

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/W9500/W/20/3263621**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Address

Preferred contact method Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes  No

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA validate and register your application? Yes  No

Did the LPA issue a decision? Yes  No

Date of LPA's decision 28/08/2020

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Address Peony Bank Farm  
Aislaby  
WHITBY  
YO21 1SX

Is the appeal site within a Green Belt? Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes  No

If YES, please state below the revised wording

Construction of two storey oak garage and home office following demolition of existing garages.

Please attach a copy of the LPA's agreement to the change.

see 'Appeal Documents' section

Area (in hectares) of the whole appeal site [e.g. 1234.56] 0.01 hectare(s)

Area of floor space of proposed development (in square metres) 12141 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes  No

#### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over

provision of local list documentation.

## G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

### 1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain.

The site is shielded from view from the public highway/land by the landscape topography and established mature screening (appeal site is 200 metres from Egton Road). Inspector will need to enter the site to view the exact site.

### 2. Hearing

### 3. Inquiry

## H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

## I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**

CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**

## I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole

agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

No



## L. CHECK SIGN AND DATE

### (All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Mrs Cheryl Ward

**Date**

20/11/2020 14:54:04

**Name**

Mrs Cheryl Ward

**On behalf of**

Mr and Mrs A Fiddler

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

## M. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	DESCRIPTION OF DEVELOPMENT
<b>Document Description:</b>	A copy of the LPA's agreement to the change.
<b>File name:</b>	2020-0346 Ack Letter.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	18 Nov 20 - Grounds of Appeal.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	App Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	28 Aug 20 - Decision.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	Loc plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	Original plans.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	20 Nov 20 - List of orig plans.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
<b>File name:</b>	20 Nov 20 - List of plans upon LPA decision made.pdf
<b>File name:</b>	11623 Fiddler - 04.Proposed Rev' B (A2).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	07. A copy of the design and access statement sent to the LPA.
<b>File name:</b>	DAS.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.  
**File name:** 30 Jul 20 - NYM resp.pdf  
**File name:** 25 Aug 20 - NYM resp 2.pdf  
**File name:** In app corresp.pdf  
**File name:** 03 Aug 20 - NYM resp.pdf

