

**North York Moors National Park Authority**

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<b>Scarborough Borough Council (North)</b> <b>Parish: Danby</b>	<b>App No. NYM/2020/0054/FL</b>
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**Proposal:** construction of 1 no. local occupancy dwelling with attached store and associated access, parking and amenity space

**Location:** Ainthorpe Yard, Easton Lane, Ainthorpe,

**Applicant:** Mr RB & EA Asquith, 18 Church Street, Castleton, YO21 2EQ

**Agent:** Cheryl Ward Planning, 5 Valley View, Ampleforth, York, YO64 4DQ

**Date for Decision:** 24 March 2020

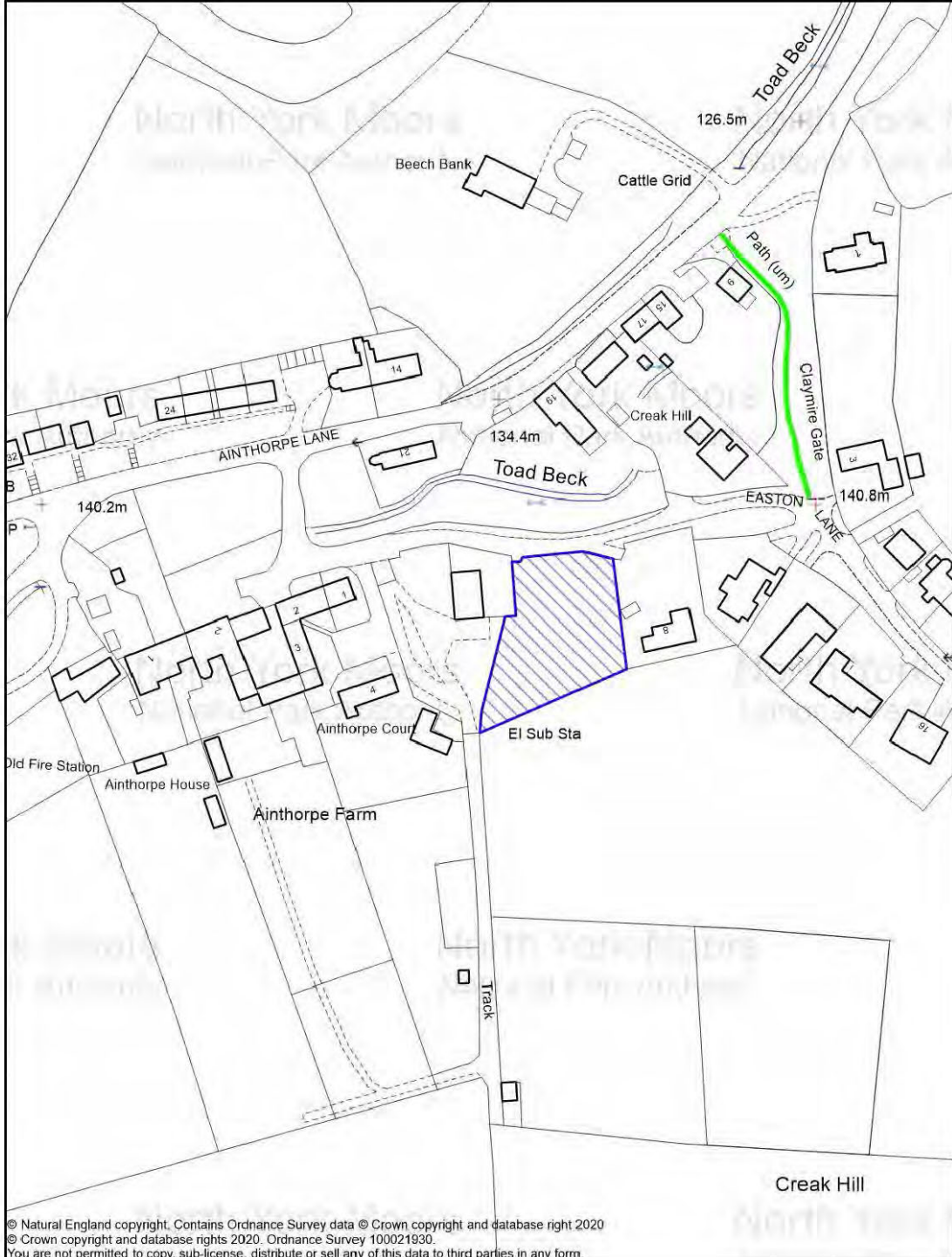
**Grid Ref:** 470705 508082

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**Director of Planning's Recommendation**

