

**North York Moors National Park Authority**

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<b>Parish: Aislaby</b>	<b>App No. NYM/2020/0757/FL</b>
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**Proposal:** construction of 2 no. self-build, local-occupancy dwellings with associated driveway, garage/parking, amenity spaces and landscaping works

**Location:** Land at Toft House Caravan Site, Main Road, Aislaby,

**Applicant:** Messers C & R Hall, Toft House Caravan Site, Main Road, Aislaby, YO21 1SW

**Agent:** KVA Planning Consultancy, fao: Mrs Katie Atkinson, Westfield House, Grindale, East Yorkshire, Nr Bridlington, YO16 4XY

**Date for Decision:** 04/12/2020

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**Director of Planning's Recommendation**

**Refusal** for the following reason(s):

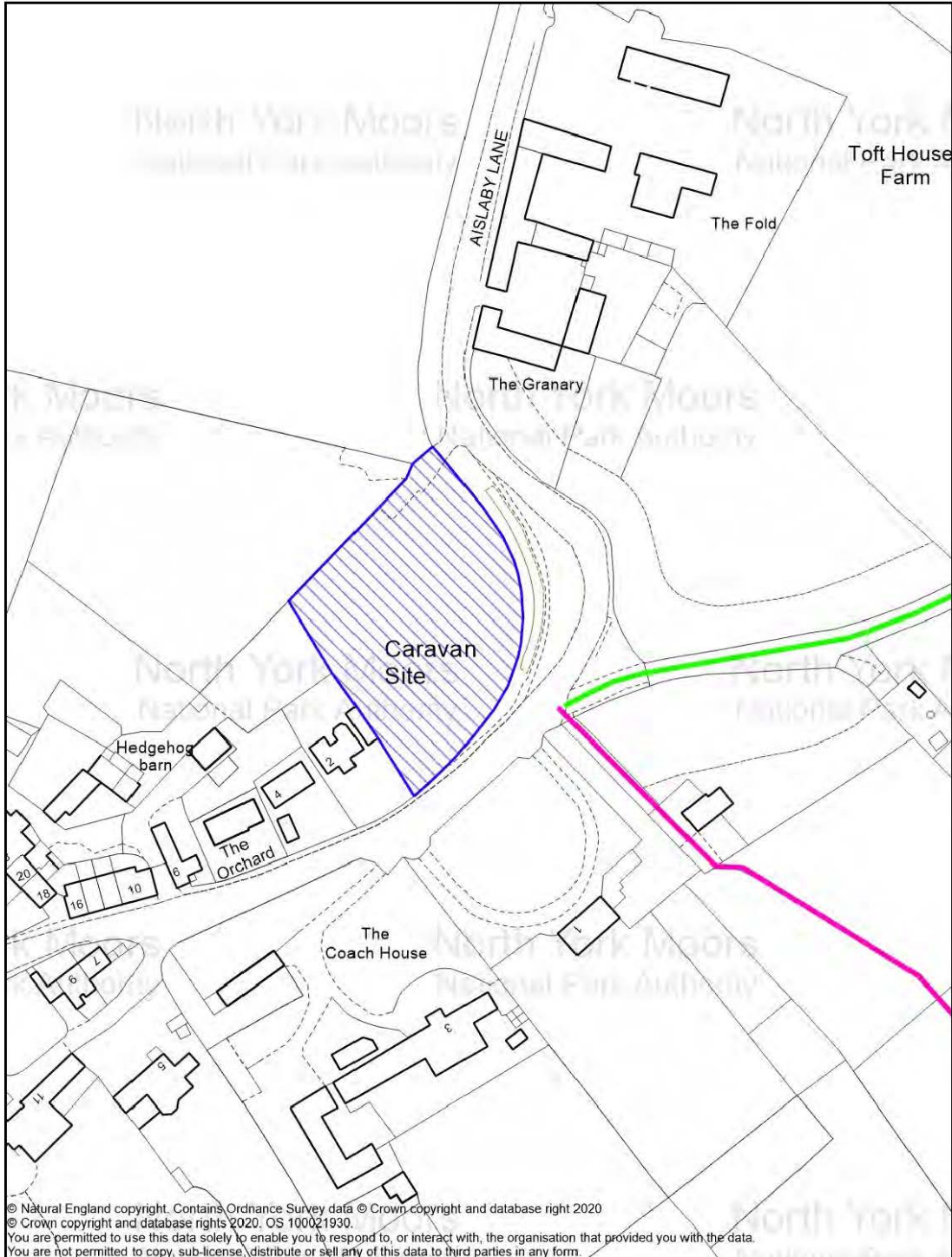
1. The site is considered to lie outside of the main built up part of the settlement of Aislaby and does not constitute a suitable small site as defined by Strategic Policy M and Policy CO8 of the North York Moors Local Plan in that the site is not located within the main built up part of the village and does not fit in with the existing pattern of the settlement. If permitted, this development would represent harmful sporadic development and extend outwards the main built up form of the village to the detriment of the character of the environment and landscape of this part of the North York Moors National Park.
2. If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new housing on inappropriate sites which would cumulatively pose a significant threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park and therefore have a detrimental impact the wider landscape of the Park, contrary to the aims of Strategic Policy B of the North York Moors Local Plan.