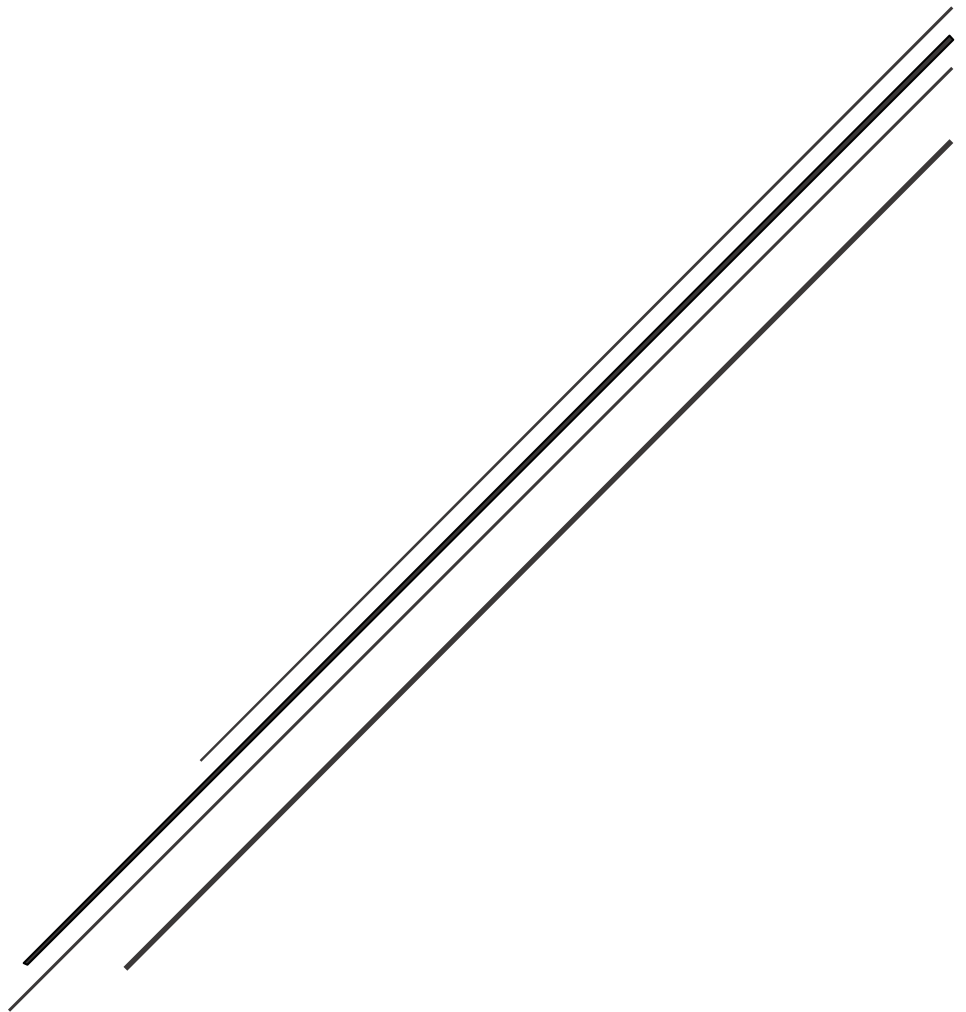
**Completed by** MRS CHERYL WARD

**Date** 20/11/2020 14:54:04

# TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL

WRITTEN REPRESENTATIONS

November 2020



Peony Bank Farm, Egton Road, Aislaby  
Mr and Mrs A Fiddler



**For: Mr and Mrs A Fiddler**  
**At: Peony Bank Farm, Egton Road, Aislaby**

## **Grounds of Appeal**

Town and Country Planning Act 1990

**Appeal by:** Mr and Mrs A Fiddler

**Against:** Refusal of planning permission for construction of two storey oak garage and home office following demolition of existing garages.

**Location:** Peony Bank Farm, Egton Road, Aislaby

**Local Planning Authority Ref:** NYM/2020/0346/FL

**Method of Appeal:** Written Representation

**Date:** November 2020

**For: Mr and Mrs A Fiddler**  
**At: Peony Bank Farm, Egton Road, Aislaby**

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### Table of revisions

Rev/version no.	Date	Amendment details	Revision prepared by

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**For: Mr and Mrs A Fiddler**  
**At: Peony Bank Farm, Egton Road, Aislaby**

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## 1.0 Introduction

- 1.1 The appellants (Mr and Mrs A Fiddler) has requested Cheryl Ward Planning to submit a Planning Appeal against the refusal of planning permission **NYM/2020/0346//FL** for construction of two storey oak garage and home office following demolition of existing garages at Peony Bank Farm, Egton Road, Aislaby.
- 1.2 The appeal is made under Part 1 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (Statutory Instrument 2009/452) as amended by The Town and Country planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 Statutory Instrument 2013/2014.
- 1.3 The appellant has chosen the Written Representations procedure on the basis that it is the most straight forward for all parties.

## 2.0 The Decision

2.1 The application was refused on grounds that:

1. *The proposed development by reason of its scale, in footprint and height, overall massing, bulk and design would detract from the character and form of the original dwelling and its setting within the locality. The varying topography of the site, combined with the proposed height of the development, would result in a building that would be elevated above the existing dwelling and as such would not be clearly subservient to the original dwelling. As such the development is deemed to be contrary to Strategic Policy C and Policy CO17 of the NYM Authority's Adopted Policies and the advice contained within Part 2, Sections 2 and 3.7 of the Authority's adopted Design Guide.*

2.2 The LPAs decision is based on the above single reason. In breaking down the decision there are three main points for discussion

- Scale, footprint, height, overall massing, bulk and design.
- The topography of the site combined with the proposed height of the structure and subserviency to the original dwelling.
- Planning policy and design guidance.

2.3 Amended plans were submitted as part of the householder application to show labelling of the proposed ground and first floors. The LPA determined the application based on the plans submitted on and dated by them on 24 August 2020 prepared by David Salisbury along with a supporting statement submitted by the appellants agent (Cheryl Ward Planning).

2.4 The relevant plans under consideration for this appeal are:

- **OS Map Extract** – for site identification dated 22 May 2020.
- **Dwg No. 11623/05** – Block plan.
- **Dwg No. 11623/02** – Existing Plans and Elevations.
- **Dwg No. 11623/01** - Existing Plans and Elevations.
- **Dwg No. 11623/03** – Proposed Plans and Elevations.
- **Dwg No. 11623/04 B** – Proposed Plans and Elevations.

2.5 The appellants ground of appeal is that planning permission should be granted.

- 2.6 The main issue in this appeal is whether the combined garage and home office is compatible with the site. That it is not harmful to the site, site setting and wider locality and provides a flexible approach and is one that responds to the appellant's future requirements for the site and has particular regard to the provisions of the development plan in force.
- 2.7 It is the appellants intention to demolish all but one of the existing buildings on the site and replace them with one single building that is fit for purpose to be genuinely used for domestic purposes only and for no other use.
- 2.8 Ultimately, the appellant has been fully engaging with the LPA. During the recent application further information was provided at the request of the case officer which included:
- Detailed floor plans required to indicate the use of the proposed structure. The LPA did not consider that the plans submitted sufficiently indicated the useable floor space on the first floor.
  - The requested changes to plans have been duly made and presented to the LPA.
- 2.9 The Inspectors attention is drawn to the fact that there are no objections to the proposal from any of the statutory consultees or third parties.
- 2.10 Despite some confusion, it is confirmed that the application proposes to retain the smaller building to the north and the existing stables on the east side of the proposed building.
- 2.11 The remaining part of this Statement sets out the appellants compelling reasoning and the justification why the development should be allowed.