**Refusal** for the following reasons:

1. The site does not constitute an infill plot as defined by Core Policy J of the North York Moors Core Strategy and Development Plan Policies in that the site does not constitute a small gap within a continuously built up frontage within the main built up area of the settlement. It would also not be considered to be a 'suitable site' as required under Policy CO8 of the emerging Local Plan. If permitted, this development would result in the loss of this attractive open field, to the detriment of the character of the environment and landscape of this part of the North York Moors National Park.
2. The development, by virtue of the siting, form and land alterations required to accommodate the scheme is considered to be wholly out of keeping with the form and grain of the pattern of development within the locality and quality of the wider environment. As a result, the development would result in the loss of an open space which is considered to contribute to the amenity, character and setting of the wider settlement of Ainthorpe contrary to the provisions of Development Policy 3 of the North York Moors Core Strategy and Development Plan Policies and Strategic Policy C of the emerging Local Plan.
3. If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new housing on inappropriate sites which would cumulatively pose a significant threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park and therefore have a detrimental impact the wider landscape of the Park, contrary to the aims of Core Policy B of the North York Moors Core Strategy and Development Plan Policies and Strategic Policy B of the emerging Local Plan.





## Consultations

**Parish** – The Danby Group Parish Council resolved to support this application. The site of the proposed development is considered appropriate and there are no issues in respect of the proposed construction. The applicants are a young couple one of whom is local to Ainthorpe and they run a local business. This will be a much needed local occupancy home.

**Highways** – 28/02/2020 Note to the Planning Officer:

The Local Highway Authority has received further information since the issue of the recommendation dated 27th February 2020. It is thus recommended that conditions are attached to any approval granted.

27/02/2020 – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The design standard for the site is manual for streets and the required visibility splay is 2 metres by 24 metres. The available visibility, looking left when leaving the access is 2 metres by 11 metres. The existing field access would need to be reconstructed up to a standard verge crossing standard. The 2 metres is measured from the edge of the carriageway down the centre of the access but the current edge of the grass has crept over the line where the edge of the carriageway should be. The 11 metres length has been measured from the centre of the access where the edge of the carriageway would be following a new verge crossing construction.

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Consultations continued

Consequently, the Local Highway Authority recommends that Planning Permission is **REFUSED** for the following reasons:

**R3 VISIBILITY AT EXISTING ACCESS**

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 metres x 24 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

**Environmental Health Officer** – I hereby confirm that I have no objections on housing or environmental health grounds.

**Water** –

**Police (Traffic)** –

**Site Notice Expiry Date** – 19 March 2020

**Others** –

Michael Harding, 2 Hardings Yard, Kirby Misperton  
Jonathan & Rosie Wilson, 11 High Catton Road, Stamford Bridge  
Janet Brocklebank, 12 St Margaret's Road, Horsforth, Leeds  
John & Shelley Bonas, 44 Schuyler Street, Paris, Ontario, Canada  
Paul & Marion Burke, 39 Strait Lane, Ainthorpe  
Mrs Ann Duerden of 8 Church View, Elloughton, Brough  
Mr Andrew & Mrs Anna Newham of Hajoles, 35 Ainthorpe Lane  
Cliff Shepherd of 1 Easton Lane, Ainthorpe  
W E Mason, General Manager, Botton Village, Danby

All of the people above have written in support of the application for one or more of the following reasons:

- The proposed design is of an appropriate scale and design for the area.
- Would create a long term home for a local family who have lived and worked in the area for their entire lives.
- There is a dire shortage of housing for young, local families in the area
- The proposal is a sustainable development with green credentials.
- The building is well designed and it is assumed the materials will be the same standard.
- The proposal is in keeping with the character of other dwellings in the area.
- I do not believe the development would impact upon any nearby residential amenities, nor do I believe it would diminish the character of the local area.
- The lack of housing and aging population has a knock on affect to local amenities with empty schools and underutilised businesses.
- Applicant is a highly valued member of the Botton Village management team who needs to live within the locality due to the on-call nature of his role.

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## Consultations continued

- The development of Ainthorpe yard would be wholly in keeping with the development of the village due to the sympathetic design and modest proportions of the dwelling, added to this the sustainable features of the build and property supports the criteria for developing housing that will improve economic, social and environmental sustainability of the local area.
- In respect to the loss of open space or vista to the surrounding area we note that this proposed development site has never been identified as a visually important space and in our opinion does not provide a particular outstanding viewpoint to the surrounding countryside for local residents or visitors to the area and we do not believe it would be detrimental to the special qualities or distinctiveness of the village.

**Background**

This application is for the construction of a single local occupancy dwelling with attached garage on land to the west of 8 Easton Lane, Ainthorpe. The application includes re-grading of the land to accommodate a new access and create a level area to construct the proposed dwelling. There is no planning history associated with the site.

