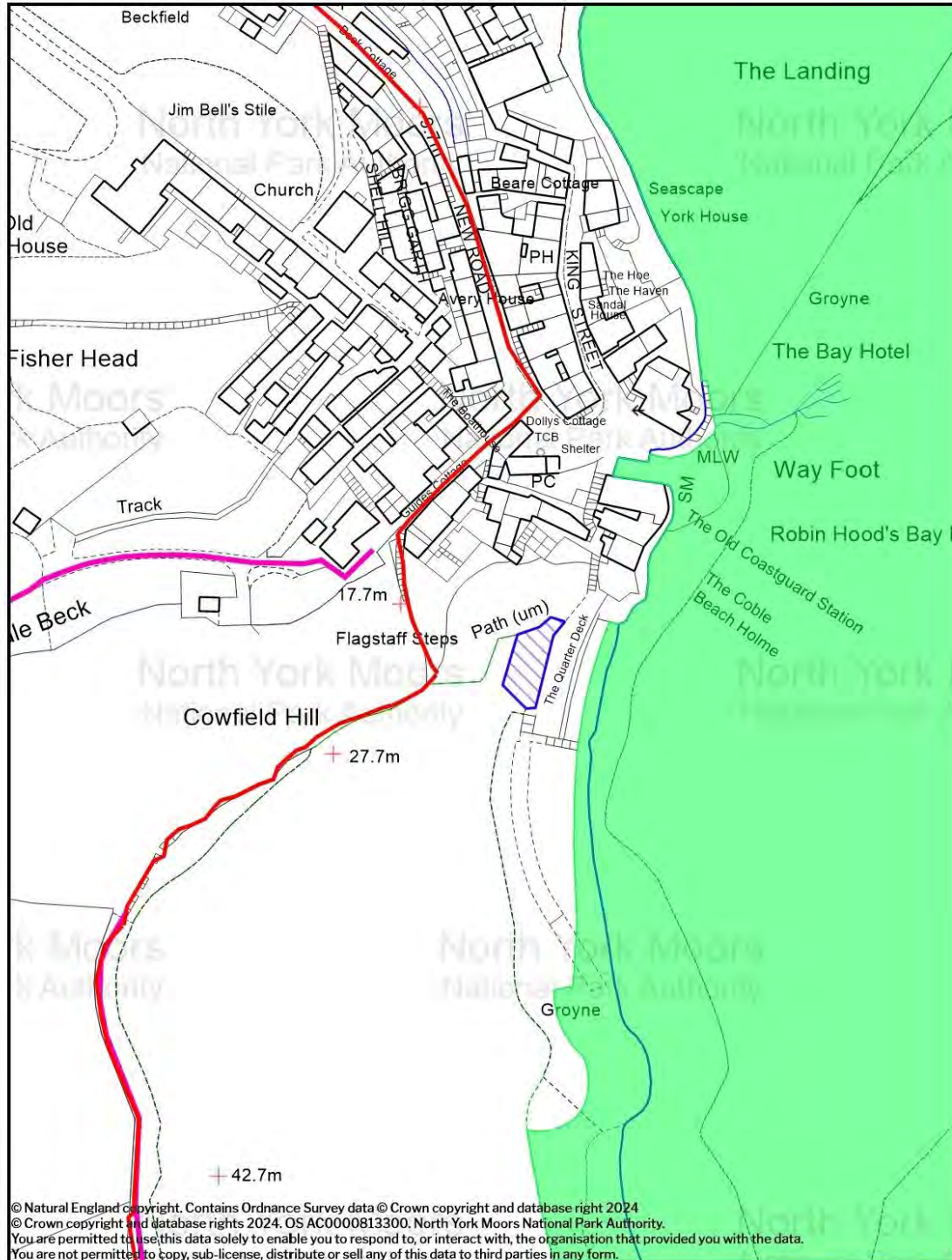


Photo showing the tea hut on the Quarterdeck.



## **Consultation responses**

### **Parish**

Four out of six parish councillors object to this planning application as they feel this would be an overdevelopment of a small site. They feel it goes well beyond the original, approval and would no longer be in keeping with the local environment. The visual impact of an additional commercial outlet would detract from the beauty of the area.

The remaining two Councillors either failed to comment or did not object to this planning application.

### **Coastal Engineer, North Yorkshire Council**

No objections

### **Highways**

No local highway authority objections to the proposed development.

The Local Highway Authority have considered the use the application site currently holds and the use that would be permitted if the application is approved. The use that the site already holds is detailed in the decision notices of previous approvals:

NYM/2018/0177/FL details the items that are permitted to be sold.

NYM/2021/0999/FL gives approval for the extension of the building.

The Local Highway Authority appreciate that different items would need to be delivered to the premises by different arrangements. The Local Highway Authority would object to a significant increase in vehicles travelling up and down New Road. However, as the approval for the size of the building has already been granted, the Local Highway Authority would view any deliveries being made to stock up part of the building with one type of goods would be in line with the reduction of deliveries that would be otherwise made for the other goods.

### **Environmental Health**

No comments received.

### **North Yorkshire Fire & Rescue**

No objection/observation

### **Natural England**

No comments received.

### **Police – Designing out Crime**

No comments received.

### **Third party responses**

#### **G & Y Irving, 8 Laburnum Avenue, Robin Hoods Bay**

Object. Initial planning application received over 40 objections that were ignored. To disregard ALL the strict restrictions given on the initial planning is to make a mockery of planning applications and the code of planning held highly by National Parks in this beautiful village, I cannot see in any way the site of bright plastic toys/beachwear and memorabilia will in any way enhance our beautiful coastline.

The initial planning application was for a tea hut only for the sale of snacks and drinks.

There is enough merchandise sold everywhere in Bay. Please, do not allow the expansion of this shed to blight our coastline.

#### **C Bancroft, Muir Lea Stores, New Road Robin Hoods Bay**

No objection to The Tea Hut selling these items but if permission is granted, please consider the traffic issues in Lower Robin Hood's Bay. There is an issue in the area with traffic. At present The Tea Hut as a takeaway cafe requires regular deliveries of smallish items which are normally delivered in smaller vans. Beach items are bulky items and as such as delivered in larger vans - the last thing we need is more large vans coming into the village.

18/01/2024 – Additional comments

We do not get our beach toys delivered to the shop; we used to and realised the vehicle was too big to be coming down the bank, so we get these delivered either to our home address in Scarborough or my father's farm. I also believe that the other shops doing beach toys in lower Robin Hoods Bay do the same for this reason. We see the worst of the traffic outside of our shop; the larger vehicles cannot be passed easily and therefore cause more major issues.

I believe the applicant has underestimated the bulkiness of beach items. To solve the potential traffic issues would the applicant be able to meet the delivery vehicle at the loading bay at the top of the bank opposite The Victoria Hotel as we do with many of our deliveries in larger vehicles.

#### **A Ackers, 46 Convent Way, Whitby**

Object. Over development in this area and not in keeping with the area especially as it is part of the national park. Original planning was subject to strict conditions, and it would appear nothing has changed so why would the conditions change?

#### **S Yorke, 8 Carron Crescent, Acomb Park, York**

Object to these variations as this extension was only supposed to be used as a prep area but it appears this is now not the case with freezers or fridges and merchandise now popping out of the building that will look unsightly and spoil the look of the area.

I also feel this will further add to overdevelopment of this area.

### **Consultation expiry**

4 January 2024

### **Background**

The Quarterdeck comprises a concrete area which has been created by the sea wall defences at the bottom part of Robin Hoods Bay. This area provides an alternative access to the beach than the slipway and also access to the permissive path that leads up to the Cleveland Way.

Planning permission was granted in 2018 to site a small timber tea hut building on land adjacent to the Quarterdeck in Robin Hoods Bay, to provide hot and cold food and drinks. There were a large number of objections to that application, concerned about the impact on the character of the area and additional activity that this use may generate, along with concerns about the impact on the viability of other businesses in the area. Consequently, the planning permission that was granted had a number of conditions attached, including one which listed what produce could be sold from the tea hut and what equipment they could have on site. The list is as follows: -

Hot drinks, Soups, Hot Sandwiches, Toasted Panini, Toasted Sandwiches, American style Hot Dog, Pizza Slices, Warm freshly baked scones, Donuts machine, Waffle toaster, Crepe griddle, Small tabletop fryer not exceeding 8 litres capacity, Any cold food and cold drinks.

This development has been completed and the tea hut is operating.

Planning permission was subsequently approved in 2021 for a small side extension to provide an improved preparation area. This extension measures 2.74m wide and the same depth and height as the existing building. The framework of this extension has been constructed but it is not yet complete. Conditions were attached to this approval requiring the use to be as restricted by the original permission and that the extension be constructed in accordance with the approved plans.

This current application seeks to amend the window and door design to allow external access to a fridge/freezer and also to extend the scope of what they are able to sell to include the sale of beach toys, equipment, and seaside memorabilia. The opening would be 1.5m high from the floor by 0.85m wide with twin Siberian Larch doors to match the existing.

In support of the application and in response to third party comments, the applicant sets out the following: -

Due to re-organisation of the inside the window is no longer required, as this is for internal fridge and freezer storage area only. We wish to speed up the counter serving at



peak times, by allowing the customers to choose from the display fridge, whilst waiting to be served.

We also wish to add none food goods available to sell to the public as we have been asked on many occasions to sell books for trails and walks, tide times tables and village information etc.

Third parties do have justifiable concerns with traffic problems within Robin Hoods Bay. However, larger retailers of beach goods in the area may use a larger Luton type vehicles to deliver to their shops but I would assure you any purchases and subsequent deliveries to the Galley will be made just once a year, in bulk and to our storage barn, in the Fisherhead area of Robin Hoods Bay. From there, they will be carried on foot, in small quantities, with our normal stock, as and when required. It is totally implausible to say there would be large Luton vans causing congestion; where would such large quantities be stored, on the Quarterdeck, within a small tea hut?

The Galley on the Quarterdeck has very few large deliveries; just once a week and on a Friday afternoon. The same vehicle also delivers to other outlets in Robin Hoods Bay and the Dock area. The rest of our deliveries happen in small quantities, generally by car.

Congestion in the lower Bay is usually caused by inexperienced holiday makers driving down, or indeed parking on the double yellow lines, preventing other drivers passing.

## **Main issues**

### **Local Plan**

**Strategic Policy K** - The Rural Economy - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors and provides for and supports small and micro business through the provision of flexible start-up businesses; it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

**Policy ENV11** – Historic Settlements and Built Heritage - seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal.

This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

**Policy UE1** - Location of Tourism and Recreation Development seeks to permit recreation development where it is located in Helmsley or within the main built-up area

of one of the villages; or in Open Countryside where it involves a small scale conversion and/or extension of an existing building of architectural or historic interest, or where it complies with Policy UE2.

### **Material considerations**

The principle of this development has already been agreed and the permission implemented, including the sale of a variety of hot and cold foods.

The main issues in this instance are therefore considered to be whether the installation of a larger opening to allow external access to a fridge would have a detrimental visual impact on the building or the character of the locality and whether the sale of a selection of non-food goods would have any greater impact on activity levels and the character of the area than that allowed under the existing permission.

### **Physical alterations**

In terms of the larger opening on the front elevation, to enable external access to the fridge, it is not considered that this change in design would have a detrimental impact on the appearance of the building or on the character of the locality.

### **Produce sold**

In terms of the type of produce sold, it is not considered that addition of non-food goods would have any impact on the character of the locality or activity levels given the suggested delivery arrangements. Initial concerns with the original application had been about litter and smells (particularly from hot foods), and this proposal would not generate these. The building is of a limited scale, and this will automatically restrict the level of sales from the premises, particularly with a condition to limit external displays, which could result in a detrimental impact on the amenities of the area. Consequently, there are no material planning reasons to prevent some non-food goods to be sold.

### **Highways and traffic**

Concerns have been expressed regarding the additional delivery vehicles that this proposal would result in. However, the amount of produce taken to and stored is limited by the small scale of the building and it is not considered that the wider variety of goods sold would result in a significant increase in traffic movements and the Highway Authority have no objection to the proposals.

### **Conclusion**

In view of the above, it is considered that the changes proposed do not materially affect the character and nature of the development already approved and would not have any different impact on residential amenity or the character of the conservation area than the scheme already approved.

In view of the above approval is recommended.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Outcome 5 which seeks to create a place that supports a diverse and innovative low carbon economy.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.