## 3.0 Grounds of Appeal

### Decision

- 3.1 The decision is based on one reason which refers to the proposed development being out of character and form to the original dwelling by reason of scale, footprint and height, overall massing, bulk and design and its setting in the locality.
- 3.2 Part 2 of the Authority's Design Guide is a material consideration in the determination of the application.
- 3.3 The Design Guide advises that whilst traditionally a range of small outbuildings are common with older properties, garages are a relatively recent innovation which require careful consideration in terms of siting and design so as not to spoil the character and setting of the main dwelling. Garages should be subservient to the main dwelling and be located unobtrusively, attached or close to the side or rear of the main dwelling. On some occasions it may be more appropriate to construct a free standing garage elsewhere at the site so as not to prejudice the setting of the house.
- 3.4 With careful siting the appellant is in agreement that outbuildings can be used to create attractive and useable outdoor spaces especially when grouped with traditional walls and hedges.

### The development

- 3.5 This application relates to the construction of a two storey garage and home office building. The proposed building is 5.93m in height, 13m deep and just over 8m in width. It is proposed that the building would be constructed with a visible oak framework with larch cladding over a brick/stone plinth.
- 3.6 Peony Bank Farm is a medium to substantial dwelling built within the hillside to the between the settlements of Ailsaby and Egton in a central location within the designated North York Moors National Park. For planning purposes, the property is deemed to be within the open countryside and is of relatively recent construction.
- 3.7 To the north of the appeal site, the valley side is clothed in substantial tree cover as is the land to the south east of the house. The appellant wishes to emphasise the importance of this established screening as it wholly screens the house and the proposed development from Egton Road and the wider landscape i.e. from across the valley on Eskdaleside. This is in addition to the local landscape topography which naturally screens the property and existing outbuildings from public vantage points in the locality.
- 3.8 In addition, there is tree cover and vegetation to the south side of Egton Road.
- 3.9 The nearest building to the east (an American Barn) is owned by the appellant. The property beyond this to the east (accessed separately) is out with the appellants ownership and for which no impact is envisaged.



- 3.10 The property is not a listed building nor located within a Conservation Area or Article 4 Area.
- 3.11 The first objective of the appellants proposal is a need for garaging on the site where there is currently none.
- 3.12 The second purpose is the need for a home office. The appellant lives and works in the National Park and has done for over 15 years. He operates a series of tourism and retail businesses in the National Park and one in nearby Whitby which falls outside of the National Park for planning jurisdiction. There is a need to create a distinctive place to live and work from home.

The appellants rural businesses comprise:

- Shop, Goathland
- Lodge accommodation, Hawsker
- The Victoria Hotel, Robin Hoods Bay
- Endeavour Ship, Whitby

- 3.13 There is no room in the main house for the applicant to have a home office or the ability to work from or store paperwork/archiving for all of the businesses within any of the above premises.
- 3.14 It is the applicants aim to create one single building that will take on an all-encompassing role rather than an ad hoc arrangement of smaller buildings. The design of the of the oak garage and home office is in the appellants opinion and the opinion of the bespoke manufacturer responsive to the scale and massing of the main house; will raise the standard of design across the site and should not be looked at in isolated but in close association with the host building which exhibits tall gables (similar to the proposed structure) and is likely to be a significant enhancement to the immediate setting and the defining characteristics of the site.
- 3.15 The NPPF is supportive of home working ventures to enable and support social well-being and a healthy lifestyle particularly more so in view of the Coronavirus pandemic when self isolation and home working is considered to be more appropriate than ever before. The appellant is the owner of a number of successful businesses in the Park a home office will allow him to continue to work without necessarily having to drive between the businesses thereby protecting himself and others (amongst other reasons).
- 3.16 The proposed structure is to be sited in an unobtrusive position close to the host building. Operationally and functionally the sting of the building will work well for access on foot and for vehicles needing to access the ground floor garage and egress the site in an easy manner on an otherwise difficult slope. The garage/office are to be ancillary to the main dwelling. For no other purpose.

