

North York Moors National Park Authority

Ward: Scarborough Borough Council (South)
Parish: Harwood Dale

App No. NYM/2020/0349/FL
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Proposal: change of use of land to form manège

Location: The Old Post Office, Harwood Dale

Applicant: Mr & Mrs Nicholas & Beata Coldbeck, The Old Post Office , Harwood Dale, Scarborough, YO13 0LA

Date for Decision: 03 August 2020

Extended to: **Grid Ref:** 496325 495765

Consultations

Parish - No objection to principle of a manège but concern expressed about lighting. The Council would ask that further details are obtained of the nature and luminance of any proposed lighting in order to ensure light pollution is kept to a minimum. A condition is also requested on any consent so as to ensure the use is private only.

Amended Plans - No objections. The removal of lighting from this application addresses Council's main concern. The addition of screening to three of the manège's boundaries is to be welcomed. A condition is also requested on any consent so as to ensure the use is private only.

Environmental Health Officer -

Ramblers Association - Request for additional information.

Amended Plans -

Advertisement Expiry Date - 22 July 2020.

Others - **Mr T Newham, Hartside, Harwood Dale** - We are not against the concept of a manège at the livery yard, but would have to object to the manège having flood lights. The height of the proposed poles for the lights would be at a similar height to the tree line created by the adjoining wood (due to the slope of the land) In the winter months when the leaves are off the trees after dark, the bank would be lit up - adversely affecting the surrounding area/properties. There is not sufficient natural screening to alleviate our concerns

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 **Standard Three Year Commencement Date**
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Application Number: NYM/2020/0349/FL

2. PLAN01 **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**
 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:
- | Document Description | Document No. | Date Received |
|---------------------------------|--------------|---------------|
| Location Plan (revised) & email | N/A | 27 July 2020 |
| Typical Elevation with a Gate | N/A | 10 June 2020 |
| Typical Section (1:20) | N/A | 10 June 2020 |
- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RSUO00 There shall be no commercial use of the manège hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes ancillary to the occupation of the property known as The Old Post Office and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
4. GACS00 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.
5. LNDS03 **Trees/Hedging to be Retained (insert)**
 No trees, shrubs or hedges **to the west** of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. LNDS00 The new hedge planting, as indicated on the submitted location plan received 27 July 2020, shall consist of at least six native species including those such as: hawthorn, holly, blackthorn, hazel, dog rose, dogwood, field maple and guelder rose; and shall be carried out no later than the first planting and seeding seasons following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Application Number: NYM/2020/0349/FL

Informatives

1. MISC
INF09 **PROW to be Kept Free From Obstruction at all Times**
Please note that the footpath situated to the east of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
2. INF00 In relation to the landscaping scheme and condition 6 above, the applicant's attention is drawn to the hedgerow planting advice provided on Page 34 of Part 3 'Trees and Landscape' of the Authority's adopted Design Guide, together with the two hedgerow guidance sheets enclosed with this decision.

Reasons for Conditions

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN00 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.
3. RSUO00 In order to comply with NYM Local Plan Policy CO20 which seeks to ensure that proposals for equestrian development are well related to a existing buildings and to enable the Local Planning Authority to control any commercial use of the facilities which could give rise to conditions detrimental to the special qualities of the National Park and the residential amenities of adjoining occupiers which would be contrary to NYM Strategic Policy A.
4. GACS00 In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
5. LNDS00 In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Local Plan Strategic Policies E and G and Policy ENV1 which seek to protect the landscape and conserve and enhance the quality and diversity of the natural environment.
6. LNDS00 In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Strategic Policy C which seeks to ensure that development proposals incorporate suitable landscaping details.

Application Number: NYM/2020/0349/FL



Application Number: NYM/2020/0349/FL

Background

The Old Post Office is situated on the south side of the road in the centre of the small settlement of Harwood Dale. The site comprises a modest and traditional stone under pantile cottage to the west the (rear elevation immediately fronting the road) with a range of traditional roadside stone and pantile buildings east of the cottage, extending up the hill. The house and outbuildings are separated by a small gap/access which affords a view through the site to the cottage garden and field beyond. To the right hand side of the gap, adjacent the cottage is a listed telephone box and a post box. The buildings comprise a former forge and associated stabling/agricultural buildings. They are in linear form, parallel with the road and have a split ridge height, reflecting the change in ground levels. The buildings are set back from the road slightly with a grass verge. The outbuildings are Grade II listed and the listing describes the internal features and forge equipment which remains in situ such as furnace, bellows, anvils and water trough.

To the rear of the buildings is an agricultural yard which previously had a modern steel framed structure (Dutch barn style) and other smaller buildings/structures, all in deteriorating condition. The yard is relatively modest and tightly defined by field boundaries. A public footpath runs along the eastern boundary of the site and at the south-eastern corner, continues in an easterly direction following the field boundaries. The landscape character is best described as Limestone Dale. The settlement lies in agricultural land (mainly pasture, interspersed with some arable fields) in steep sided, broad u-shaped valleys but with substantial areas of forest and woodland nearby.