# North York Moors National Park Authority

## Plans list item 4, Planning Committee report 08 February 2024

### Application reference number: NYM/2023/0850

**Development description:** Removal of condition 5 of planning approval NYM/2021/0472/FL to allow permanent siting of the shepherds huts

**Site address:** Land off Sutherland Road, Cropton

**Parish:** Cropton

**Case officer:** Mrs Hilary Saunders

**Applicant:** Mr Russell Stripling Scott, 3 Sutherland Ford, Sutherland, Cropton, YO18 8EU

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text
1	MC00	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application (including the proffered additional new tree screening mitigation) hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2	MC00	No more than three shepherds' huts shall be sited within the application site at any one time, and they shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
3	MC00	The holiday units (3 no. shepherds huts) hereby permitted shall be managed from the existing dwelling known as 3 Forestry Bungalows, Sutherland Road, Cropton and shall not be managed, sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of

Condition number	Condition code	Condition text
		condition 3 above without a further grant of planning permission from the Local Planning Authority.
4	MC00	This permission relates to the siting of traditional style shepherd's huts for holiday use only. The huts shall not be replaced with any other structure for holiday use.
5	MC00	No shepherds hut shall be occupied between 30 September in any one year and 1 April in the succeeding year.
6	MC00	No external lighting shall be installed in the development hereby permitted. Any variation to this will require a new grant of planning consent from the Local Planning Authority.
7	MC00	<p>The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A, access construction and standards Detail B2 Conservation kerbs (enclosed) and the following requirements.</p> <p>Any gates or barriers must be erected a minimum distance of 2 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.</p> <p>The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.</p> <p>Measures to enable vehicles to enter and leave the site in a forward gear.</p> <p>All works must accord with the approved details.</p>
8	MC00	Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local

Condition number	Condition code	Condition text
		<p>Highway Authority, is available to download from the County Council's web site:</p> <p><a href="https://www.northyorks.gov.uk/roads-parking-and-travel/roads-and-pavements/road-adoption">https://www.northyorks.gov.uk/roads-parking-and-travel/roads-and-pavements/road-adoption</a></p> <p>The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
9	MCOO	<p>The following schemes of off-site highway mitigation measures must be completed as indicated below:</p> <p>Installation of passing Place works at Sutherland Road prior to the development being brought into use - locations to be agreed.</p> <p>For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.</p> <p>A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.</p>
10	MCOO	<p>If the use of the shepherd huts hereby approved has ceased for a period of more than 18 months, they shall be removed from the site within six months of the cessation and the land shall, as</p>

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
		far as practical, be restored to its condition before development took place.
11	MC00	Foul sewage disposal shall be provided in the form of composting toilets as detailed in the email from Katie Atkinson dated 26 July 2021. The development shall not be brought into use until the drainage facilities have been provided in accordance with the approved details and shall thereafter be so maintained.

### **Informative(s)**

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1	MC INFO0	Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

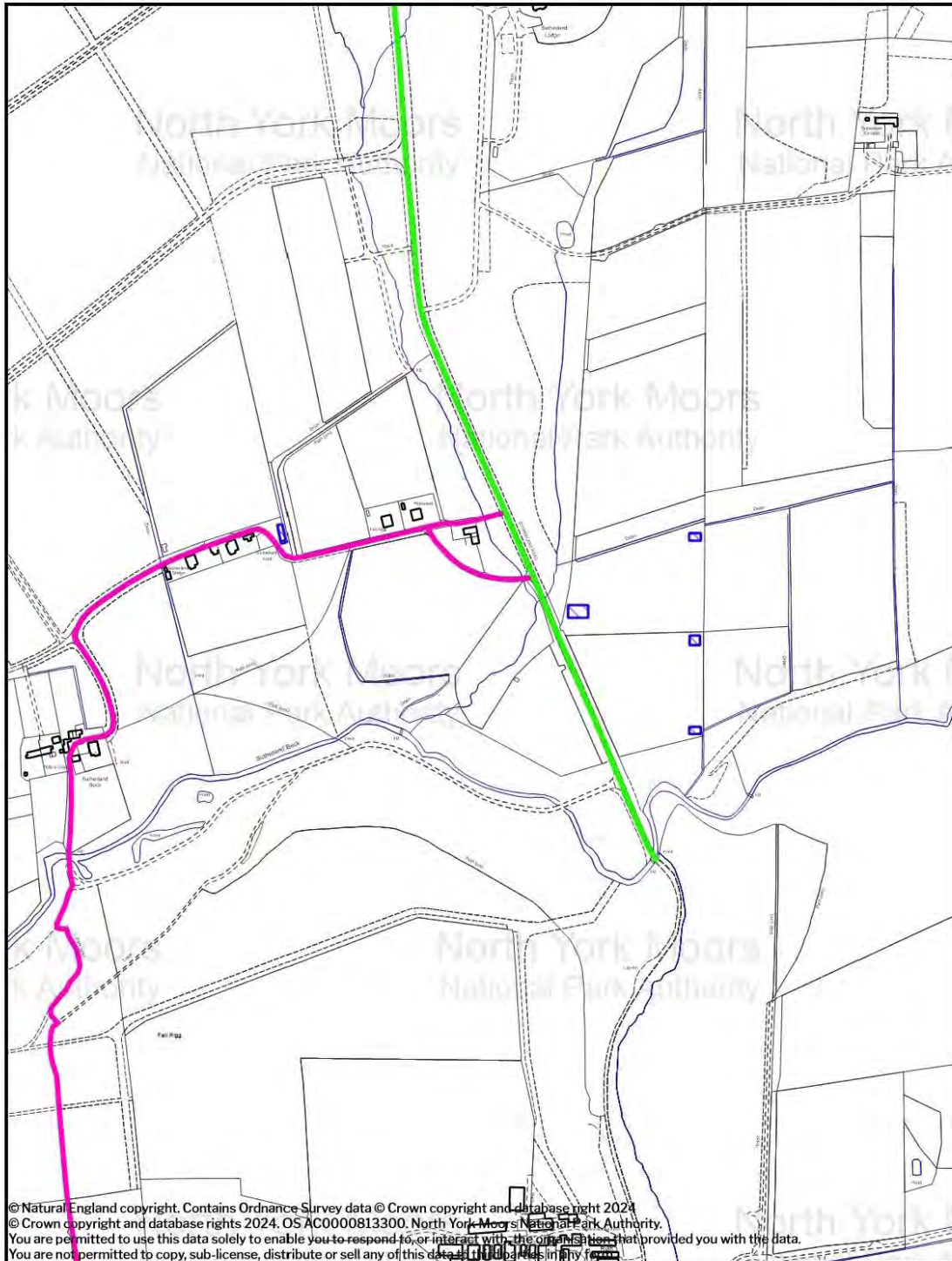
## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0850

Scale: 1:5000





## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0850

Scale: 1:2500



**Photo showing location of shepherd's hut (in area of red circle) within the field off Sutherland Road**



## **Consultation responses**

### **Parish**

No comments received.

### **Highways**

No objections

### **Environmental Health**

No comments received.

### **Forestry Commission**

No comments received.

### **Third party responses**

No comments received.

### **Consultation expiry**

12 January 2024

## **Background**

This application relates to a sizable parcel of grassland in a forest clearing located off Sutherland Road on the edge of Cropton and in the vicinity of Peat Rigg Outdoor Pursuit Centre.

The field is located at the bottom of a steep hill and is bounded to the north, south and east by substantial tree planting and to the west by less dense tree and hedge planting, albeit a recent planting scheme has been undertaken.

The applicants live at 3 Forestry Bungalows which is situated approximately 500m to the west on the other side of Sutherland Road.

Notwithstanding officer concerns about the location of the units which are isolated from other development in the open countryside and some distance from the managing dwelling planning permission was granted by the Planning Committee in 2021 for the siting of three shepherd's huts adjacent the woodland to the eastern boundary at the back of the site (all more than 100m from the access gate at the road). In addition to the application proposals, the applicants had also secured a contract with the Woodland Trust to plant 1600 trees per hectare consisting of a mix of high and low density woodland using native broadleaved species and to also undertake wildflower meadow planting.

As part of the planning approval, a condition was attached to require the removal of the shepherd's huts from the site between the end of September and 1 April each year, in

order to reduce the visual impact of the huts when the trees were more sparsely in leaf, and to store them in a barn at the applicant's property. At the time of the decision there was some doubt that the huts could fit into the relatively low barn.

Only one hut has currently been placed on the land and this application seeks planning permission to remove that condition requiring removal during the winter months as the applicant states that the land is too wet to remove without causing significant damage to the ground.

In support of the application the applicant has provided the following information: -

- The grass mown path has been continuously too waterlogged to attend site and remove the hut safely without damage to the land and the hut. Meadows provide valuable habitats for wildlife, and we have been working over the last five years to maintain and improve species diversity within the field. We have been adding native wildflower species seed and plugs to improve biodiversity and it may cause manmade compaction due to having heavy machinery to remove the hut from the field under these conditions. We are concerned about damaging the soil structure which is important for the biodiversity of bacteria fungi, nematodes and worms.
- Outcome 1 of the management plan sets the requirement for the National Park to 'protect, restore and improve soils across the national park.' The removal of the hut in the winter months will likely have a negative impact on these requirements.
- We have made a number of attempts to access the site via vehicle with no success. As we are a fledgling business, the financial risk associated with any incurred damage would have devastating financial implications.
- We have no intention to rent the huts out during the winter months.
- The hut, being in muted natural colours mirrors the surrounding vegetation and is barely noticeable from the road. We have completed the planting of around 1500 trees between the hut and the road which will add further screening of any visible hut in the coming years.

## Main issues

### Local Plan

**Strategic Policy B (The Spatial Strategy)** sets out the principle of development in the National Park according to spatial criteria. Development in the open countryside will only be permitted inter alia where it meets the requirements set out at Policy UE2.

**Strategic Policy G (Landscape)** gives weight to the landscape impact of proposals and seeks to control the location, scale and detailed design of any proposal to ensure the scheme respects and enhances the local landscape character type.

**Strategic Policy J (Tourism and Recreation)** seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides

opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or public rights of way.

**Policy UE2** relates specifically to Camping, Glamping, Caravans and Cabins. The policy states that development will only be permitted for small scale holiday accommodation (such as tents, pods, yurts, tepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where it is within Helmsley or the main built up area of a settlement listed in the hierarchy outlined in Strategic Policy B and it is in close proximity to an existing residential unit which will be used to manage the accommodation, or; where it is in open countryside and is not isolated from an existing business or residential unit which will be used to manage the accommodation. The development must not cause unacceptable harm in terms of noise and activity on the immediate area or detract from the character, tranquillity or visual attractiveness of the area. The accommodation should be of a high quality design which complements its surroundings.

**Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity)** seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

### **Material considerations**

The principle of the development of this site to provide three shepherds huts to be used for holiday accommodation from beginning of April to the end of September each year has already been established through the 2021 planning permission. Consequently, the primary consideration in this instance is whether the retention of the shepherds' huts on site over the winter months when tree cover is sparser, would be visually intrusive and have a detrimental landscape impact and whether it would have a detrimental impact on residential amenities of those living in the locality.

### **Landscape impact**

The application field is located at the bottom of a steep hill and screened from wider views by both substantial existing tree planting and topography, as it is located within the wider setting of Cropton Forest.

The boundary of the site with Sutherland Road (which is also a public bridleway) is well treed but the site can be looked into from here, however, the approved shepherd's huts, (of which only one is in place at present) are and will be approximately 100m to the east of the roadside boundary and set against a backdrop of trees. Due to the backdrop of

trees, colour and distance from the public highway, the existing shepherds hut is very well screened and is only noticeable if you are actually looking for it. It is not considered that the retention of the huts all year round would have a negative landscape impact, either from immediate or wider views.

### **Impact on residential amenity**

The shepherd's hut that has currently been placed on site is over 200m from the nearest residential properties, with tree screening between them and it is not considered that the retention of these huts on site all year round would have any detrimental impact on residential amenity enjoyed by the occupiers of these properties.

### **Ecology**

The Authority's ecologist has been consulted and has not raised any objections to the proposed development and agrees that the removal of the huts could cause damage to the ground, and therefore recommends that the huts are not used for letting during this winter period as limiting the disturbance to the soil is important.