- 3.17 In line with the Officers report the house is built over split levels where the ground levels are rising steeply. This means when stood at the foot of the dwelling the pitched roofs of the dwelling stand tall within the local landscape.
- 3.18 The proposed garage and home office is to be sited in the same position as the buildings it will replace (in part) albeit that they will provide fully usable floorspace over two floors rather than one and a change to the roof formation i.e. pitched rather than flat roof which is generally favoured by the National Park.
- 3.19 In our opinion the structure can be successfully integrated on the site without competing with the host building or have a dominating impact on the site due in part to its character and form which is similarly match to the host building.
- 3.20 The structure is designed to be subservient to the main house in terms of its volume, scale, height, width and depth. The height is tailored to the applicant so that (at over 6ft tall) he can stand upright down the centre line of the first floor and secure usable floor space. To the sides this will not be possible and therefore will be used for storage purposes.
- 3.21 The pitched roof is to be matched to the host building.
- 3.22 The garage/home office is designed to reflect local distinctiveness. Any issues with the scale, height and massing of the proposed building being offset by the outstanding design which promotes far greater levels of sustainability than the ad hoc buildings it replaces and helps to significantly raise the standard of design more generally in the locality particularly where the building will not be visible in the wider landscape.
- 3.23 Paragraph 130 of the NPPF clearly states that 'design should not be used by the decision maker as a valid reason to object to development'.

#### Permitted development

- 3.24 Although within the NYM National Park development is still permissible under what is known as permitted development. The proposal is situated behind the rear building line of the host building and therefore under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 there is scope to improve or alter the current outbuilding(s) for purposes incidental to the enjoyment of the dwelling within the scope of E1, E2, E3 and E4.
- 3.25 There is also potentially scope to demolish and rebuild under the same provision, as such other than the development being two storey it is little over the permitted development allowance and height restrictions for outbuildings incidental to the enjoyment of the dwellinghouse. As such the proposed domestic use is not questionable.

- 3.26 The above Government measures are put in place to assist homeowners/householders to extend and adapt properties without necessarily having to enter the planning system.
- 3.27 Officers have questioned the legitimacy of some of the existing buildings however they are clearly over 10 years old and therefore immune from enforcement action and in any case are likely to have been erected under permitted development when development was dealt with under a cubic volume allowance.
- 3.28 Amended drawing **11623/04B** illustrates how the internal layout will function and demonstrates the need for space within the upper floor area set aside as a home office. It also shows the existing store to be retained to the side and stables to the east.
- 3.29 In assessing the level of 'harm' to the site we have deemed that this is considered to be less than substantial in view of the fact that it:
- Achieves sustainable development in the National Park.
  - There is substantial screening in place which shields the host building and proposed building.
  - It makes effective use of the land without encroaching beyond existing building lines and into the open countryside.
  - The development is well designed and seeks to enhance by the removal of incongruous buildings from the site.
  - It conserves the landscape and scenic beauty of the NYM National Park.

## 4.0 LPAs Delegated Report

- 4.1 Paragraph 2 of Page 5 of the Officers report confirms that the existing buildings are not reflective of the local vernacular and are of poor construction. It goes on to say that the buildings are low level and therefore do not obstruct wider views and do not detract from the character or form of the main dwelling.
- 4.2 The appellant has recently received planning permission for an orangery on the west side of the dwelling to replace an existing failing conservatory. The orangery has been erected by the same well respected company (David Salisbury) who would be constructing the garage/home office to ensure there is design consistency and form throughout the site.
- 4.3 It is a site that has the capacity to expand so long as the buildings do not exceed existing building lines which this proposal would not do. Nor would it obstruct wider views incoming or outgoing from the site.
- 4.4 In terms of hierarchy the proposed development would in no way be seen to compete with the main house or over dominate the site when it is fortunate to have the space and capacity to cope with a building of the scale and nature that is being proposed. This is a specific requirement of achieving quality design as set out in Section 2 of Part 2 of the NYM Design Guide with which the development is aligned.
- 4.5 The LPA are aware that the appellant is seeking to make a positive impact on the site with a desire to replace the conservatory and by way of the removal of the existing outbuildings that are no longer fit for purpose with a new building. As such, it is not considered that the development would lead to incremental growth of the property with a harmful impact on the character and appearance of the existing house nor would the appellant want this.
- 4.6 The proposal in our opinion would not become a focal point to the house and site. Particularly as on arrival and following negotiation of the steep drive and bend at the top attention is directed and drawn to the attractive house and gardens to the south and west side of the house. The area where the proposed building is to be located is technically around the back where the more domestic activities are taking place and is not seen.
- 4.7 The appellant feels that the development aligns with para. 3 of page 5 of the delegated report which states the garages should be subservient to the main building and should be simple and functional in form. This is in essence what is being proposed, a simple yet good quality building which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and is visually attractive.