North York Moors  
National Park  
Authority

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Scale: 1:1250



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### **Consultations**

**Parish** – 3 November - This planning application unfortunately arrived after the November agenda had been circulated to Cllrs, and the Parish Council does not then meet until January 2021.

**Parish Council** – 26 November 2020 - No objections

**Highways** – 9 November 2020 - Although the existing access has been in use for some years, initially for a field access and more recently for the small caravan site, the construction of the verge crossing is not up to the current specification. The surface is not a bound material and is therefore liable to become loose with vehicles travelling over it and there is nothing to stop surface water from the application site flowing onto the public highway. The applicant has maintained the access in a reasonably good condition for the caravan users but bringing the verge crossing up to the current standard would ensure any maintenance by either the applicant or by the LHA would be minimal. Consequently conditions are recommended.

**Environmental Health** – 27 October 2020 – No objections on housing or environmental health grounds.

**Police – Traffic –**

**Water –**

**Advertisement Expiry Date** – 26 November 2020

**Others –**

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

**Mr Robin Hodgson, Nelson House Farm, Aislaby, Whitby**  
**Mr Robin Hampson, 22 Meadowfields, Whitby**  
**Mrs Tracy H Whitelock, Red House Farm, Aislaby**  
**Mrs Gillian G Jones, The Forge, 22 Main Road, Aislaby, Whitby**  
**Mrs Mary Horncastle, Beech Hill, 3 Main Road, Aislaby, Whitby**  
**Mrs Maureen Tiplady, 41 Meadowfields, Whitby**  
**Mrs Clare Gates, The Willows, Low Newbiggin, Aislaby**  
**Mr Allan D Knaggs, Broom Cottage, Glaisdale, Whitby**  
**Mrs Susan E Thompson, 62 Mayfield Road, Whitby**  
**Mr Ian J Sleightholme, 4 Main Road, Aislaby, Whitby**  
**Keith Exley, North Barn, Main Road, Aislaby, Whitby**  
**Mrs Jane Potter, Toft House Farm, Main Road, Aislaby, Whitby**  
**Dr David Rodwell, The stables, Main Road, Aislaby**  
**Mr Alan Macfarlane, 84 Upgang Lane, Whitby**  
**Mr Michael MG Garrett, Red House Farm Cottage, Aislaby**  
**Mr Christopher G Gullon, 20 Brook Park, Briggswath, Whitby**  
**Mr Sam M Rothwell, Low Newbiggin North, Aislaby, Whitby**  
**Mrs Julie Jeminson, 2 Main Road, Aislaby, Whitby**  
**Mr George Winn-Darley, Grosmont Estate, Estate Office, Aldby Park, Buttercrambe**

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Others continued

**Mr Andrew Henderson, Barley House, Aislaby, Whitby**  
**Mr Robert M Cousin, The Granary, Main Road, Aislaby, Whitby**  
**Ian I Wood, Lodge Farm, Aislaby, Whitby**  
**Mr Andrew Varney, Hedgehog Barn, Main Road, Aislaby, Whitby**  
**Mr Robin Dowson, Park Cottage, 7 Main Road, Aislaby**  
**Mike Garbutt, 12 Main Road, Aislaby, Whitby**  
**Mrs Sandra A Dobson, 62 Main Road, Aislaby, Whitby**  
**Miss Diane D Jeffries, The Byre, Aislaby Lane, Aislaby, Whitby**  
**Mr Ryan R Broll, 28 Main Road, Aislaby**  
**Mr James W Storey, Applegarth, Egton Road, Aislaby, Whitby**  
**Mrs Sara K Pickering, 5 Galley Hill Slack, Aislaby, Whitby**  
**Mr P Dowson, 58 Main Road, Aislaby, Whitby**  
**Mrs Hazel Dowson, 1 Galley Hill Slack, Aislaby**  
**Mrs Carolyn Craven of 22 Egton Road, Aislaby, Whitby**  
**Mrs Wendy Harrowing, Aislaby Hall, 1 Main Road, Aislaby, Whitby, YO21 1SW**