### **Conclusion**

It is considered that the retention of the shepherds huts all year round would not have a detrimental impact on the immediate or wider landscape, residential amenity or ecology and therefore would be in accordance with the Policies outlined above. Therefore, approval is recommended.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Objective 4, Outcome 1 to protect, restore and improve soils across the National Park.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

# North York Moors National Park Authority

## Plans list item 5, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0857

**Development description:** Erection of stable building for equestrian and livestock purposes (revised scheme following refusal of NYM/2023/0204)

**Site address:** Land south of St Margarets Church, Aislaby

**Parish:** Aislaby

**Case officer:** Miss Megan O'Mara

**Applicant:** Ms J Birch

**Agent:** George F White fao: Miss Hannah Wafer, Dean Street Arch, 22 Dean Street, Newcastle, NE1 1PG

### Director of Planning's Recommendation

Refusal for the following reason:

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed stable building would be sited in an isolated and prominent position within a field that lacks sufficient screening and as such, the development would result in unacceptable harm to the local landscape character and special qualities of the National Park, contrary to Policy CO20 of the Authority's adopted policies, as set out within the Local Plan.

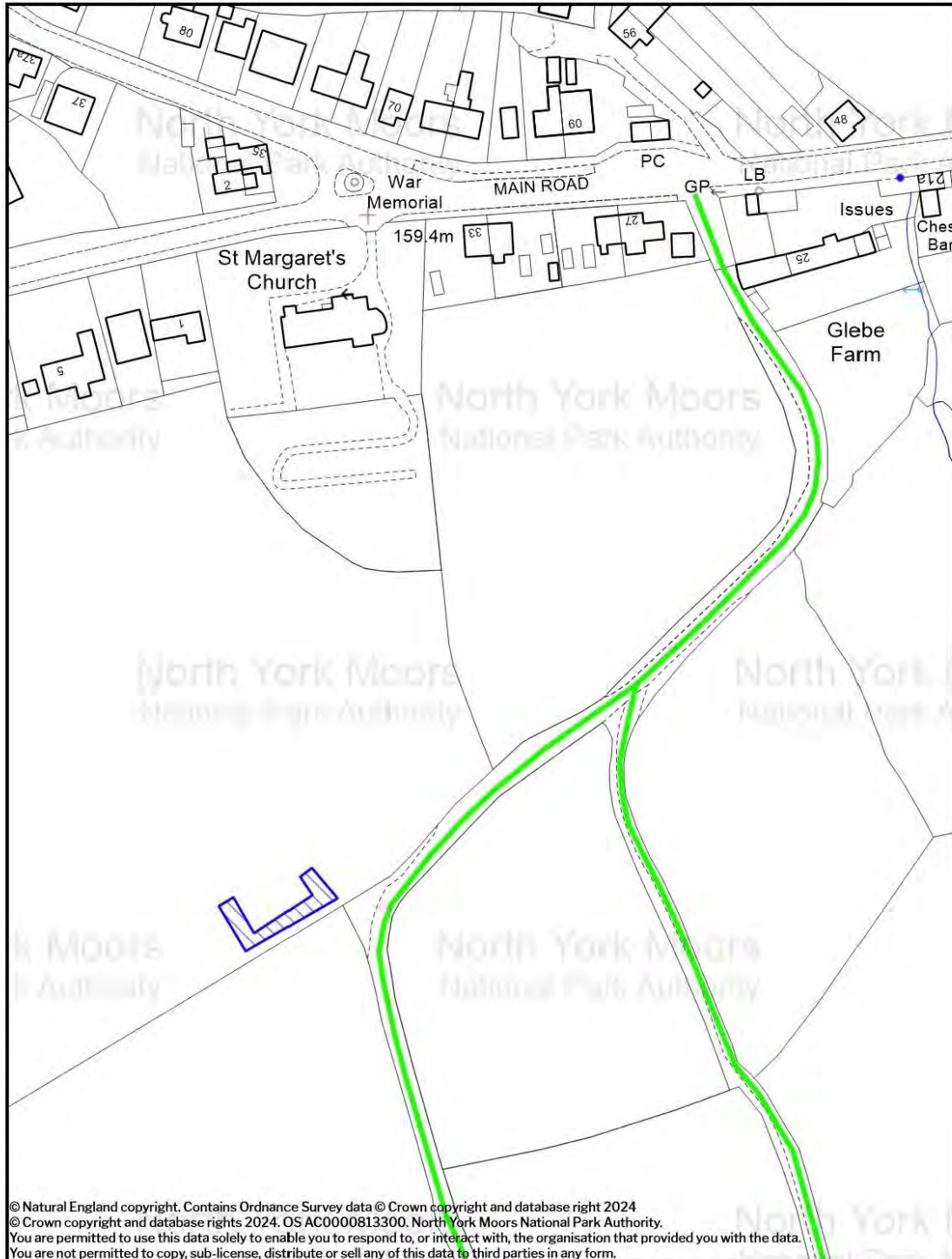
## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0857

Scale: 1:1250





**This photo shows the view of the development site from the church yard. A small horsebox can be seen in the location of the proposed stable building.**



**This photo shows the development site from the adjacent bridleway.**



## Consultation responses

### Parish

Object - The majority view of Aislaby Parish Council is that the North York Moors National Park Authority (NYMNP) has already made their decision on this matter, and it should not be changed. The revisions seem to be merely a set of opinions, nothing appears to have fundamentally changed therefore, in our opinion, NYMNP's grounds for refusal still stand, i.e. 'The proposed stable building would be sited in an isolated prominent position within a field that lacks sufficient screening and as such the development would result in unacceptable harm to the local landscape character and special qualities of the National Park, contrary to policy CO20 of the Authority's adopted policies as set out within the Local Plan'.

### Highways

No objections - On the clear understanding that this application will be conditioned to remain ancillary to the applicant and that the applicant has a vehicular right of access along the bridleway to the gate for the delivery of the stable building materials, there are no highway objections to the application.

### Third party responses

The following people have written in support of the application for some or all of the following reasons:

**Miss Nicola Prince of Select, 47 The Ropery, Whitby, United Kingdom, YO22 4EY**  
**Bridget Eddon of 8 Stonecross Road, Whitby, North Yorkshire, YO213LT**  
**Mrs Sarah Atkinson of 3 Ryelands Park, Easington, Saltburn-by-the - Sea, TS13 4PE**  
**Mrs Natalie Noble of Manor farm, Beacon way, Sneaton, YO225HS**  
**Miss Jenny Webster of 10 Thornhill view, Glaisdale, North Yorkshire, YO21 2AX**  
**Miss Lucy Mothersdale of 57 Wagtail Crescent, Whitby, YO22 4QU**

- Necessary for animal welfare.
- Will not impose on surrounding countryside.
- Design is in proportion and in keeping with surroundings.
- The following person has objected to the application for the following reasons:
- Mrs Susan Murray at Resident, 82, Main Road, Aislaby, North Yorkshire, YO21 1SP
- Unacceptable impact on the local landscape character and the special qualities of the national park.
- Negatively impacts the view from the bridleway towards a designated conservation area and view from the Grade II listed church and church yard.
- No existing buildings on the site and this proposal would not be closely associated with existing buildings and would be prominent in the landscape regardless of a reduction in its size from 135.37 sq m internal area to 118 sq m.

Already adversely impacted the site through installation of hard landscaping to provide vehicular parking without any consultation or approval by the NYM Planning Authority.

The bridleway is too narrow to accommodate the twice daily (minimum) journey that the owner's large car is making along the track.

### **Consultation expiry**

31 January 2024

### **Background**

The development site is a field south of a row of residential dwellings that run along the southern side of Egton Road, Aislaby. The open field, up until recently, was free of any structures or fencing and is identified as agricultural in terms of its lawful use. It was brought to the Authority's attention that significant groundworks and the removal of vegetation had taken place. The groundworks, which would have required planning permission, have cut into the existing landscape to provide a flat base for the proposed stable building, to which this application relates.

The applicants have not sought planning permission for a change of use of the land from agricultural to equestrian.

The applicants submitted a pre-application advice enquiry seeking guidance on the erection of a number of structures on the land and were advised by an officer that the Authority would be unlikely to support the proposals due to landscape impact. The applicants subsequently submitted a planning application for the erection of a timber stable building along the southern boundary of the field. The proposed 'U' shaped stable building measured 18.5m by 9.3m with an eave's height of 2.44m. This application (NYM/2023/0204) was refused.

The current application is a revised scheme, again seeking planning permission for the erection of a timber stable building. The proposed building, to be sited in the same location as previously proposed, now takes the form of an 'L' shape and measures 20.4m x 9.28m at its widest points, with a height of 2.45m to the eaves.

### **Main issues**

#### **Local Plan**

**Strategic Policy A** relates to Achieving National Park Purposes and Sustainable Development. Within the North York Moors National Park, a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be

attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

**Strategic Policy C** relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

**Strategic Policy I** relates specifically to development affecting the Historic Environment. The policy states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

**Policy ENV11** relates specifically to Historic Settlements and the Built Heritage. The policy states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features.

**Policy C020** relates specifically to horse related development for private use, including stables, outdoor exercise arenas and permanent field shelters. The policy states that development will only be permitted where there is no unacceptable impact on the local landscape character or the special qualities of the National Park. Existing buildings must be used as far as possible and any new stables, yard areas and facilities are closely associated with existing buildings and are not prominent in the landscape. The scale of any new structures must be appropriate to their setting and the design must reflect the principles outlined in the Authority's Design Guide. The development must not harm the amenities of neighbouring occupiers by reason of noise, disturbance, smell or other adverse impact; any lighting should be discreet in order to minimise light pollution.

### **Principle of development**

This application seeks planning permission for the erection of a timber 'L' shaped stable building on a field south of Egton Road in Aislaby, following the refusal of a previous scheme for a 'U' shaped building. The revised plans show that a bay has been removed which has changed the layout of the structure from a 'U' to an 'L,' however the length of the building is actually increasing from the previously proposed 18.5m to 20.4m (an increase of just under 2m).

It is proposed that the stable will primarily be used for the keeping of horses on the land, with some space within the building allocated to agricultural purposes.

It is not clear from the plans or the supporting information how the building will be used for agricultural purposes. The application states that the proposed stable is for private equestrian use, not commercial, as such, the development is assessed predominantly against Policy CO20 of the Authority's adopted policies, as set out within the Local Plan.

Policy CO20 explains that many households living at the edge of villages or in Open Countryside keep horses for private use, taking advantage of the network of country lanes and bridleways for recreation. Horse related development needs to be managed with care as it can be harmful to the appearance of the landscape, especially where stables, all-weather exercise areas and paraphernalia associated with horse keeping are located in fields and paddocks adjacent to residential properties rather than within the domestic curtilage. The character of the landscape can also be altered when agricultural land is broken up into smaller scale paddocks containing horse keeping structures.

Open fields, such as the development site, contribute towards the local landscape character and special qualities of the National Park. In this instance, the landscape character is largely agricultural. The site is not within the main built-up part of the village and as such, any development on this site is particularly sensitive. Developing agricultural land on the outskirts of villages results in ribbon development that encroaches into the open countryside having an urbanising impact of the landscape, contrary to the Authority's adopted policies (Strategic Policy B) which seek to conserve and enhance the natural beauty of the National Park, as well as safeguarding and improving the sense of tranquillity and remoteness in the National Park.

The Authority aims to protect the landscape from intrusion by isolated features, so new stables, loose boxes or outdoor exercise arenas which are separated from existing buildings or are prominent in the landscape will not be permitted. Stables, field shelters and exercise areas should be located in positions which relate well to existing buildings and proposals should take advantage of hedgerows or other landscape features that would provide screening.

The development site is an open field with clear views across and into the site from the wider area. The prominence of this site has been exacerbated through the removal of a substantial amount of vegetation and hedgerows that originally provided some level of screening. The applicants have also divided the site into smaller paddocks and whilst the fencing itself does not require permission, the use of the land for equestrian purposes does. The use of the land solely for the grazing of horses is acceptable and does not constitute a change of use, however the stabling of horses does constitute a change of use of the land. The keeping of horses for domestic purposes/enjoyment is not agriculture. The change of use of agricultural land for equestrian purposes will only be acceptable where the change of use does not result in harm to the local landscape character.

The applicants do not live in Aislaby (they live outside of the National Park in Whitby) and as such, the pressure on the land is increased by the number of structures that are required to meet the needs of the applicants and their horses, providing storage and

shelter that could ordinarily be provided for within existing domestic outbuildings within a residential unit.

For clarity, the Authority interprets point 2 of Policy CO20 to mean existing buildings associated with the applicant's residential unit. This is to prevent the introduction of isolated buildings across the National Park that are not closely related, physically and functionally, to domestic units for maintenance and management. The proposed stable would be isolated from any existing buildings which not only results in harm to the landscape, but also raises concerns regarding the long-term management of the site and the welfare of the animals kept on site given that the applicants do not live within close proximity.