- 4.8 Para. 131 of the NPPF (not referred to by the LPA in their decision) states that in determining applications, great weight should be given to outstanding or innovative design which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.9 Had the proposal been in the nearby village of Aislaby or Egton or in a streetscene context there may have been cause for concern however the development is away from the built up environment, on the well screened valley side of Aislaby Side. It is a site where there are ample opportunities to achieve a well-designed building which is fit for purpose on an existing flat plateau of the site where existing buildings have proven to work and function in the past.
- 4.10 At para. 4 on page 5 of the Officers report, the LPA confirm their appreciation of the site being relatively well screened and fairly isolated, preventing an impact on wider views of the development, however it is acknowledged that the proposals must be assessed in respect of their immediate surroundings also and the relationship with the main dwelling.
- 4.11 Along with the main dwelling the proposed building will establish and maintain a strong sense of place, using the existing arrangement of buildings and spaces, building types and materials, to create an attractive, welcoming and distinctive place to live, work and visit which is fundamental to the applicants overall aim.
- 4.12 Essentially the appellant wishes to optimise the potential of the site to accommodate a future asset and development that is to be celebrated in a way that is seen to sustain an appropriate amount and mix of development to function alongside the existing dwelling.
- 4.13 Within para. 4 on page 5 of the Officers report, the LPA confirm that the site is noticeably sloped with the property sat on split levels and that the proposal is sat to the north east of the property and whilst stepped back, the development sits at an elevated position.
- 4.14 It goes on to state that it is not considered that a proposed height of 5.93m combined with the existing topography would result in a building that was clearly subservient to the main dwelling. The appellant would not concur with this fact when viewed together with the main house the two buildings will not be a detractor from the character and form of the original dwelling which in itself is a tall building built into the hillside. Nor would it affect the setting of the landscape or amenity levels for the host building.
- 4.15 **Policy CO17** of the NYM Local Plan clearly states that any new outbuildings should be proportionate in size and clearly subservient to the main dwelling; it is considered that the proposed development meets this requirement of the policy and the proposal clearly makes an effort to produce a building that is reflective and sympathises with the local vernacular by using a timber structure, cladding and a stone/brick plinth.

4.16 The principle elevation faces west onto the main house and is purposely designed to ensure surveillance of the building and vehicles parked within it.

4.17 Policy CO17 of the NYM Local Plan requires proposals for new outbuildings to meet the following criteria:

**i. The outbuilding should be required for purposes incidental to the residential use of the main dwelling;**

It is confirmed that the building is for ancillary domestic use only.

**ii. Any new or extended outbuilding should be proportionate in size and clearly subservient to the main dwelling;**

The householder development will integrate effectively with the surroundings, reinforcing local distinctiveness and avoid harm to the character of the site and wider landscape.

**iii. New outbuildings should be located in close proximity to existing buildings;**

The building is clearly located in a sustainable position behind the rear building line of the dwelling, this being the only suitable site that would not require significant engineering works and digging out to take place.

**iv. If the proposal involves works to improve or extend an existing outbuilding, the original structure must be worthy of retention and capable of improvement; and**

This is technically not relevant to the case.

**v. It should be demonstrated that any change of use of existing outbuildings is not likely to lead to future proposals for additional outbuildings to replace the existing use.**

The appellant confirms that the development will lead to further incremental development of the site rather it completes it for the time being and meets their current needs without compromising the ability of future generations to meet their own needs.

## 5.0 Conclusion (Why Planning Permission Should Be Granted)

- 5.1 In the circumstances paragraph 172 of the National Planning Policy Framework says that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 5.2 The proposal has been developed in respect to the appellants design brief and in direct response to the siting, orientation, layout and density of the existing dwelling and the constraints and opportunities of the site.
- 5.3 The development will allow the dwelling to evolve and allow a new planning chapter to commence at the site and removes incongruous buildings from the site which are no longer fit for purpose.
- 5.4 The development sought under this appeal will allow the appellant to make use of the upper floor of the building for a use as a home office which brings social, economic and environmental benefits without harm to the locality or the setting of the house and grounds.
- 5.5 We ask the Planning Inspector in their assessment to consider the fundamental aspects of the proposal which seeks to endorse a domestic outbuilding with low activity ratio which is sustainably pursued in a positive way.
- 5.6 The proposal is compatible and is in close proximity to the main house from which the development will be incidental and whilst it lies on the north east boundary of the site there is unlikely to be any change in what is viewable in the landscape from Egton Road, Aislaby, Egton or Eskdaleside on the far opposite site of the dale.
- 5.7 The proposal is visually attractive, yet simple, as a result of good planning and design and uses the spaces and layout to optimise the potential of the site to accommodate the development without harm to the special qualities of the National Park including those who reside there.
- 5.8 On the basis of the above we would respectfully ask that the appeal is allowed.
- 5.9 Finally the appellant is happy to accept a condition preventing habitable use of the garage/home office.