- Encouraging to see plans for dwellings suitable and affordable for the younger generation.
- Will allow families who grew up in the village to return and continue family connections.
- Lack of suitable affordable housing makes it impossible for the younger generation to stay.
- Important to keep villages alive with local people.
- The applicant is the descendant of the family that farmed the land for over 150 years and good for a young local man to stay in village where born.
- The properties will enhance this area of the village.
- Due to house prices being inflated from people moving into the village, local people, working in the Park can't afford to remain part of the community.
- Proposal isn't intrusive and along with proposed additional tree planting will enhance the area.
- Homes for locals are becoming scarce due to influx of holiday homes
- The custom of local residents supports the village Inn.
- This looks an incredibly well thought out plan and application, not only to fit in with the village, but of a construction that will age and blend.
- The boundary of the site is a well-established hedge and access is gained from the rear and is shared by the existing caravan site which has good visibility.
- The dwellings are directly opposite an existing building without it being overlooked, it can hardly be seen from the road and it isn't outside the village boundary as the dwellings are inside the 30mph signs and within the street lit main road.
- The development would replace a touring caravan site and would benefit the local area.

### **Background**

This application was deferred at the December Planning Committee Meeting for a Committee Site Visit to allow Members to undertake a visual character and appearance assessment at the site and to assess whether the site related well to the form and grain of the settlement or would appear as harmful sporadic development on the edge of the settlement. The site visit was originally due to take place on 6 January 2021 but was postponed due to Covid restrictions but subsequently took place on 30 March 2021.

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Background continued

The application site is located at the eastern end of the village of Aislaby, beyond the last house on the northern side of the road. The site forms part of an undeveloped grass field which is used as a five van certificated touring caravan site. The site is not within, but fronts onto the Aislaby Conservation Area.

The site is at a higher ground level than the road and adjacent residential properties and is bounded on its south eastern and north-eastern boundaries by hedge planting.

To the southwest of the site is the last of the housing which forms part of the built up part of the village, and to the northwest and north is open countryside. On the opposite side of the road, development is sporadic with the last house to the south east bounded on three sides and opposite by open countryside. Whilst the site lies on the village side of the 30mph sign, these signs represent vehicle deceleration limits rather than any spatial definition of the village and are not a directly relevant factor in assessing spatial definitions of settlements.

Planning permission was refused in 1987 and subsequently dismissed at appeal in March 1988 for the erection of two detached dormer bungalows. The appeal was dismissed on the basis that the Inspector concluded that “the site lies beyond the natural limits of the village and forms a crucial gap between Aislaby and Toft House Farm” and would not “be “infilling” but an extension of the village into the countryside.” The Inspector also considered that the development would not appear “natural”. Although policies have moved on from purely “infill sites” this conclusion is still relevant to the impact of developing this site under the current “suitable sites” policy of the adopted Local Plan where the location and context of such sites and their relationship with the existing form and character of the village is important.

A full copy of the Appeal Decision letter is attached at the end of this report.

This application seeks full planning permission for the construction of two 1 ½ storey detached dwellings, one of which would be three bedroomed and one two bedroomed. The development would utilise the existing access into the field, which would be shared with the five van caravan site.

Vehicles entering the site to access the dwellings would fork left along a newly created twin trod grasscrete access track.

Both dwellings would be faced with natural stone with timber windows and vertically boarded doors. The three-bedroomed dwelling would have a slate roof and an integral garage. The two-bedroomed dwelling would have a pantile roof and on-site parking, rather than a garage.

The existing leylandii hedge to the south-western boundary of the property would be replaced with indigenous hedging or dry-stone walling.

Information has been submitted with the application regarding who it is intended will occupy the two dwellings, and how they comply with the local occupancy criteria.

In support of the application, the applicant’s agent states that:-

*The intended occupants cannot afford to purchase a house within the village due to the current high house prices and lack of available and affordable housing within the village and*

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Background continued

*wider area. Therefore, having the opportunity to self-build on a plot of land owned by the family would enable their needs to be met.*

*The two dwellings will both be positioned to face onto Main Road rather than position them to follow the 'curve' of the road, ensuring the 'built line' of the existing properties is continued and similarly both will be set back from the highway. The curvature of the road provides a natural boundary to the development line to the north of the road, however, the Toft House development is set, in plain view, within the same built line and marks a natural edge to the village. Whilst Aislaby has no adopted village boundary, all residential development, including the application site and the Toft House development, are located well within the settlement as demarked by the positioning of the village sign as shown below*

The applicants are willing to accept a local occupancy restriction, to which both comply.