Policy CO20 is clear that horse related development for private use, including stables, outdoor exercise arenas and field shelters will only be permitted where there is no unacceptable impact on the local landscape character or the special qualities of the National Park. The policy also requires that existing buildings be used as far as possible and any new stables, yard areas and facilities are closely associated with existing buildings and are not prominent in the landscape. It is considered that the proposed stable building would be prominent within the open field and combined with the new access, levelling groundworks and division of the land into smaller plots would result in detrimental harm to the character of the landscape and surrounding area. There would be clear and direct views of the proposed stable building from the listed church and the residential dwellings along the top of the field on Egton Road.

A number of third party comments have been received, many of which are supporting the proposed development; however, their comments predominantly relate to animal welfare rather than the considerations set out in Policy CO20.

The Authority's Building Conservation Officer has no concerns regarding the impact of the proposed development on the Conservation Area street-scene, however it is noted that there are views of the development site from the Grade II listed church and church yard and as such, additional screening would be required if the application were to be supported. The Building Conservation Officer also had concerns that any associated lighting with the development would have a detrimental impact on the tranquillity of the area and listed church and churchyard.

Overall, officers consider that the proposed stable building would be isolated from existing buildings and sit in a prominent and highly visible position within the landscape and as such, fails to adhere to Policy CO20 of the Authority's adopted policies. The overall impact of the proposed development is exacerbated by the scale of the proposed building, together with a distinct lack of sufficient screening. Furthermore, the unauthorised groundworks are considered to have resulted in substantial harm to the landscape character.

In conclusion, the proposed development fails to adhere to the Authority's adopted policies and Design Guidance is demonstrably harmful and as such, the application is recommended for refusal.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Not applicable.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

# North York Moors National Park Authority

## Plans list item 6, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0607

**Development description:** Listed Building consent for installation of seven replacement traditional weighted vacuum sealed sliding sash windows and two Yorkshire sliding sash vacuum sealed windows

**Site address:** The Old Vicarage, 40 North End, Osmotherley

**Parish:** Osmotherley

**Case officer:** Miss Victoria Flintoff

**Applicant:** Mr Duncan Ross Russell, The Old Vicarage, 40 North End, Osmotherley, North Yorkshire, DL6 3BB,

**Agent:** Kirby Joinery Ltd fao: Mrs Karen Ward, Units 2 & 3 Clay Pit Lane, Roecliffe, Nr Boroughbridge, YO51 9FS

### Director of Planning's Recommendation

Refusal for the following reason(s):

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The Local Planning Authority considers that the proposed replacement windows, incorporating a one pane wide (twin panes vacuumed sealed together glazing) with applied glazing bars, fails to replicate the traditional joinery details of the existing multi-paned single glazed windows and would consequently detract from the special architectural and historic character of the Listed Building. It would also present issues for future repair and maintenance. This is contrary to Policy ENV11 of the North York Moors Local Plan 2020, which states that proposals should reinforce historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials, and construction methods with high standards of design to conserve and enhance the built heritage. It further states that adapting assets for climate change mitigation should not harm the heritage value of any asset.
2	The Local Planning Authority considers that the proposal would compromise the aesthetic and architectural quality of the current windows and undermine the integrity of the historic building including the overall setting. Furthermore,



<b>Refusal reason code</b>	<b>Refusal reason text</b>
	<p>alternative options to overhaul the windows, which would not harm the significance, have been discounted and insufficient justification has been provided to indicate that the alterations are necessary to achieve a public benefit to offset the harm caused. The proposal is therefore contrary to Section 16 (paragraphs 189, 199, 200 and 201) of the NPPF, as the historic and architectural significance of the windows and overall listed building would be harmed for future generations. It is also contrary to the North York Moors Local Plan, including Strategic Policy I and Policy ENV11, which requires that alterations to Listed Buildings conserve the building and its setting in a manner appropriate to its significance.</p>

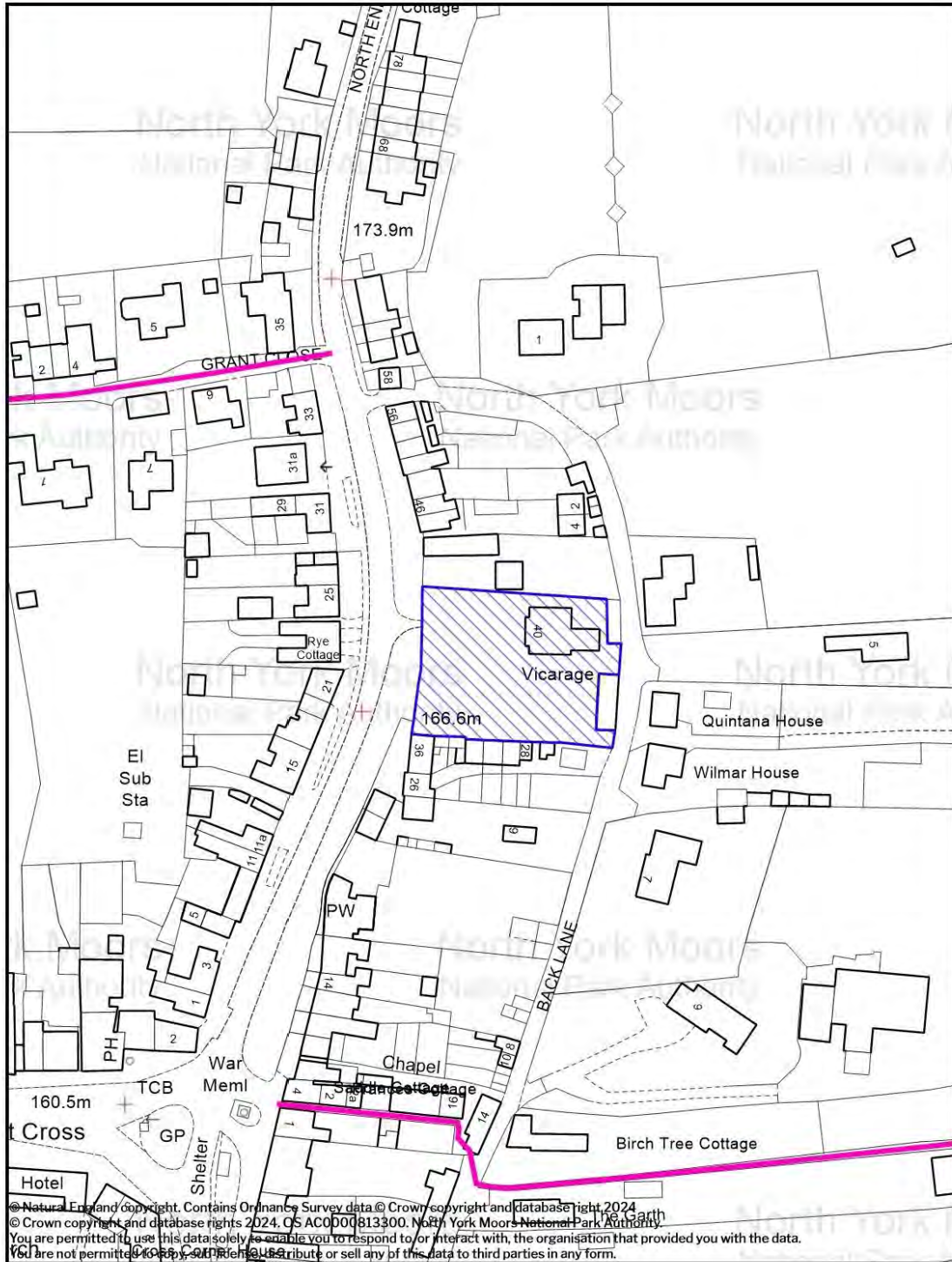
Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0607

Scale: 1:1250



## **Consultation responses**

### **Parish**

The parish wishes to support the application as the improvements are in keeping with the properties in the village.

Consultation expiry

16 November 2023

### **Southern facing elevation of The Old Vicarage (windows 6, 7, 8, 9, 10, 11, 12, 13)**



## Background

The Old Vicarage (40 North End) is a Grade II Listed, detached dwelling, constructed of Ashlar stone under a slate roof. The property is located within the Osmotherley Conservation Area, which is protected by an Article 4 (2) Direction. The Old Vicarage was originally constructed circa 1810 as a private dwelling with outbuildings but was bequeathed to the Church in 1873 for use as a vicarage. The property has since returned to its original use as a private dwelling.

In November 2000 Listed Building consent was granted for the replacement of the timber canopy on the front elevation of the property. In July 2003 planning permission was refused for the erection of a two-storey extension to the Coach House, however this decision was overturned at appeal.

Following new ownership in 2020, Listed Building consent was granted for internal alterations and external works including lighting, repairs to stonework, and the enlargement of two windows on the south elevation, installation of air/ground source heat pump and installation of satellite dish. Another application for Listed Building consent was approved in July 2020 for the refurbishment and installation of secondary glazing to the historic windows within the property. In 2021 Listed Building consent was approved for the installation of vacuum sealed units into 16 of the existing frames. However, this was not implemented. In 2022, an approval for Listed Building consent was granted for the replacement of windows 1, 2, 3, 4, 5, 6 and 14 incorporating two over two pane vertical sliding sashes with timber frames, structural glazing bars and vacuum sealed glazing.

This application now seeks permission to fully replace windows 7, 8, 9, 10, 11, 12, 13, 18 and 19. The proposal includes new timber vertical and horizontal sliding sashes to match the style of the existing albeit with vacuum sealed double glazing and plant on glazing bars.

## Main issues

### Local Plan Policy Context

The relevant policies contained within the North York Moors Local Plan to consider in relation to this application are **Strategic Policy I (The Historic Environment)** and **Policy ENV11 (Historic Settlements and Built Heritage)**.

**Strategic Policy I** states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment.

**Policy ENV11** relates to historic settlements and reaffirms that development affecting the built heritage of the North York Moors should reinforce the distinctive character by fostering a positive and sympathetic relationship with vernacular architecture, culture,

materials, and construction. This includes assets recognised through statutory designation such as Listed Buildings and Conservation Areas, but also non-designated assets of local or regional significance. Protection extends to the whole building, its curtilage, and certain structures within its domain. This policy seeks to resist development that results in the loss or harm to the significance of heritage assets.

### **Statutory duties**

Section 16 of the National Planning Policy Framework (NPPF) is particularly relevant to this application as it considers how development proposals may conserve and enhance the historic environment and seeks to ensure any harm is avoided or mitigated.

Paragraph 199 of the National Planning Policy 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 (and 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. Any harm or loss to the asset should require clear and convincing justification (paragraph 200). Where substantial harm is proposed, the application should be refused unless it can be demonstrated that the public benefits and optimum viable use outweigh the harm to the heritage asset (paragraph 202). It further states that harm may be acceptable where no viable use can be found, the nature of the asset prevents all reasonable uses of the site, or options for conservation by grant-funding have been shown to be demonstrably not possible (paragraphs 201).

The Authority has a statutory duty to protect Listed Buildings within the Park as they form an important part of the significance of the built and cultural heritage of the North York Moors. Once lost, they cannot be replaced. The Authority has a general duty, as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider whether to grant planning permission for developments which affect Listed Buildings or their setting. The Local Planning Authority, or, the Secretary of State shall have special regard to the desirability of preserving a building, its setting, or any features of special architectural or historic interest which it possesses. With respect to any buildings or other land in a conservation area, the Authority has a general duty when exercising its planning functions, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and using any powers under the provisions mentioned in subsection (2), to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### **Material considerations**

This application seeks Listed Building consent to replace nine of the windows on the northern and southern facing (side) elevations. The applicant has gained previous approval to retrofit these windows with vacuum sealed double glazing, but now wishes to fully replace the windows fully with vertical sliding timber sashes, vacuum sealed double-glazing units and plant on glazing bars. Although the method described suggests the

glazing bars are fixed into the outer frame, the resultant product would still be of one singular pane of glass with applied glazing bars, as shown by the existing and proposed section drawings rather than structural glazing which in a Listed Building reflects its integrity and valued character. Additionally, the applicant wants to maintain the window horns which are not a traditional feature of multi-paned windows. This additional proposal to replace the windows, has been submitted due to cost and the joiner's recommendation that retrofitting may compromise the existing frames. However, the previous application approved in 2021 considered that retrofitting vacuum sealed double glazing into the existing 22mm frames would be achievable.