***Design and Access Statement for the erection of  
An oak garage to replace existing***

***at***

***Peony Bank Farm***

***Egton Road***

***Aislaby***

***Whitby***

***North Yorks***

***YO21 1SX***

***On behalf of***

***Mr and Mrs Fiddler***



This Design and Access statement has been prepared as part of a Planning application to construct an oak garage (to replace existing) at Peony Bank Farm, Egton Road, Aislaby.

### **The site and surroundings**

#### **Aislaby**

Aislaby is a small village located approximately 5 miles south west of Whitby and within the boundaries of the North York Moors National Park.

The village is predominantly residential within a rural location.

#### **Peony Bank Farm**



Peony Bank Farm is a detached residential property, stone built with a tiled roof.

The property is approached by a 100 metre drive to the north of Egton Road and is set within 3500 square metres of private domestic curtilage. The applicants also own the land to the north, south, east and west of the application site.

Peony Bank Farm is located 1 mile west of Aislaby village in an isolated location.





The entrance to Peony Bank Farm from Egton Road. As is evident the only part of the dwelling and garages that are visible from the highway is the first floor window of the house. The garages are located 18 metres north east of the property.

Due to the natural mature landscaping along Egton Road, the garages cannot be viewed from the public highway.

### **The Proposal**

The applicants, Mr and Mrs Fiddler run numerous businesses within the locality. This at present leads to the applicants travelling to and fro from their businesses on a regular basis. The purpose of replacing the existing garages with a new garage block with office space above is to centralise all the administration works associated with all the businesses. The

office space is for their use only and they will not be employing any staff to work from the home office.

By centralising all the administration in one place will be beneficial not just to the applicants but to the environment.



The image above shows the existing garages that are of poor quality and design (as recognised by the Planning Dept) and are running into a state of disrepair.

The garages will be carefully dismantled and removed from site.



As already stated the replacement garage and office will be located 18 metres north east of the dwelling house.

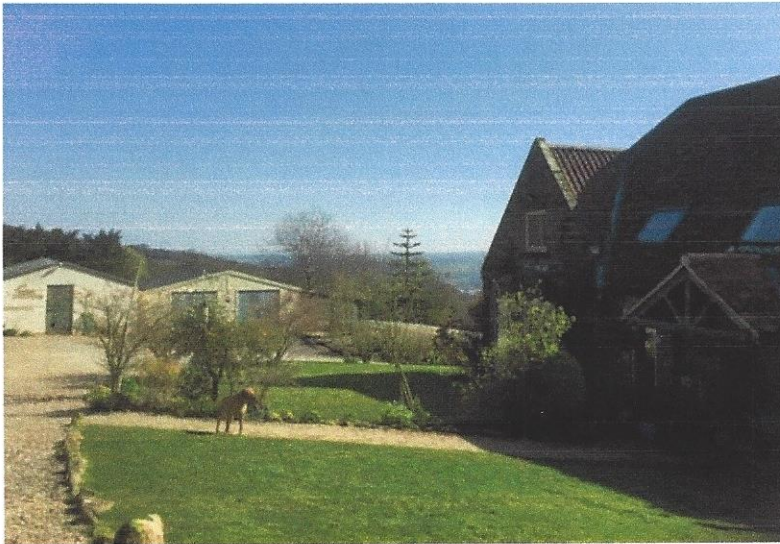


As is also evident on the above block plan, the footprint of the proposed replacement garage will be less than existing.

