

# North York Moors National Park Authority

Parish: Danby

App No. NYM/2020/0054/FL

**Proposal:** construction of 1 no local occupancy dwelling and detached double garage together with 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:** 24/03/2020

**Extended to:**

## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

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.
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     |
|----------------------|-----------------|-------------------|
| Proposed Block Plan  | D11655-04 Rev H | 07 September 2020 |
| Proposed Floor Plans | D11655-17 Rev A | 07 September 2020 |
| Proposed Elevations  | D11655-18 Rev A | 07 September 2020 |
| Proposed Garage      | D11655-19 Rev C | 10 September 2020 |

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. WPDR01 Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I  

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

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## 4. WPDR09 Withdrawal of PD Part 2 Class A - Gates, Walls, Fences

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.

5. RSUO13 The occupation of the dwelling hereby permitted shall be limited to:
- i. a qualifying person; and
  - ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or
2. Currently in employment in the National Park; or
3. Having an essential need to live close to relative(s) who are currently living in the National Park; or
4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
5. Former residents whose case for needing to return to the National Park is accepted by the Authority.

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.

Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:

Allerston; Beadlam; Burniston; East Harlsey; Ebberton and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.

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## 6. GACS07 External Lighting - Submit Details

No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

## 7. MATS01 Stone to be Approved

No work shall commence on the construction of the walls of the development hereby permitted until details of the stone, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings have been submitted to and approved in writing by the Local Planning Authority. The stone used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

## 8. MATS05 Natural Stone Traditionally Coursed/Jointed

The external walls of the development hereby permitted shall be constructed in natural stone, which shall be coursed and jointed in the local tradition.

## 9. MATS06 Stone Panel

No work shall commence on the excavation works for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.

## 10. MATS14 Roof Tile to be Agreed

No work shall commence on the construction of the roof of the development hereby permitted until details of the roof tile, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof tile used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

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11. MATS00 The external surfaces of the rear gable of the building hereby permitted shall be clad and thereafter maintained with a matt dark grey agricultural style roof sheet and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. MATS30 Doors - Details of Construction to be Submitted
- No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13. MATS40 Detailed Plans of Window Frames Required
- No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. MATS47 Window Frames in Reveals - Specify Set Back (insert)
- The external face of the frame to all new windows shall be set in a reveal of a minimum of 100mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. MATS56 Conservation Rooflights Only
- The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
16. MATS00 All new shutter doors and garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung. Within six months of the date of their installation they shall be coloured and finished in a manner agreed in writing the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing.

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17. MATS61 Windows and Doors - Submit Details of Colour/Finish
- No work shall commence to stain/paint the windows and doors in the development hereby approved until details of the paint colour/finish of the windows and doors has been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. MATS70 Guttering Fixed by Gutter Spikes
- The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
19. MATS74 Flues to be Coloured Matt Black
- All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
20. LNDS02A Landscaping Scheme to be Implemented - Large Scale Development/ General Development
- All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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.
21. LNDS10 Details of Hardsurfacing to be Submitted
- No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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22. GACS16 Levels – New Dwelling – Submit Details

No work shall commence to clear the site in preparation for the development hereby permitted until scaled plans showing the finished floor level, eaves and ridge height of the dwelling hereby permitted in relation to adjacent properties have been submitted to and approved in writing by the Local Planning Authority. The plan shall also include details of a fixed off-site datum point in the immediate locality. The work shall not be carried out otherwise than in accordance with the details so approved.

**Informatives**

1. Coal Referral Area

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at [www.groundstability.com](http://www.groundstability.com)

**Reason(s) for Condition(s)**

- |        |        |  |
|--------|--------|--|
| 1.     | TIME01 | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.  |
| 2.     | PLAN01 | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the NYM Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.  |
| 3 & 4. | WPDR00 | In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development. |
| 5.     | RSUO00 | In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.  |
| 6.     | 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.  |

- 7 – 10. MATS00 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 11-19. MATS00 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
20. LNDS00 In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
21. LNDS00 In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
22. RSN  
GACS05 In order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park and ensure that new development is of a high quality and respects the character of the locality.



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**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.