The application site is a permanent pasture paddock with a significant slope down to the road which is bound by a drystone wall. The site is located on Easton Lane, a single track road leading out to the cricket club upon which there is a cluster of prominent larger detached bungalows situated in well-established gardens, once the land begins to level out to the east of the application site. To the west of the application site there is a single agricultural building and associated yard, before the traditional agricultural buildings at the heart of the village which have since been turned into residential properties.

The property proposed is a simple stone and pantile cottage with a lean-to garage on the west side. The proposed property is set back off the front boundary in a raised position where a level base will be cut from the slope of the land to accommodate the dwelling and associated parking area. The surrounding garden area will then be battered back to accommodate the change in levels. Vehicular access will be created within the existing boundary dry stone wall with a driveway leading up to the flat area created to accommodate the dwelling.

The proposed scheme incorporates an air source heat pump and solar panels to the rear. A local occupancy proforma has been submitted with the application which provides details of the proposed occupants.

After the agent was informed that the application would be considered by the Planning Committee they have provided further plans and information showing how the development

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## Background continued

would look if the proposed two storey dwelling were to be sited further back into the site and higher up the slope in a similar position to the adjacent bungalow. This has not been requested by the Authority and Officers feel that this goes further to show the inappropriate nature of the proposed site for a new dwelling on any part of it.

This application is now back before members for determination after being deferred from the May Committee meeting for a site visit to take place. At the site visit the applicant indicated that they had the option to buy the yard to the West of the farm building adjacent to the current site and this may be an option for a revised siting there were also discussions around re-siting and redesigning the proposed scheme, however following a letter to and from the agent, they have stated that:

- *A single storey dwelling would not meet with their aspirations for the site or their long term future. It would not be their preferred option and they feel that it is best to stick to their original plans.*
- *If we can reiterate the points we have previously given to relocating the dwelling to the east and west corners of the site (the slope of the land, amount of excavation required and the spring) – they remain highly pertinent to the case.*
- *In addition to those reasons, the area to the west of the shed has some hidden issues, mainly in the form of a 25000 litre underground slurry tank which has been capped off and filled in with rubble. To build over this would make the ground works on that site very high as it prevents any digging down.*
- *A single storey building would not meet with the applicants requirements now or in the future and would surely be seen to be disproportionate to the built-up form of the tall barn adjacent to the site.*
- *Your letter is heavily caveated with the suggestion that any revised design will be subject to approval by consultees – the applicant would not wish to take the risk at this stage by chance that consultees are not in agreement to a complete re-design.*
- *These suggestions come at a late stage in the process and for the applicant to withdraw the application at this stage would come at a waste of everyone's time including Officers and Members.*
- *Overall they feel their current proposal is the best option, they feel they have put their case forward already and feel the scheme would be enhancing to the area with a well-designed house together with the removal of unsightly electric pole.*

Officers have explored all options for this site and the adjacent site which was only raised as a possibility for development at the Committee Site Visit as it is not shown within the blue line of the applicant's ownership on the submitted plans. The applicant and agent are adamant that they wish to have the application determined as submitted and are unwilling to revise the siting or design. Therefore it appears that the scheme before members for determination today is the only option on the table for consideration. This is unfortunate as the yard to the west of the farm building would comply with both the Authority's existing and future planning policies as it would constitute a suitable use of a brownfield site, is level and well related to the buildings on either side. This is in contrast to the existing proposal which represents a poor use of space and harmful alteration of a greenfield site.

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**Main Issues****Policy**

Core Policy B (Spatial Strategy) of the NYM Local Development Framework states that the overarching strategy to meet the needs of people in the National Park is based upon improving the sustainability of local communities by supporting, improving and consolidating existing services and facilities, providing additional housing and employment opportunities within settlements and enabling alternative modes of travel to the private car in accordance with the following settlement hierarchy. Within the open countryside housing relating to an essential need to live in the countryside must be demonstrated.

Core Policy J of the NYM Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, as well as other measures including supporting the development of local needs housing within the main built up area of the Local Service Villages and Other Villages and restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities.

**Site Setting and Departure from Policy**

The proposed development site occupies a sloping agricultural grazing field located between an individual agricultural building and 8 Easton Lane. To the west of the agricultural yard and building the nearest properties are barn conversions and to the east, 8 Easton Lane marks the start of the more modern development of the village on the flatter land at the top of the hill. To the north of the site is Easton Lane and the treed banks of Toad Beck. The proposed site is not considered to be within a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling. For the purposes of the policies in the Local Development Framework the application site therefore does not meet the definition of a site that is suitable for housing development and if developed would lead to the consolidation on a green space within the centre of the village which is not currently residential in character.