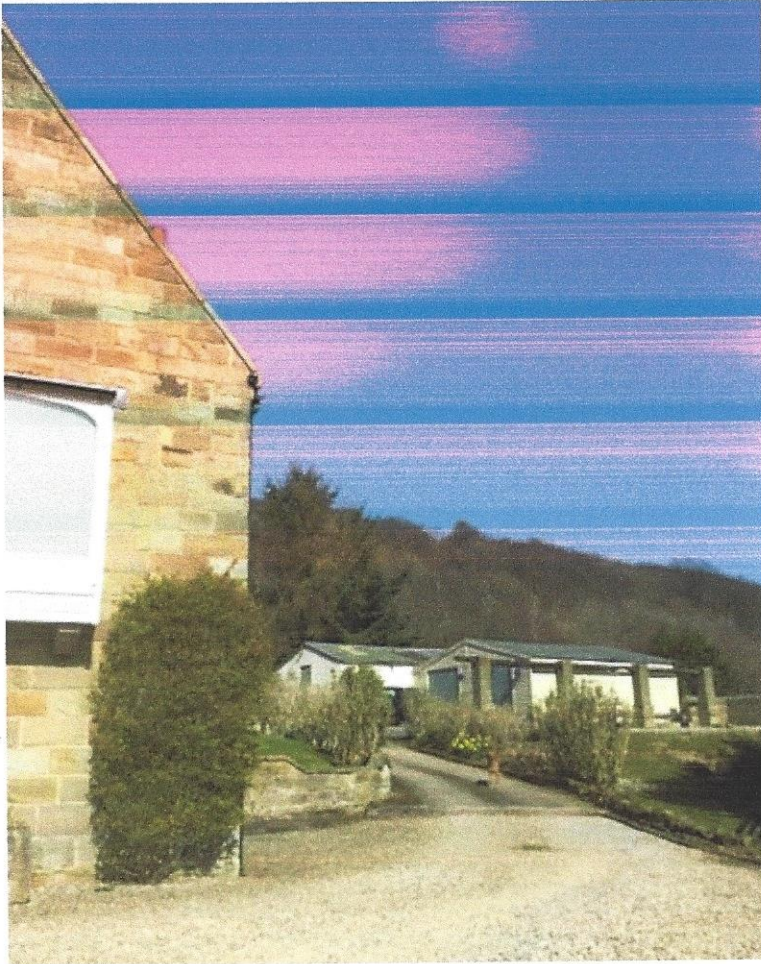
The existing garages have a combined footprint of 130 square metres. The proposed replacement garage and office will have a footprint of 90 square metres. A 30% reduction in overall footprint.

The materials have been carefully selected to compliment the property.

Due to the distance from the host dwelling the proposed garage and office will appear as a subservient addition and will sit unobtrusively with the landscape and surrounding area.



The above demonstrates the distance the distance that the garages are (and will be) away from the host dwelling.



This is a view of the garages from the side of Peony Bank Farm. The window to the left is on the first floor of the dwelling house as demonstrated on the image below.



Peony Bank Farm is a split level property.

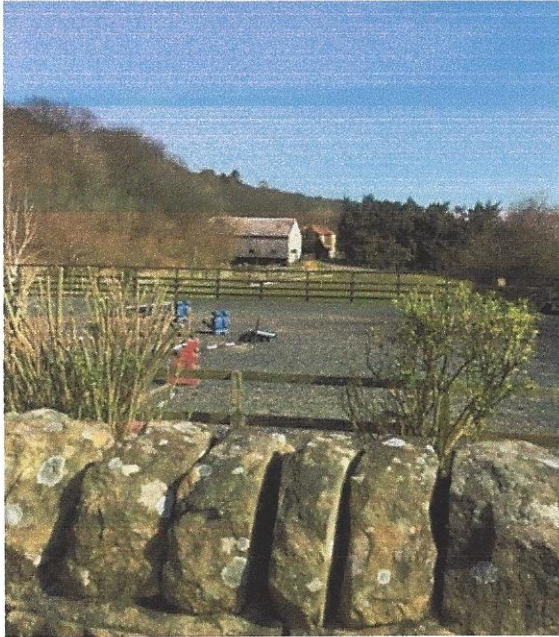
The height of the dwelling house to the right is approximately 8.5 metres high to the ridge of the roof.

The height of the existing garages range from 2.8 metres to 3.1 metres. The replacement garage and office block will be a maximum 5.93 metres from ground floor level, some 2.5



metres lower than the host dwelling. As the garage will be located 18 metres away from the house, it will appear as a subservient addition, sitting unobtrusively within the surrounding area.

The applicants own the land to the north, south, east and west of the application site. To the north east of the house a two storey American style barn has been erected, shown below. This is located approximately 147 metres from the property.



The barn is two storey and is much higher than the proposed garage and is sited 26 metres west of the neighbouring property.

It is also visible from Egton Road, as shown below.

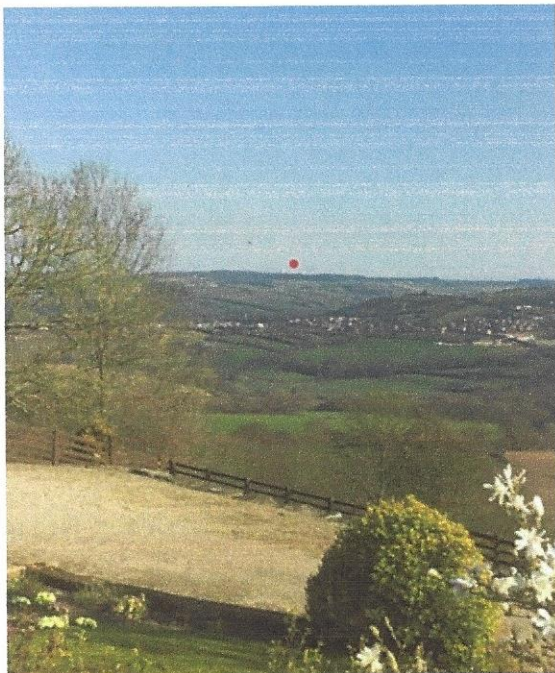




The image below shows the location of the existing garages to be replaced. This also demonstrates that the proposed garage and office will be nestled behind a copse and there will be no views from the public domain.