This application seeks full planning permission for the change of use of land to the rear of the yard to an equestrian manège measuring 40 metres by 40 metres. As originally submitted, the manège was proposed to be located in the field to the rear of the yard but off-set to the east meaning that it ran parallel with the footpath in a somewhat un-related position, divorced from existing development. The proposal included flood lighting but no landscaping scheme was offered.

In the position initially proposed, Officers were concerned about the likely visual impact; from the adjacent public footpath but also in long distance views from Reasty Road where clear views to the rear of the Old Post Office can be gained. The proposed lighting was also of significant concern in relation to residential amenity; ecology and the Park's dark night skies. Amendments were sought and Officer's requested that the position of the manège was brought closer to the context of the host property, making use of existing screening and field boundaries. It was also recommended that the proposed lighting was omitted from the scheme.

The applicants advised that the preferred option (within the paddock to the west of the cottage) was unviable as a result of mains electrical apparatus being present in the field and therefore an obstruction to development, however, a position immediately to the rear of the cottage and yard would be acceptable and would make use of existing screen planting to the west. Additional hedge planting has also been proposed together with the removal of external lighting from the scheme.

The dimensions of the manège remains at 40 metres by 40 metres which is unusual for equestrian arenas for hobby use which normally take a rectangular form of 40 metres by 20 metres or slightly longer (up to 60 metres for dressage use) and wider again if it is to be used for jumping.

Application Number: NYM/2020/0349/FL

The square plan form is uncommon and would be an unusual landscape feature. However, the applicant has advised that they own and break shire horses for working the land. Due to their size and the fact that the horses would be broken to harness and therefore will have to be schooled to pull various objects, implements and possibly shafted vehicles/carts as part of this process, a larger area than the standard will be required to provide an adequate and safe environment. Furthermore, the manège is likely to be used for jumping their other cross-breed horses.

During the negotiation process, the applicant has provided further confirmation that the facility will only be for private/hobby use in connection with their own horses, lighting will be removed from the scheme and in response to the concerns raised by the Ramblers Association, the nearby public footpath will not be used by horses to access the manège.

Policy Context

The most relevant NYM policy to consider with this application is Local Plan Policy CO20 (Equestrian Development for Private Use). Amongst other things, this policy is only supportive of equestrian developments (including outdoor exercise arenas) where: there is no unacceptable impact on the local landscape character or the special qualities of the National Park; existing buildings are 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; lighting is discreet in order to minimise light pollution; there is adequate space for parking and access for horse related vehicles and the development will not prejudice road safety in the locality.

Policy ENV4 (Dark Night Skies) does not permit external lighting in remote areas. In the open countryside, proposals that involve external lighting will only be permitted where it can be demonstrated that the lighting is essential for safety or security reasons and the lighting details meet or exceed those set out in any lighting guidelines adopted by the Authority. This policy not only seeks to ensure good quality night time conditions for biodiversity but also to protect and allow dark night skies to be experienced, which are one of the National Park's special qualities.

Main Issues

The main issues to consider are whether the proposed riding arena would be acceptable in landscape terms and whether it is likely to result in any adverse impact upon the residential amenities of neighbouring occupiers.

In its revised position with supplementary hedge planting and the removal of the lighting, the proposed scheme is considered to satisfactorily address the concerns raised by consultees and third parties. The altered position will help provide a context and setting for the development and therefore reduce its impact in long distant views. Over time, once the proposed landscaping is established, the visual impact of the sand/fibre surface will be reduced.

In addition to the landscape concerns and associated illumination of the facility, it was apparent that there was concern in relation to the use of the manège by others or for commercial purposes. The Parish Council has requested a condition be imposed for private use only and a letter from a near-by resident in response to the public consultation period (comments were received after the expiry of the site notice but within the expiry of the newspaper advertisement), referred to the site as a livery yard.

Application Number: NYM/2020/0349/FL

As part of the negotiation process, Officers requested clarification in relation to the use of the site and advised the applicant that it is standard practice to condition manèges applied for under CO20 for private use only. The applicant has confirmed that there will be no commercial use of the development and therefore, this would be appropriate.

The amended details have been offered for further comment and the Parish Council has confirmed no objection. The Authority's Ecologist has also advised that the removal of the lighting has alleviated their main concern.

In view of the revised position, within the context of listed buildings, the Authority's Building Conservation Team has been consulted and confirmed that there are no objections. No further comments have been received from the Ramblers Association or the neighbour. The revised location, well away from the line of the public footpath is considered to address the comments submitted by the Ramblers Association and all other revisions are considered to address the concerns of the neighbour.

In view of the above, the revised proposal is considered to adequately satisfy the requirements of the policies outlined above and subject to the recommended conditions, approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.