The Authority's Building Conservation Officer raised an objection, noting that plant on glazing bars would appear to be floating and can easily come away, not providing an honest replica of historic window joinery details. The proposal could pose harm to the Listed Building and wider setting when considering Osmotherley Conservation Area. The fact that the windows are on the side elevations, as highlighted by the applicant, is not relevant as the whole asset was designated with the existing fenestration pattern. The only two which appear to have been altered and enlarged with a different pattern, are windows 9 and 10 on the ground floor of the southern elevation which were regularised in 2020. These however are still of traditional construction.

When considering replacement windows in historic buildings and environments, the Authority refers to Historic England's guidance on Traditional Windows: Their Care, Repair and Upgrading (2017). The guidance recommends that where windows survive of a historic pattern but without historic glass, it may be possible to introduce slim-profile double glazing without harming significance. In this instance, the existing windows may be later replacements and therefore not historic, but they are still of a historic and traditional pattern, including cord and weighted mechanism, structural glazing bars and single glazing. The existing also replicate the only three remaining eight over eight pane historic windows on the property (No. 15, 16 and 22).

As such, the incremental changes to the window proposals, now to facilitate whole replacements with plant on glazing bars, is beyond the alterations deemed acceptable without causing detrimental harm to the aesthetic and historic significance of the asset. The introduction of a single pane of glazing with applied glazing bars undermines the traditional construction skill and appearance of the historic fabric. This highlighted by an Inspector in a recent appeal decision at Demesne Farm (NYM/2022/0442). The Authority refused an application for replacement windows of timber construction, with double glazing and applied glazing bars. The appeal was dismissed with the Inspector stating that:

'on closer inspection the new windows and door would lack many of the subtleties of single glazed individual panes with structural glazing bars. As such, the replacement windows and door would be clearly identifiable as non-traditional modern fixtures, they would appear jarringly out of place on this Listed Building and the aesthetic value attributable to the existing windows and door would be lost.'

Unfortunately, it is felt that the proposal would be too far removed from the traditional appearance and construction methods of these windows, especially given the existing sympathetic style and alternative options available to improve energy efficiency. By introducing plant on glazing bars and having only one pane wide of glass for the whole sash, there will not be a replication of the characterful broken reflective properties associated with singular glazed panes. The repair of the units will also be made more problematic, as if one pane breaks, the whole unit will have to be replaced, undermining the intent of having sustainable and energy efficient units. Single glazed panes can be repaired individually and therefore have the potential to last as long as the historic ones on the property, which have had a lifespan of more than 100 years.

Whilst the agent has provided a substantial amount of information and has shown examples of good quality design and materials in pursuit of the proposal, there is not enough evidence to allow such a change in construction method, especially as the windows could primarily be repaired, overhauled, or retrofitted to improve energy efficiency. Furthermore, the costs provided show alternative less harmful options. In relation to paragraph 201 of the NPPF, the applicant was also advised that the Authority can offer grant funding toward the overhaul of traditional windows with methods including draught proofing or secondary glazing. Whilst the joiner noted that retrofitting may compromise the existing frames, there are recent local examples in Osmotherley where windows with similar glazing bars have been successfully retrofitted with slim line double glazing.

The cumulative harm to the significance of the designated asset in allowing non-traditionally constructed windows where traditional windows exist, is contrary to Section 16 of the NPPF, the guidance set out by Historic England, and Strategic Policy I and Policy ENV11 of the NYMNPALocal Plan.

### **Conclusion**

In view of the above, refusal is recommended.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and have recommended appropriate amendments to the scheme, but the applicant has chosen to remain with the original intent.

# North York Moors National Park Authority

## Plans list item 7, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0640

**Development description:** Conversion of former store to holiday letting cottage together with construction of replacement porch and masonry access bridge (retrospective)

**Site address:** West Cliff Farm, Danby Head, Danby

**Parish:** Danby

**Case officer:** Rosie Gee

**Applicant:** Mr Trevor Smith, West Cliff Farm, Danby Head, Whitby, YO21 2NN

**Agent:** ELG Planning fao: Mrs Fiona Bage, Gateway House, 55 Coniscliffe Road, Darlington, DL3 7EH,

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text
1	TM03	The new development and mitigation works hereby permitted shall be commenced before the expiration of two years from the date of this permission.
2	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	UOR12	The holiday letting cottage hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
4	UOR15	The units of holiday letting accommodation hereby permitted shall form and remain part of the current Planning Unit presently known as West Cliff Farm as shown edged blue/red on the site location plan dated 26 September 2023. The holiday units shall



<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
		not be let out or used in any way if the holiday letting units are functionally separated (either Freehold or Leasehold) and shall at all times remain together in same overall Planning Unit.

**Informative(s)**

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1	MC INF06	Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.

## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0640

Scale: 1:1250



South elevation facing Dale



## **Consultation responses**

### **Parish**

No objection

### **Highways**

Recommends refusal. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4 metres x 70 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Highway Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

### **Natural England**

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Environmental Health**

No comments received.

### **The National Amenity Societies and Theatres Trust**

No comments received.

## **Third party responses**

No comments received.

## **Consultation expiry**

20 November 2023

## **Background**

West Cliff Farm is a Grade II Listed, two storey farmhouse with adjoining two storey annexe/holiday cottage.

The Authority has been in discussion with the current landowners for a number of years regarding works that have been undertaken at the property.

The property was listed on 20 December 1990 and at that time the building was in different ownership to the current applicants. As the listing advice was sent to the wrong address and consequently the then owners were not aware of the listed status when works were undertaken; these works were not pursued by the Authority due to the administrative error pertaining to the status of the building.

The current applicants took ownership of the property in 2004 at which time they sought pre application advice from the Authority. Various works were undertaken between 2006 and 2016 and a number of planning and Listed Building applications have been submitted to seek to redress unauthorised works at the property and to seek consent for further works.

Various unauthorised works have been identified including works to the former feed room which was converted to annexe/holiday letting accommodation in 2010 and brought into use around 2016 and over a period of time officers have been looking to progress with the service of an enforcement notice to seek to remedy matters at the site.

The applicants throughout discussion have shown a willingness to carrying out a number of beneficial works (including the reinstatement of the historic fireplace in the farmhouse) and officers accept that there needs to be a balanced and pragmatic approach to what has become a protracted period of discussion.

The current planning application and associated Listed Building application seek to regularise a number of works at the property as well as seeking to consent some positive mitigation changes. To ensure that the works are undertaken within a suitable timeframe a Section 106 legal agreement will be attached to any permission, requiring agreed works to be undertaken and completed. This will become a land charge so that any subsequent owners are aware of the requirements.

This application proposes a timber sash window to the middle aperture of the mullioned window also on this elevation (as per historic photographs provided by the applicant).

A flat roof porch in stone to the rear of the building has been added, partially glazed. This design and scale are subservient towards the Listed Building, whilst being typical for farmhouses of this type. And this application seeks to retain it.

To the rear of the building, the ground level is raised significantly and access out of the rear of the former barn is through a first floor threshing door. To reach the door was formerly a flimsy timber bridge, unfit for modern purposes and building regulations. This has been changed to an arched stone 'bridge' which is more suitable for fire safety purposes; crucially it can be removed in the future without harm towards the Listed Building. This application seeks its retention.

The application also seeks to retain the holiday letting use of the attached side barn rather than be use as an annexe (which did not require planning permission). It is this holiday cottage, rather than residential annexe which has raised concerns by the Highway Authority, who are recommending refusal on the basis of a more intensive use of the junction where the farm track meets the public highway which lies on a bend outside Stormy Hall farm, Botton.

## Main issues

### Local Plan

The relevant policies of the Local Plan in the determination of this application are **Strategic Policy A - Achieving National Park Purposes and Sustainable Development; Strategic Policy C - Quality and Design of Development; Strategic Policy I - The Historic Environment; and Policy ENV11 – Historic Settlements and Built Heritage.**

**Policy ENV11** seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. It states that any development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials, and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural, and architectural features. Under this policy development proposals will only be permitted where they conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting.

**Policy UE1 - Location of Tourism and Recreation Development.** Tourism and recreation development will be permitted in the open countryside where it involves the small scale conversion of existing buildings of architectural or historic interest.

### Consideration

It is understood that parts of the building were in a poor state of repair and the applicant considered that works carried out have been beneficial to the future prospects of the building and have been sympathetic- such as replacement of concrete tiles with machine made clay pantiles, replacement of brick chimney with stone and repair of the former chapel/feed barn which was reported to have a failing roof.

The Authority has a responsibility to conserve and enhance the cultural heritage of the National Park and has a duty to protect the special historic fabric and architectural interest of listed buildings for future generations. The Authority also has an obligation to investigate matters of unauthorised works relating to Listed Buildings. It is an offence to carry out works that require Listed Building consent without such a consent being obtained. Listed Building consent is required for any demolition or works of alteration or extension in any manner which would affect the character of the building as a building of special architectural or historic interest.

The effect of the works that are recommended for approval would represent a reasonable reversion of the character, fabric, and appearance of the Listed Building such that it will provide the building with optimal use that will ensure its future repair and maintenance.

The rear porch and rear bridge are considered acceptable in the context of the whole schedule of works to maintain and repair the Listed Building, which was quite derelict several, years ago.

Although there is a Highway Authority objection due to the introduction of the 'new holiday cottage use' and the increase in traffic resulting and poor visibility at the junction of the public road given that the lawful fall-back position is a self-contained annexe that could be used by family members and beneficial maintenance of a Listed Building complex, officers are recommending approval for the porch, bridge and retention of the holiday letting use.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

None

### **Contribution to Management Plan objectives**

The scheme helps ensure that the objective of ensuring a landscape rich in heritage and being highly valued for its sense of remoteness and tranquillity is upheld.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations.

# North York Moors National Park Authority

## Plans list item 8, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0646

**Development description:** Erection of 17.5 metre high lattice mast with antennas, dishes, and remote radio heads together with associated ground based equipment, siting of generator cabinet, perimeter fencing and hardstanding parking area.

**Site address:** land south of Cleveland Way, Ingleby Greenhow

**Parish:** Bransdale

**Parish:** Ingleby Greenhow

**Case officer:** Mr Mark Hill

**Applicant:** VMO2 UK Ltd, 260 Bath Road, Slough, SL1 4DX,

**Agent:** WHP fao: Keava Campbell, Building 8, Unit 6, Carryduff Business Park, Comber, BT88AN, United Kingdom

### Director of Planning’s Recommendation

Refusal for the following reason(s)

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed mast by reason of its height and design and its prominent location adjacent to the Cleveland Way National Trail in an open remote moorland location would have an unduly intrusive and harmful visual impact on the character and appearance of the locality contrary to provisions of Local Plan Strategic Policy A wherein greater weight will be given to conservation of the natural beauty of the Landscape over opportunities to promote recreation for visitors and fostering the economic and social well-being of local communities. As such it would also conflict with Policy BL10 as the harmful impacts cannot be satisfactorily mitigated and Policy ENV3 as the development lies within the identified Remote Area and is not essential for environmental conservation, agriculture, or forestry.
2	It has not been satisfactorily demonstrated that the development will not harm the NYM Special Protection Area and Special Area of Conservation by reason of loss of qualifying habitat and impact on qualifying species. As the competent authority for decision-making the Authority must be satisfied that an appropriate assessment of the implications of the project has been made, and



<b>Refusal reason code</b>	<b>Refusal reason text</b>
	<p>must consult Natural England, and cannot grant permission in the absence of this information (Section 63 of the 2017 Conservation of Habitats and Species Regulations). The development is not required for the proper conservation management of the designations and as such there is a presumption against the development taking place as there are no imperative reasons for overriding public interest for the development. As such the proposal would be contrary to Local Plan Strategic Policy H wherein biodiversity is given great weight in decision making.</p>