The image below shows the Sirius mine shaft. This is visible from Peony Bank Farm and visible to thousands of homes throughout the region. This is approximately 10 miles from the application site and is clearly visible. This clearly does not sit well within the landscape.



The proposed works will have a positive effect on the aesthetics of the property. High quality, thoughtful architecture will complement the host dwelling.

The materials will blend in with the existing property and the design detailing is in keeping with and in proportion to that of the host dwelling.

The proposed works do not adversely affect any important architectural or historic features of the property. Nor do they adversely affect the buildings setting. The extension is in scale with the host dwelling, being subservient to the main dwelling. The materials ensure that the proposals will blend naturally with the host dwelling.

The choice of materials complements the host dwelling; it does not harm or detract from the original structure of the building but will improve its appearance.

### **Compatibility:**

The proposed design has been chosen to ensure that it is subordinate to the host elevation and not to be to the detriment of the host property, the setting of the property or the area in which the property is situated.

The design materials, stone, natural oak, larch and tiles are appropriate for this style of development.

### **Landscaping**

No landscaping proposed

### **Access**

No special access arrangements have been made. The proposal is confined to a domestic dwelling and therefore no provision has been made for any disabled or public access.

### **Impact on neighbouring properties**

The proposed replacement garage and office is located to the north west of the property and the nearest adjoining neighbour to the west is .5 mile away. The proposed garage will have no impact on the amenities currently enjoyed by the neighbouring properties.



## **Policy Considerations**

### **National Planning Policy Context**

*The National Planning Policy Framework (NPPF) was introduced in March 2012 to streamline planning policy at the national level. At the heart of the NPPF is the presumption in favour of sustainable development – the “golden thread” running through the plan making a decision making process. The pursuit of sustainable development includes seeking improvements in the quality of the built environment, natural and historic environment through the gains obtained through the planning system. The NPPF sets out how Local Planning Authorities should plan positively for the conservation and enjoyment of the historic environment.*

*Para.17 “Securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings” is one of the 12 core planning principles set out in the NPPF.*

*Para.56 “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

*Para 127. Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

## **North York Moors National Park Authority Local Development Framework**

### **DEVELOPMENT POLICY 3 Design**

To maintain and enhance the distinctive character of the National Park, development will be permitted where:

- 1 The siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment and will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement.
- 2 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 adjoining occupiers.
- 3 A high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.
- 4 Provision is made for adequate storage and waste management facilities.
- 5 Good quality sustainable design and construction techniques are incorporated in the development including measures to minimise energy use and where possible use energy from renewable sources.
- 6 A satisfactory landscaping scheme forms an integral part of the proposal.
- 7 The design takes account of the safety, security and access needs for all potential users of the development and provides car parking provision in line with the standards adopted by the Authority.

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The oak garage will:-

- Be aesthetically pleasing and will remove the current outbuildings which are running into a state of disrepair
- Be subservient to the main dwelling and will sit unobtrusively within its setting and the surrounding landscape.

We believe that the proposed works satisfy the requirements set out in the planning policies. The proposals will not detract from the host dwelling nor the surrounding area. They will enhance the property by virtue of good design and detailing and the sympathetic use of materials.

The proposals will not have any significant adverse effect on the fabric of the host dwelling and the wider area. The scale, size and sympathetic choice of materials as well as the high quality design ensure that the proposal would not be detrimental to the character of the host dwelling nor the surrounding area.

The design has been carefully considered to respect the existing building and its setting. It is perceived to be of minimal impact whilst providing significant improvements to meet client expectations.

We consider the proposed replacement garage has sufficient integrity to contribute to the amenity of Peony Bank Farm without detracting away from the beauty and character or conflicting visually or technically to the existing property.

### **Conclusion**

As the owners of this property Mr and Mrs Fiddler are keen to make certain changes to enhance their enjoyment of this area and to centralise all the administration of their businesses into one location. The applicants also want to ensure that when the work is completed, the finished project must be high quality. Mr and Mrs Fiddler are also keen to avoid having a structure that did not respect & reflect the current building design. In conclusion we feel that the brief has been fully met.