**Local Need**

A local need argument has been put forward for the location of the dwelling based on one of the applicant's job requirement to live locally to provide an emergency response to the livestock herd at Botton Village rather than travelling from the current address at Castleton. However, Officers consider that there is no discernible difference in distance or travel time between these locations and that in any case, if there is a strong need to be located close to

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**Main Issues continued**

livestock in Botton, then that need must surely be better met by locating in Botton itself, where there are potentially several available properties. Notwithstanding this, the applicants do have a genuine local housing need and meet the Local Occupancy requirement, however officers and members need to ensure that this is the most appropriate use of this site and that it is not just developed to meet the needs of one local family at the expense of others which may be able to also occupy it if the wider site were to be developed for Affordable Housing. Approval of any scheme on the site needs to make the best possible use of the land available and siting a single dwelling in the centre of a large field is not the best use of available space in the context of the community's wider housing need.

**Design**

Development Policy 3 of the NYM Local Development Framework states that in order to maintain and enhance the distinctive character of the National Park, development will only be permitted amongst other things where a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular and where the scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings, and will not have an adverse effect upon the amenities of neighbours.

The proposed design of the proposed dwelling is not considered to raise any concerns in terms of its appearance on plan and being typical of other residential development within the wider National Park setting, however in this setting it is not considered to be the most sympathetic to the setting. Officers do have concerns with regard to the level of re-profiling works required to accommodate the proposed scheme which will impact on this landscape in perpetuity and also the final ridge height proposed in relation to the adjacent dormer bungalow and barn. For this reason and in order to reach a more acceptable solution, Officers have suggested moving the footprint of the building and amending the style of building proposed to take on the appearance of a single storey barn conversion which may sit more comfortably in the site, however none of these suggestions have been accepted.

**Access**

The Highway Officer originally recommended refusal to the application based on poor levels of visibility from the existing field access to the site which was originally proposed to be used to access the site. The applicant has since entered into discussions with the Highway Officer and amended the proposal to move the access more towards the centre of the plot where better visibility can be achieved. The Highway Authority has since removed their objection and now recommends conditions to be attached to any approval granted, however as stated above Officers remain concerned with regard to the appearance of the proposal in the landscape given the amount of land form alterations required to construct the access road and also the proposed property on the site. Cumulatively the building, access and engineering works to accommodate them will change what is currently an unspoilt rural backdrop to the village into a suburbanised development with the single dwelling appearing incongruous surrounded by a large rural field and out of context with the character of this part of Ainthorpe.



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**Consultee Responses**

The Parish Council and a number of third parties have supported the proposal generally on personal grounds as they state that the proposal would create a long term home for a local family who have lived and worked in the area for their entire lives. They raise no concern with the scale or design of the proposal and they welcome the green credentials of the proposal due to the inclusion of a ground source heat pump and solar panels.

Officers do not feel that the weight that can be afforded to personal matters outweighs the strong planning refusal grounds cited above and conclude that the proposal is both contrary to the Authority's adopted policy and would result in significant landscape harm.

At the Committee Site Visit the Parish Council Representative stated that they had undertaken many Parish Needs Surveys over the years and that they considered the proposed site to be suitable for development. He went on to state that he could not think of another site that would be suitable for development within Ainthorpe, If this is the case it would appear that it is imperative that any scheme approved on the site makes best use of the space available.

**Authority Summary**

The proposal is contrary to Core Policies B and J of the Local Development Framework in that it does not constitute a gap site within a continuously built up frontage within the main body of the village of Ainthorpe and it is not considered that the personal circumstances put forward are sufficient to outweigh the strong policy objection. Added to this there are also concerns with regard to the proposed site design and the impact of the development on the wider landscape setting and therefore the proposed scheme is recommended for refusal.

**Draft Local Plan**

Strategic Policy M and Policy CO8 cover new housing on smaller villages and states that local occupancy housing will only be permitted on suitable small sites within the main built up area of the village. Proposals will be expected to meet the needs of smaller dwellings. Suitable sites would be expected to ensure the character and distinctiveness of the built environment and local landscape are maintained. They must also be capable of accommodating no more than 2 dwellings within the main built up area of the village. Importantly the policy states that development proposals must be well related to the form and grain of the existing surrounding residential development and should make efficient use of the available space. This means allowing scope for the full capacity of the site to be developed in future if the initial proposal is for just part of the site.

Strategic Policy C, Quality and Design of Development states that to maintain and enhance the distinctive character of the National Park, development will be supported where (amongst other criteria) 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 and creating spaces around and between buildings which contribute

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**Main Issues continued**

to the character and quality of the locality; as well as a good quality landscaping and planting scheme which reinforces local landscape character, increases habitat connectivity and makes use of appropriate native species forms an integral part of the proposal.

Whilst these policies can now be given significant weight, the proposal is still not considered to accord with them as the proposal would result in harmful consolidation of sporadic development resulting in an urbanising form of development and erode an important undeveloped site with public views out of the settlement and therefore would also be recommended for refusal under the draft Local Plan.

**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.