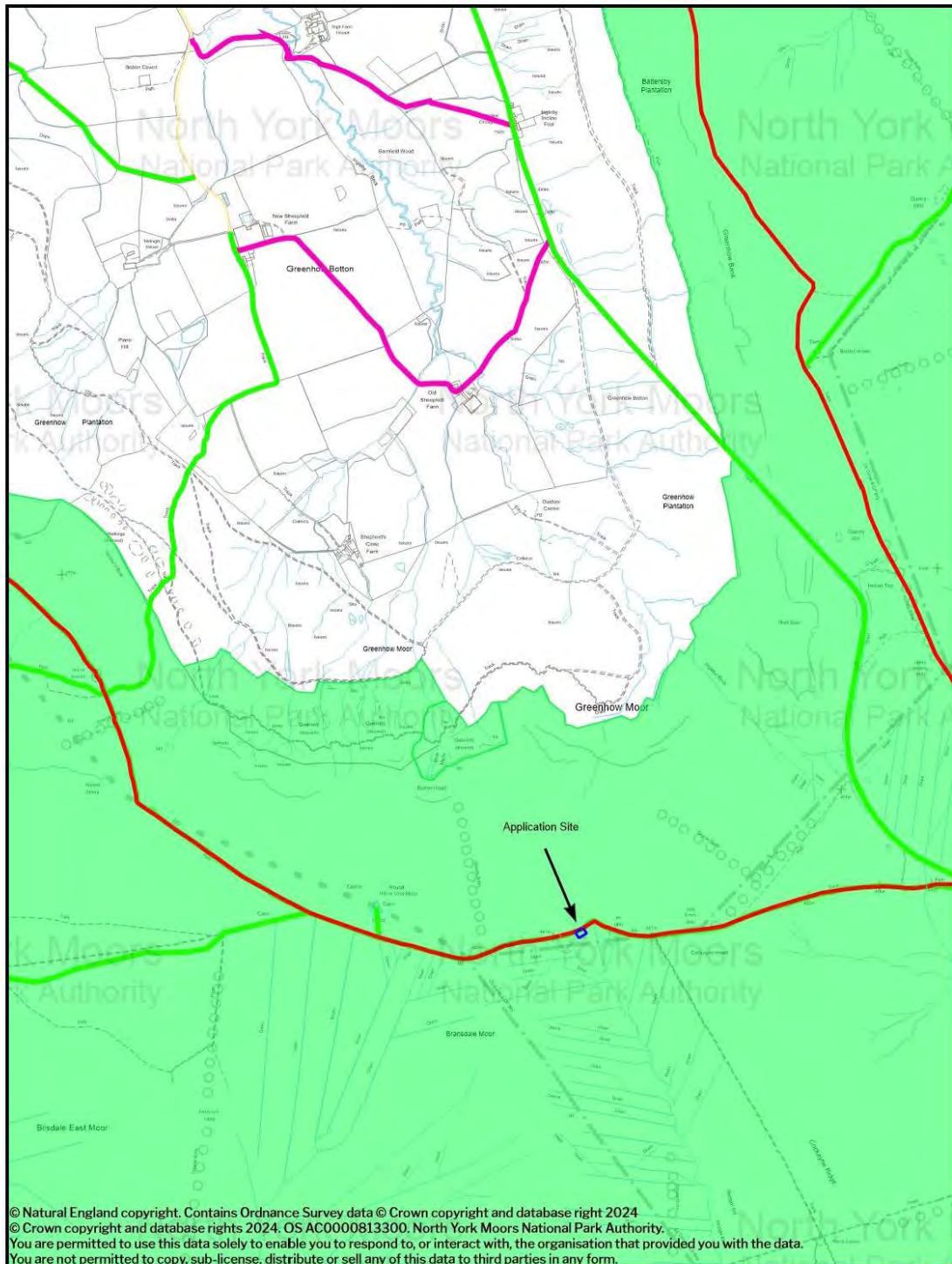
## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0646

Scale: 1:15000



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## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0646

Scale: 1:5000



**Photo showing site for mast in absolute centre of the photo, track is the Cleveland Way at Round Hill.**



## **Consultation responses**

### **Natural England**

The site lies within the NYM Special Area of Conservation (SAC – blanket bog, dry heath, wet heath) and NYM Special Protection Area (SPA – Merlin & Golden Plover) and NYM SSSI (Curlew, Lapwing & Snipe). The application has been submitted without the requisite Habitats Regulations Assessment (HRA) to demonstrate whether the development is likely to have likely significant impacts or not. Please consult Natural England on any HRA. Also draw attention to lack of robust Landscape and Visual impact information

### **Ingleby Greenhow Parish**

Object – consider there are more appropriate locations such as on lower slopes at the treeline away from the crest of the hill. Proposal would cause loss of qualifying habitat and negative landscape impact.

### **Bransdale Parish**

No comments received.

### **Highways**

No highway objections.

### **Environmental Health**

No objections, consider there would be no nuisance on amenity.

### **Yorkshire Wildlife Trust**

Original scheme - Site lies in the NYM SSSI, SPA, SAC and no proper HRA assessment has been undertaken, so how can the application be scrutinised? Revised scheme – pleased that a shadow HRA has now been submitted and agree with its scoping conclusion that without mitigation there could be likely significant effects. As such, consider the offsite compensatory habitat should be clarified before any favourable determination. If there is to be any removal of peat, then the potential for release of CO<sub>2</sub> should be taken into account.

### **Ramblers**

Revised scheme - Maintain original objection, the scheme is poorly thought out as there is already a mobile service in this area. The area is remote and the works to construct would create substantial inconvenience to walkers on the Cleveland Way.

### **Cleveland Way Partnership**

The Cleveland Way is one of just 16 National Trails in England and Wales. The National Trails run through some of the very finest landscapes that the nation has to offer.

The proposal is likely to have a very negative impact on Cleveland Way users, who would see it for a considerable distance. Its position in such an open and remote landscape, so close to the highest point of the North York Moors, would cause real damage to the Sense of Place that this part of the North York Moors provides. It is noted that the location is a partial not spot only and that it already has coverage by at least one network provider. As such the issue of coverage could be addressed by better co-operation between all providers.

### **Ministry of Defence (MOD)**

Site lies outside MOD safeguarding area so no safeguarding objection.

### **Arqiva**

Not likely to have any impact on our radio or tv broadcasting equipment.

### **Third party responses**

All of the following object or have concerns regarding one or more of the following matters:

**Peter Edwards, Stockton on Tees**

**Ann Holburn, Stockton on Tees**

**Lawrence Rose, Welbury, N Yorkshire**

- People travel from all over the world to do the Coast to Coast and Cleveland Way and Lyke Wake walks. This mast on one of the highest points will be an eyesore and be one of their main memories of their walks.
- Skyline masts should simply be avoided.
- Round Hill should be kept free of concrete, metal, and plastic structures to retain the beautiful views from the site.
- There are already too many masts on Bilsdale moor.
- Consider the ecology impacts have not been thought out.
- The tracks leading to the site are unsuitable for construction traffic and will damage the Cleveland way and Ingleby Incline.
- At least the Cote Moor mast application approved earlier this year was in woodland.
- The application forms state that pre-application advice was sought but there is no explanation why it was not followed.
- Given there is a mobile signal at the area, query the alleged need for better signal.

All the following support the application for one or more reasons:

**Antony Morgan, Building Digital UK, Head of Shared Rural Network (SRN), London**

**Louise McIntyre, Local Stakeholder Engagement Manager, Digital Mobile Spectrum Ltd, delivering Shared Rural Network, London**

- Support the application. BDUK and DMSL are committed to ensuring good quality mobile coverage across the UK. The SRN project is a joint project involving the mobile network operators and the UK Government to provide essential mobile coverage for rural communities, businesses, and visitors. Such improvements cannot be delivered without masts and this site provides a part of the wider network.

### **Consultation expiry**

8 November 2023

### **Background**

The NYM Management Plan 2022 – 2027 Outcome 6, Objective 24 supports improvements to mobile phone coverage. In recent years, the Mobile Network Operators (MNOs) have sought to extend their mobile phone coverage into ‘rural notspots’ with a range of initiatives, including some with Government subsidies. This application is for a Shared Rural Network mast from VMO2 and Vodafone and Government to increase consumer choice in rural areas. It envisages: a reduced height 17.5m lattice tower structure (galvanised grey), permanent generator and fuel tank, a pair of equipment cabinets all contained in a 1.2m timber stock proof fenced compound built upon a cut and fill platform set just back from the Cleveland Way track to create a parking area for maintenance vehicle every two months. The tower would be powered by a diesel generator as there is no electrical power nearby.

Supporting information has been supplied with the application. This confirms that:

- The tower height has been reduced from 20m to 17.5m to reduce its visual impact. The area is a partial not-spot, and the site was chosen for its high elevation to benefit walkers and visitors and accept it cannot be screened. There were no existing masts or buildings available as alternatives. Bilsdale transmitter on Bilsdale Moor is cited as a precedent for building towers in open moorland settings. Furthermore, that other public infrastructure like roads and wind turbines become an accepted landscape feature after passage of years. It restates the applicants view that the social/economic benefits outweigh the landscape harm. The shared rural network is a £1b initiative to extend mobile (and data) coverage to remote rural areas to allow rural properties and businesses to benefit from better connectivity and choice of provider and allow walker communication and navigation. Masts cannot ever be wholly screened but have designed the tower to minimise its impact on the surroundings. Other sites appraised do not have the same operational benefits as this site. Have not included any landscaping proposals as landscaping would look alien at this location. Will undertake a shadow HRA assessment to deal with the ecology impacts on the internationally protected site.

The application was the subject of pre-application advice which indicated that the proposed site did not properly take into account the sensitive SSSI/SPA/SAC ecology issues and under-played the visual impact of the open moorland setting.

The Authority's ecologist has advised that it is unlikely that the Authority could legally grant planning permission on the international protected site given the loss of qualifying, habitat (SAC) without an Imperative reason of overriding public interest (IROPI) justification. It is difficult to imagine such a development could achieve IROPI status. A full HRA assessment is still awaited. There is no indication of any biodiversity net gain.

## Main issues

**Strategic Policy H** seeks to protect ecological sites and gives great weight in decision making against developments which would harm ecological assets. The Habitats Regulations seek to avoid any loss of qualifying protected habitat (dry heath) or allow impacts which would adversely impact on qualifying species (golden plover).

**Strategic Policy A** seeks to ensure that development decisions are consistent with national parks purposes and in the event that there is a conflict between landscape conservation and promoting recreation, greater weight is given to landscape conservation (Sandford Principle).

**Policy BL10** dealing with communication Infrastructure is supportive of development where it meets a number of criteria, in brief these are; no suitable alternatives, no unacceptable adverse visual impact, is least environmentally intrusive option, part of a wider strategy and provision is made for removal when redundant. It indicates that permission will be refused if satisfactory mitigation cannot be achieved.

**Policy ENV3** seeks to protect the remoteness special quality by only allowing development in the defined remote areas where development is essential for environmental conservation, agriculture or forestry and there are no alternative sites outside the remote areas.

The key issue is considered to be whether the relatively modest public benefit of having additional mobile operators being able to provide a mobile signal essentially for walkers and visitors (socio/economic benefit) outweighs the highly intrusive harm that a new mast in a very remote open moorland setting adjacent to a national trail would create.

Whilst there is management plan support for improved communications, it is not at any landscape cost.

The proposal represents probably the most open moorland setting ever submitted for a mast/tower with nothing to anchor it into the landscape and as such would be incredibly obtrusive from the surrounding moorland and public rights of way. It lies close to the highest elevation of the North York Moors (Round Hill at 545m) and represents perhaps the essence of the National Park's remote, moorland experience. Officers consider that it would be difficult to find a more inappropriate and unacceptable site for a mobile phone mast with associated infrastructure enabling regular vehicle access and a diesel generator. This area of moorland plateau falls within the Central Moors Landscape Character Type and is also within the Local Plan Remote area (defined as being at least 1km from any road or address point) which represents a finite resource and the most



tranquil places in the National Park where development is extremely restricted (Policy ENV3).

Officers consider this case to be a good test for the policy.

The applicant's justification of the presence of Bilsdale TV mast which provides TV and Radio coverage to three regions and the 'valency' consideration for infrastructure whereby people will get used to it over the years and the relatively modest communications benefits of adding another provider for walker navigation and safety do not, justify development which harms the National Park's first purpose, to conserve and enhance the natural beauty of the Park. The Bilsdale TV Transmitter mast was approved under the major development test policy where a case of national need and wider public interest was justified as an exception to normal policies preventing such development within Protected Landscapes.

At the time of drafting, there appeared to be no satisfactory (imperative reasons of overriding public interest (IROPI)) justification for the harmful ecological impacts and indeed it would be unlawful to grant planning permission with current information having regard to the Habitat Regulations for international sites protection.