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



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Consultations continued

**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.
- 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.

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Consultations continued

**Mr Kevin Williamson writing on behalf of Mrs Rhea of 8 Easton Lane, Ainthorpe and the metal clad barn adjacent to the plot.**

Amended Plans - Both of Mrs Rhea's properties are significantly affected by this development. Mrs Rhea is likely to seek permission in the future for the redevelopment of the metal clad barn to the north of the site and surrounded by the proposed development. In view of this future application she is concerned with the location of the proposed detached double garage in front of the barn site as it blocks the view up the dale and light from the south side of the site and thus impacts its development potential. We would therefore propose that the double garage is moved closer to the proposed house to create a more compact development and not block the view lines from the barn site (as shown on attached mark up).

### **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. As originally submitted the application included the re-grading of the land to accommodate a new access and create a level area to construct the proposed dwelling. However since consideration of a recommendation for refusal at Planning Committee the proposal has been totally revised so that it is now access through the existing farmyard and the proposed design takes on more of an appearance of a traditional stone barn with a more modern extension to the rear. The proposed garage is now proposed directly behind the existing modern agricultural building to the front of the site which is in separate ownership. 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 original application 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 would then have to be battered back to accommodate the change in levels. Vehicular access was proposed within the existing boundary dry stone wall with a driveway leading up to the flat area created to accommodate the dwelling.

A local occupancy proforma has been submitted with the application which provides details of the proposed occupants.

This application was considered by members at the May and September Planning Committees and a site visit took place between the two meetings. At the September

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meeting Members accepted the principle of development of the site but delegated the improvement of the design back to Officers. A revised scheme has now been secured which proposes a single storey barn style building with accommodation within the roof space and a rear gable which has both the roof and walls clad in agricultural style sheeting to give a contemporary appearance. The site is now proposed to be accessed through the existing farm yard and the proposed double garage will be sited to the rear of the existing agricultural building to the front of the site but in separate ownership.

**Main Issues****Policy**

This application was submitted originally under the Local Development Framework, however since the adopted policies of the National Park have now changed determination of the application will now take account of the adopted 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 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.

The original proposal was not considered to accord with these policies as the proposal would have result in harmful consolidation of sporadic development resulting in an urbanising form of development that would have eroded an important undeveloped site with public views out of the settlement.

The revised proposal however is considered to be much more appropriately designed to fit in with the site and the difficulties it faces in terms of this development for residential accommodation. It is therefore now considered to be a suitable site as the scheme proposed ensures the character and distinctiveness of the built environment and local landscape is maintained. The access is now through the adjacent yard area with parking and garaging proposed to the side of the property and rear of the adjacent modern agricultural building. The proposed dwelling has a single storey appearance

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and replicates the form of a traditional stone agricultural building and is therefore now considered to fit much more comfortably on the site. Landscaping in the form of an orchard is proposed to the east of the site and there is no regrading of the slope to the north of the dwelling proposed which is the main vantage point from the passing road.

**Local Need**

The applicants have provided information to demonstrate that they do have a genuine local housing need and meet the Local Occupancy requirement. Officers have stated previously that 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.

Notwithstanding the above paragraph, Members of the Planning Committee approved the principle of the development of this site for one house to meet the applicant's needs, provided that officers could negotiate a much improved design. This is now considered to have been achieved.

**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. No additional comments have been raised in relation to the amended design.

One new comment has been raised on behalf of the occupier of the neighbouring property who also owns the modern barn which is surrounded by the applicant's property. They have raised concerns with regard to the location of the proposed garage due to the impact that this could have on the views out of the barn site, which they consider would have future potential for residential development given that this application looks to be heading for a recommendation of approval. Although they have been advised that even if the site were already development that there is no right to a view, the comments were passed on to the applicant to see if they would accommodate their request in the interest of assisting good future neighbour relations. The agent has advised that the applicant wishes to have the application determined as currently proposed and therefore no further action is proposed with regard to this matter as the proposed garage is considered to be suitably located within the vicinity of other agricultural buildings and domestic outbuildings.

**Authority Summary**

The revised design of the proposal is considered to represent a much more appropriate scheme of development of the site; the principle of which has already

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been acceptable by members at the September Planning Committee. The revised access point and traditional agricultural design of the development now proposed is considered to sit much more comfortably on the application site and the scheme is now recommended for approval in line with the Conditions listed above.

### **Pre-commencement Conditions**

The applicant has been advised of all the conditions requiring prior approval or for which further information is required to be submitted at an early stage of the application process and has agreed to their inclusion on the decision notice. This include conditions with regard to the stone, a stone panel, rooftiles, hardsurfacing and details of the proposed levels.

### **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 recommended significant changes to the design of proposal, so as to deliver sustainable development.