As such, refusal is strongly recommended.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Contribution to Management Plan objectives**

Refusal is considered likely to help meet outcome 3, objective 10 which seeks to maintain the sense of peace and tranquillity particularly of the remotest areas.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

# North York Moors National Park Authority

## Plans list item 9, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0698

**Development description:** Erection of 25 metre high lattice mast with antennas, dishes, and remote radio heads together with associated ground based equipment, off-grid power generator, fencing, landscaping, and construction set down area

**Site address:** site 70 metres north of existing mast, Newgate Farm, Lockton

**Parish:** Lockton

**Case officer:** Mr Mark Hill

**Applicant:** VMO2 on behalf of WHP Telecoms Ltd, Building 8 Unit 6, Business Park Comber Road, Carryduff, Northern Ireland, BT8 8AN,

**Agent:** WHP Telecoms fao: Miss Caitlyn Richmond, Carryduff Business Park, Comber Road, Carryduff, BT8 8AN, United Kingdom

### Director of Planning's Recommendation

Refusal for the following reason (s)

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed mast by reason of its height and design and its prominent location on the edge of the Saltergate plateau slope in an elevated remote moorland location would have an unduly intrusive and harmful visual impact on the character and appearance of the locality contrary to provisions of Local Plan Strategic Policy A wherein greater weight will be given to conservation of the natural beauty of the Landscape over opportunities to promote recreation for visitors and fostering the economic and social well-being of local communities. As such it would also conflict with Policy BL10 as the harmful impacts cannot be satisfactorily mitigated, including minor re-siting adjacent to the existing unauthorised Airwave tower site.
2	It has not been satisfactorily demonstrated that the development will not harm the NYM Special Protection Area and Special Area of Conservation by reason of loss of qualifying habitat and impact on qualifying species. As the competent authority for decision-making the Authority must be satisfied that an appropriate assessment of the implications of the project has been made, and

<b>Refusal reason code</b>	<b>Refusal reason text</b>
	<p>must consult Natural England, and cannot grant permission in the absence of this information (Section 63 of the 2017 Conservation of Habitats and Species Regulations. The development is not required for the proper conservation management of the designations and as such there is a presumption against the development taking place as there are no imperative reasons for overriding public interest for the development. As such the proposal would be contrary to Local Plan Strategic Policy H wherein biodiversity is given great weight in decision making.</p>

## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0698

Scale: 1:5000



## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0698

Scale: 1:2500

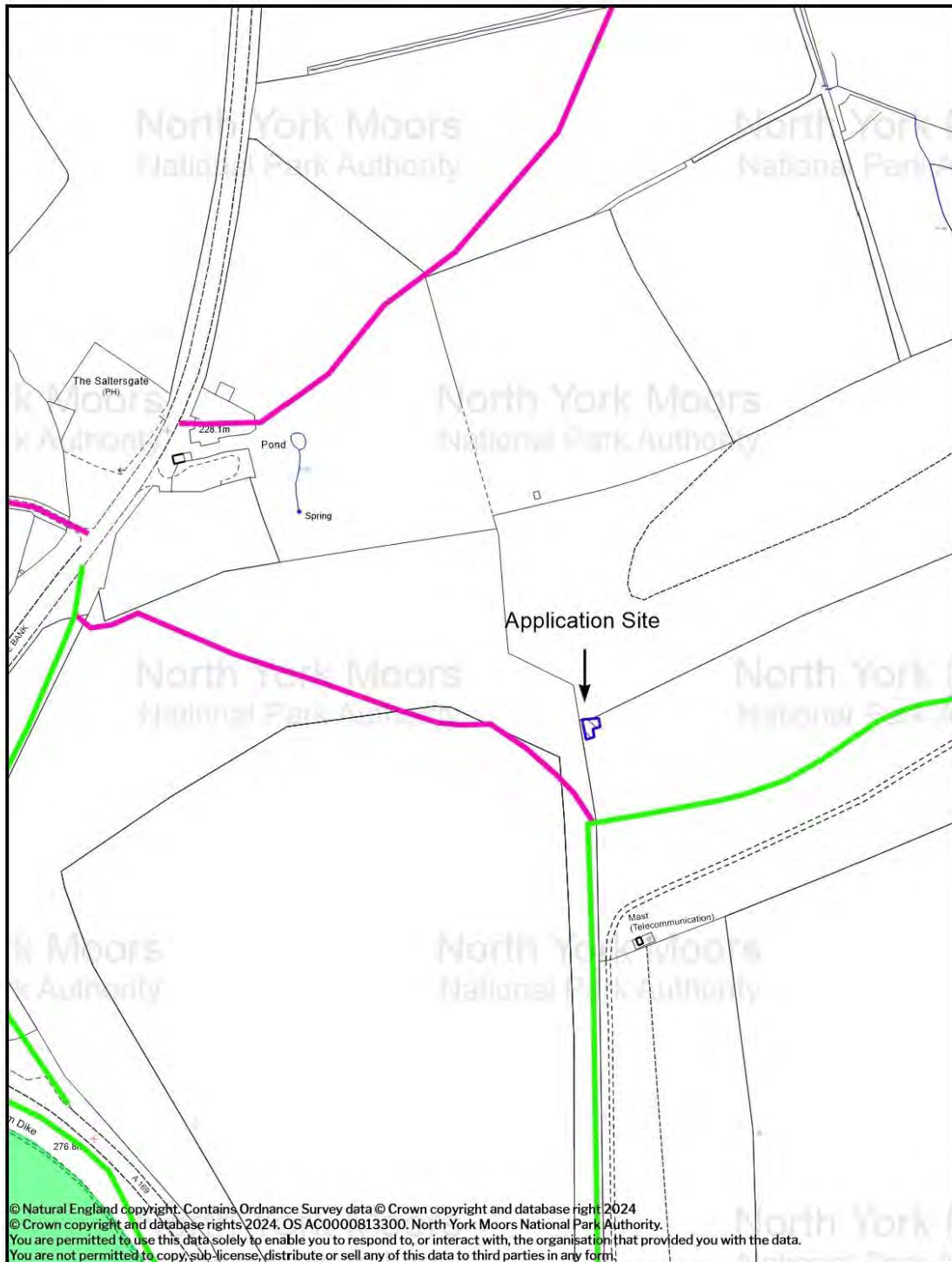


Photo showing site on the skyline immediately to left of the last tree in the centre of the photo.



## **Consultation responses**

### **Parish**

Welcome the development.

### **Natural England**

The application as submitted could have potential significant effects on the NYM SAC & NYM SPA & SSSI's, as such a Habitats Regulations Assessment (HRA) is required, and a Landscape and Visual assessment is recommended.

### **Highways**

No highway objections.

### **NATS air traffic safeguarding**

Does not conflict with our safeguarding criteria so no objections.

### **Ministry of Defence**

No safeguarding objections.

### **Northern Gas Network**

No comments received.

### **Arqiva**

No comments received.

### **Environmental Health**

No comments received.

## **Third party responses**

No comments received.

## **Consultation expiry**

29 November 2023

## **Background**

The NYM Management Plan 2022 – 2027 Outcome 6, Objective 24 supports improvements to mobile phone coverage. In recent years, the Mobile Network Operators (MNOs) have sought to extend their mobile phone coverage into 'rural notspots' or 'partial notspots' with a range of initiatives, including some with Government subsidies. This application is for a Shared Rural Network mast from VMO2 and Vodafone and Government to increase consumer choice in rural areas.

It envisages: a 25m lattice tower structure (upper 20m part galvanised grey, lower 5m dark green ), space for a potential generator and fuel tank, a pair of equipment cabinets all contained in a 1.2m timber stock proof fenced compound built upon a cut and fill platform .The application includes supporting information regarding site choice , a landscaping scheme and the agent is working on an HRA report, Members will be updated at the meeting on the HRA.

The supporting information confirms that:

- the area is a partial not-spot and the site chosen for its high elevation to benefit walkers and visitors and the local community and businesses including agricultural sector which are increasingly using digitally connected precision agricultural equipment. It explains that two sites behind RAF Fylingdales were appraised but discounted on account of potential conflict with ingoing and outgoing flights from RAF Fylingdales and adverse landscape impact. It restates the applicant's view that the social/economic benefits outweigh the landscape harm. Furthermore, the financial constraints of providing rural coverage and tight timeline to deliver the mast should be given some material planning weight.

The application was the subject of pre-application advice which indicated that the proposed site was unduly prominent and seeking a minor re-siting some 75m further south alongside an existing emergency service Airwave tower and other design/visual mitigation measures.

The Authority's ecologist has advised that the site lies some 300m from the NYM SPA/SAC/SSSI and no ecological information was submitted with the application. There are records of wading birds in the vicinity including Dwarf Cornel and they could be foraging in the locality hence further ecology information including a HRA assessment is submitted to assess the impact and set out mitigation measures. In addition, no Biodiversity Net Gain (BNG) is proposed, BNG should be requested.

The Authority's Public Rights of Way officer advises that development is likely to have an impact on the nearby public bridleway, all public rights of way should be maintained through the construction period, or a temporary closure sought.

## **Main issues**

**Strategic Policy H** seeks to protect ecological sites and gives great weight in decision making against developments which would harm ecological assets. The Habitats Regulations seek to avoid any loss of qualifying protected habitat (dry heath) or allow impacts which would adversely impact on qualifying species (golden plover).

**Strategic Policy A** seeks to ensure that development decisions are consistent with national parks purposes and in the event that there is a conflict between landscape conservation and promoting recreation, greater weight is given to landscape conservation (Sandford Principle).



**Policy BL10** dealing with communication Infrastructure is supportive of development where it meets a number of criteria, in brief these are; no suitable alternatives, no unacceptable adverse visual impact, is least environmentally intrusive option, part of a wider strategy and provision is made for removal when redundant. It indicates that permission will be refused if satisfactory mitigation cannot be achieved.

The key issue is considered to be whether the relatively modest public benefit of having additional mobile operators being able to provide a mobile signal essentially for remote farms, walkers, and visitors (social/economic benefit) outweighs the significant intrusive harm of a new mast/tower in a remote moorland setting.

Whilst there is management plan support for improved communications, it is not at any landscape cost.

The applicant's justification of communications benefits of adding another provider for walker navigation and safety and business promotion & agricultural digital equipment connectivity, does not justify development which is significantly harmful to the National Park's first purpose, to conserve and enhance the natural beauty of the Park. Officers also consider the justification for not siting the mast to the rear of RAF Fylingdales on account of conflicting with incoming and outgoing aircraft movements is considered to be overstated given the RAF base is essentially an early warning ballistic missile and space debris monitoring station. The agents have also declined to consider re-siting the tower close by the existing better screened Airwave mast on account of good practise of siting mast/towers outside the fall-down distance of an existing mast. The existing Airwave tower's planning permission has expired and expected to be removed when the emergency services migrate onto the commercial mobile phone network in the next few years.

At the time of drafting, there appeared to be no satisfactory justification for the potential ecological harm which, reinforces the unacceptable nature of the proposal.

In terms of landscape impact, the Natural England response notes the need for a Landscape and Visual Impact Assessment (LVIA) which reflects the very prominent and exposed location proposed for the mast on the moorland skyline of Saltergate Brow clearly visible from the main road crossing the National Park, the A169. No LVIA was submitted and in terms of the North York Moors Landscape Character Assessment the site lies between the two landscape types of Eastern Limestone Hills and Eastern Moors. It would be mainly visible when seen across a moorland landscape and atop the steep slope formed by the limestone tabular hill landform which is a particular feature of this part of the National Park. It would represent an intrusive and incongruous vertical structure in this landscape significantly harming the special qualities of a wild and remote landscape, of open moorland and sense of remoteness.

The Forces for Change outlined in the Landscape Character Assessment for this landscape type states that the flat horizons created by the Tabular Hills mean that vertical features such as electricity pylons, poles, turbines, and mobile phone masts are particularly prominent. Isolated structures on a skyline can be highly visible over a wide area.

As such, refusal is recommended.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Contribution to Management Plan objectives**

Refusal is considered likely to help meet outcome 3, objective 10 which seeks to maintain the sense of peace and tranquillity particularly of the remotest areas.

### **Explanation of how the Authority has worked positively with the applicant/agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

# North York Moors National Park Authority

## Plans list item 10, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0560

**Development description:** Erection of lattice tower (20 metres) with attached antennas and dishes, ancillary ground based equipment and access track

**Site address:** North Ings Plantation, Thunderbush Moor, Commondale

**Parish:** Commondale

**Case officer:** Mr Mark Hill

**Applicant:** Hutchison 3G UK Ltd, 450 Longwater Avenue, Green Park, Reading, RG2 6GF

**Agent:** WHP Telecoms Limited fao: Ryan Marshall, 1a Station Court, Station Road, Guiseley, Leeds, LS20 8EY

### Director of Planning's recommendation

Refusal for the following reason(s):

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed mast by reason of its height and design and its prominent location in an open remote moorland location would have an unduly intrusive and harmful visual impact on the character and appearance of the locality contrary to provisions of Local Plan Strategic Policy A wherein greater weight will be given to conservation of the natural beauty of the Landscape over opportunities to promote recreation for visitors and fostering the economic and social well-being of local communities. As such it would also conflict with Policy BL10 as the harmful impacts cannot be satisfactorily mitigated. The lack of detail for the electrical supply connection reinforces the unacceptability of the proposal.
2	It has not been satisfactorily demonstrated that the development will not harm the NYM Special Protection Area and Special Area of Conservation by reason of loss of qualifying habitat and impact on qualifying species. As the competent authority for decision-making the Authority must be satisfied that an appropriate assessment of the implications of the project has been made, and must consult Natural England, and cannot grant permission in the absence of

<b>Refusal reason code</b>	<b>Refusal reason text</b>
	this information (Section 63 of the 2017 Conservation of Habitats and Species Regulations). The development is not required for the proper conservation management of the designations and as such there is a presumption against the development taking place as there are no imperative reasons for overriding public interest for the development. As such the proposal would be contrary to Local Plan Strategic Policy H wherein biodiversity is given great weight in decision making.

## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2023/0560

Scale: 1:5000

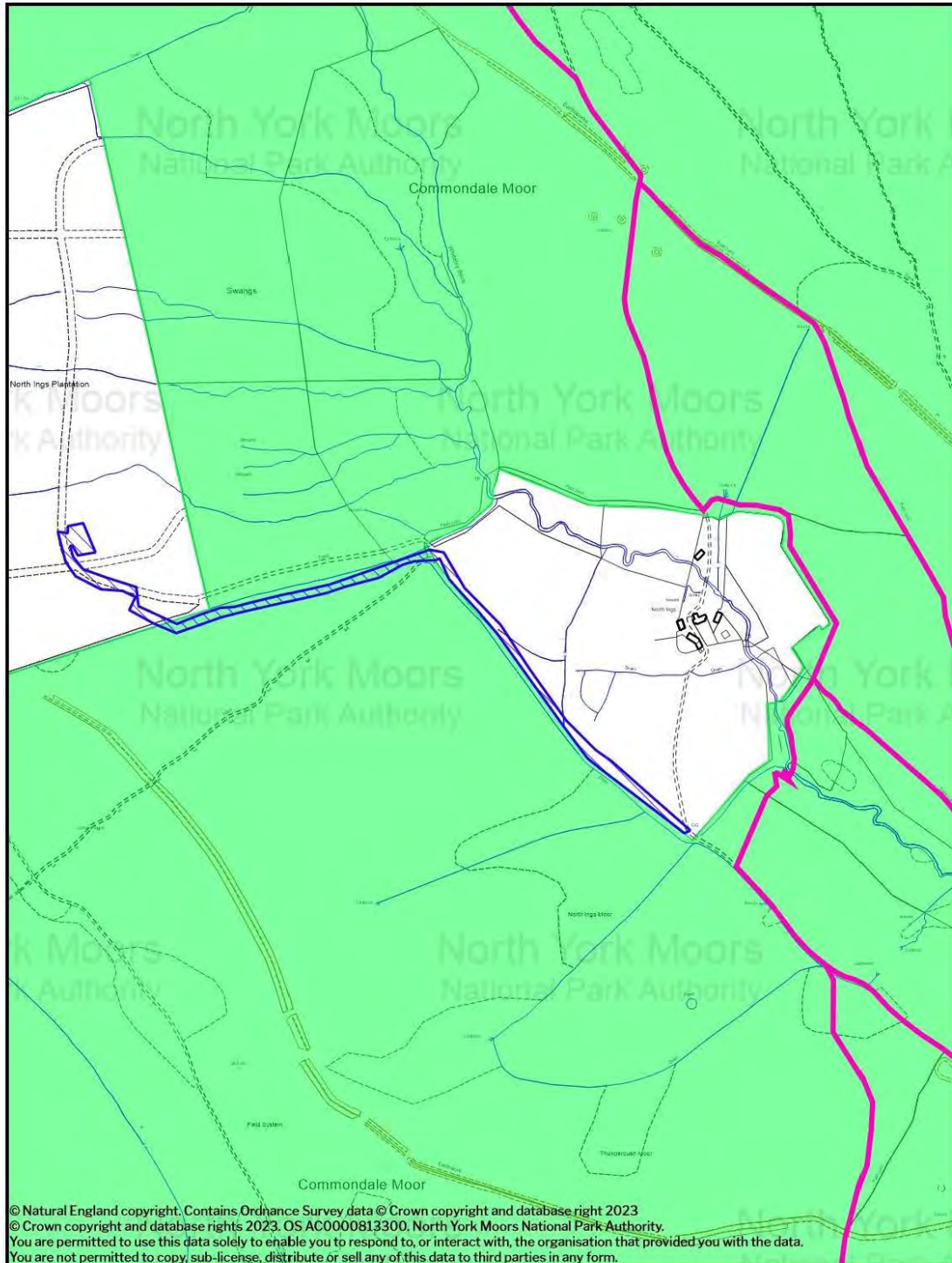


Photo showing site in centre to left of central tree stand



## Consultation responses

### Parish

Support as will provide an improvement to poor mobile phone communications in the area.

### Highways

Consider there is scope for the existing access to be damaged during construction works and recommend a condition be placed on any approval for a 'Highway Condition Survey' so that any damage can be restored without expense to the public purse.

### Arqiva

No concerns regarding impact on our asset 1.2km away.

### Natural England

There is no recognition and assessment in the application of the impacts on the NYM SAC and SPA and SSSI, request the applicants submit a Habitat's Regulation Assessment (HRA) to be able to make HRA assessment into the impacts and as to whether any planning permission could be granted. The number and location and methodology within the submitted Landscape Visual Impact Assessment (LVIA) is considered insufficient given the high sensitivity of the site to change.

### Environmental Health

No comments received.

## Third party responses

**Guisborough Estates:** Object – whilst supportive of the principle of improved telecommunications, this site is not a suitable site and contrary to numerous Local Plan policies. There is a nearby telecommunications site at Skelder Farm which could be shared or redeveloped, the submitted documentation which indicates that sharing is 'not likely to be viable' is unconvincing with no thorough assessment. Other nearby sites at Piercy Slack and recent approval at Kildale were not even assessed. The potential benefits cited are simply not worth the environmental damage that would accrue. The supporting statement suggests that the visual harm would be minimised because it is an unpopulated area, the open and upland nature of the site itself is what would create the visual harm. The application documentation clearly undervalues the ecology value of the site as it omits to mention that part of the site and development lies in the NYM SSSI, SPA, SAC, and upland Heath Priority Habitat Area. The site is a long way from a grid connection and installing a permanent generator would bring refuelling disturbance. Limiting the life of the site to 20 years is not suitable mitigation.

## Consultation expiry

25 October 2023

## Background

The NYM Management Plan 2022 – 2027 Outcome 6, Objective 24 supports improvements to mobile phone coverage. In recent years, the Mobile Network Operators (MNOs) have sought to extend their mobile phone coverage into ‘rural notspots’ with a range of initiatives, including some with Government subsidies. This application is for a Shared Rural Network mast from a collaboration of the MNOs and Government to increase consumer choice in rural areas. It envisages: a 20m lattice tower structure (fir green coloured), permanent generator and fuel tank, several equipment cabinets up to 2m in height (fir green) all contained in a 1.2m timber fenced compound built upon a cut and fill gabion basket platform together with a new 810 m twin trod access track across a field and moorland. There is no detail provided for the electrical grid connection, this may require an obtrusive new overhead line.

Supporting information has been supplied with the application. This includes details of alternative sites considered and discounted. Officers note that a nearby mast site at Skelder farm has been discounted on account of the likely extra height being visible and any build on exactly the same site rather than alongside would create an outage for the emergency services.

The application was the subject of pre-application advice which indicated that the proposed site did not take into account the sensitive SSSI/SPA/SAC ecology issues and completely under-played the visual impact of the open moorland setting and seeking a relocation in favour of rebuilding a nearby existing mast site.

The Authority’s ecologist has advised that it is unlikely that the Authority could legally grant planning permission for the track across the international protection site given the loss of qualifying habitat (SAC). There are also records of golden plover (SPA), lapwing and curlew near the site which could well be impacted. A full HRA assessment must be submitted. There is no indication of any biodiversity net gain. The applicants may wish to consider alternative less ecologically sensitive sites.

The applicants have written in support of the application, in brief they state:

- The shared rural network is a £1b initiative to extend mobile (and data) coverage to remote rural areas to allow rural properties and businesses to benefit from better connectivity and choice of provider and allow walker communication and navigation. Masts cannot be wholly screened but have designed the tower to minimise its impact on the surrounding area by green colouring. Other sites appraised do not have the same operational benefits as this site. Given the distance to the road network consider the mast would not be obtrusive. Redevelopment of the existing site at Skelder would require a break in service and a taller mast which would be highly visible. The plans note all vegetation for track and compound will be carefully removed and stored and reinstated. Will undertake a shadow HRA assessment to deal with the ecology impacts on the internationally protected site.



This application was deferred from the November Planning Committee to allow the agent to submit additional HRA information.

At the time of report drafting, no information had been submitted, Members will be updated at the meeting.

## Main issues

### Local Plan

**Strategic Policy H** seeks to protect ecological sites and gives great weight in decision making against developments which would harm ecological assets. The Habitats Regulations seek to avoid any loss of qualifying protected habitat (dry heath) or allow impacts which would adversely impact on qualifying species (golden plover).

**Strategic Policy A** seeks to ensure that development decisions are consistent with National Park purposes and in the event that there is a conflict between landscape conservation and promoting recreation, greater weight is given to landscape conservation (Sandford Principle).

**Policy BL10** dealing with Communication Infrastructure is supportive of development where it meets a number of criteria, in brief these are; no suitable alternatives, no unacceptable adverse visual impact, is least environmentally intrusive option, part of a wider strategy and provision is made for removal when redundant. It indicates that permission will be refused if satisfactory mitigation cannot be achieved.

The key issues are considered to be whether the site is the least intrusive option, and in any case whether the proposal would result in unacceptable harm to the National Park landscape and special qualities (sense of remoteness and tranquillity) and whether there are imperative reasons of overriding public interest for the loss of qualifying SAC habitat.

There is no doubt that Comondale is a relatively poor area of mobile phone reception, and an improvement would be welcome but not at any landscape cost.

The proposal represents an open moorland setting with little in the way of any tree cover or built development to anchor it into the landscape and the new access track and mast would be unduly obtrusive from the surrounding Countryside Right of Way public access land. The 810m new access track across farmland and moorland would accentuate the visual harm. The site is close to but not within the Local Plan "Remote Area" where the special qualities referred to above are at their most pronounced.

The North York Moors Landscape Character Assessment (LCA) Update 2021 provides an objectively assessed description of the landscape character types within the National Park and potential "Forces for Change" which can impact on them. The proposed site is within the Northern Moors Landscape Character Area of Northern Moors, and it describes the many perceptual qualities associated with moorland which make it so unique and special. "One of the most striking features of this LCA is the strong, open moorland horizons which form the backdrop to surrounding lower land. Lines of prehistoric barrows can be seen on some ridgelines, but horizons are generally devoid of

buildings or trees. In terms of forces for change it states that features on open moorland (for example isolated buildings or communications masts) can be seen for miles, particularly when they break otherwise smooth skylines.

One of the alternative sites considered by the applicants is considered by Officers to represent a far better solution being close to existing built development and with existing access and electrical connections and would involve the loss of no qualifying SAC habitat. The applicant's justification for not redeveloping the existing site is considered to be poorly justified and thus the proposal does not represent the least environmentally intrusive option and refusal is recommended on landscape impact grounds.

At the time of drafting, there appeared to be no satisfactory (imperative reasons of overriding public interest (IROPI)) justification for the ecological impacts and indeed it would be unlawful to grant planning permission with current information having regard to the Habitat Regulations for international sites protection.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Contribution to Management Plan objectives**

Refusal is considered likely to help meet Outcome 3, Objective 10 which seeks to maintain and improve the sense of peace and tranquillity through protection of the remotest areas.

### **Explanation of how the Authority has worked positively with the applicant/agent**

Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.