### **Main Issues**

#### **Policy**

##### **Local Plan**

**Strategic Policy M – Housing** - This covers new housing on smaller villages such as Aislaby and states that local occupancy housing will only be permitted on suitable small sites within the main built up area of the village. Suitable sites would be expected to ensure the character and distinctiveness of the built environment and local landscape are maintained.

**Policy CO8 – Housing in smaller villages** - Sets out that in order to maintain the tranquil rural character of Smaller Villages, local needs and affordable housing will only be permitted on suitable small sites within the main built up area of the village, where development respects the form and character of the settlement and meets the need for smaller dwellings; or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

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

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Main Issues continued

**Site Setting and Departure from Policy**

The proposed development site occupies an open field located beyond the last development on the northern side of the road and which forms the end of the built up part of the village of Aislaby. To the south and east is more scattered development with open space between the dwellings.

Whilst the development would appear in plan form to relate to existing development this is not how it appears on the ground. This site creates an open verdant space which imparts a 'soft' built edge to the village and its development would create a much more urban and 'hard' edge to this important entrance gateway to the village.

The proposed site is not considered to comprise a suitable small site within the main built up area of the settlement. For the purposes of the policies in the Local Plan the application site therefore does not meet the definition of a site that is suitable for housing development and is outside the built part of Aislaby where there is more of an open countryside character.

**Design**

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

The proposed overall design of the proposed dwelling is not considered to raise any significant concerns, although some improvements could be made to design details such as windows in order to improve the proportions.

**Access**

The Highway Officer has no objections to the proposed use of the existing access being used to serve both the five van caravan site and the proposed new dwellings, providing the surfacing material at the entrance is approved to prevent loose material spreading onto the road.

**Consultee Responses**

A number of third parties have supported the proposal as they state that the proposal would create long term homes 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 proposals.

However, although Officers acknowledge that providing housing for local needs is a key objective of the Local Plan, it is important that the more flexible policy approach to "suitable sites" is not compromised by permitting such housing on sites which do not meet the necessary criteria in order to protect the character of villages and the wider National Park landscape. In this case it is considered that the proposal is both contrary to the Authority's



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Main Issues continued

adopted policy and would result in a harmful urbanising form of development and erode an important undeveloped site at the edge of the village.

**Conclusion**

The proposal is contrary to Strategic Policy M and Policy CO8 of the adopted Local Plan in that it does not constitute a suitable small site within the main built up part of the village of Aislaby and it is not considered that the benefit of delivering local needs housing is sufficient to outweigh the strong policy objection and therefore the proposed scheme is recommended for refusal.

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

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



Department of the Environment and Department of Transport

Common Services

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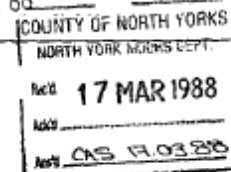
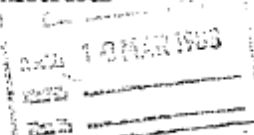
Your reference

Our reference

T/APP/A2701/A/87/80671/P5

Date

8 MAR 88



Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: NYM4/036/47/PA-

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the North York Moors National Park Committee to refuse outline planning permission for the erection of dwellings at Croft Corner, Aislaby, Whitby, North Yorkshire. I have considered the written representations made by you, by the council, by the Aislaby Parish Council and by interested persons. I inspected the site on Tuesday 2 February 1988.

2. The appeal site is an open paddock of about 0.4 ha. It lies above a small embankment and at a sharp bend in the road, adjacent to open countryside and between the buildings and bungalows at Ivy House Farm and the farmstead at Toft House (a distance of about 100 m).

3. From the written representations and my site inspection I find that the main issues in this case are:

- i. whether the project would constitute natural infilling within Aislaby, and, if it would not
- ii. whether there is any cogent reason to except it from the severely restrictive policies designed to protect the natural beauty of this place.

4. It seems to me that the appeal site lies beyond the natural limit of the village and form a crucial gap between Aislaby and Toft House Farm. That is apparent from the submitted panoramic photographs: it is even clearer when the site is viewed from the tracks and moorlands above the village. The fine trees and small paddock at Toft House Farm, the 'parkland' beside Featherbed Lane, and the spacious grounds around Aislaby Hall all serve to accentuate the impression that Toft House Farm is separated from the village by intervening countryside of which the appeal site is an open, conspicuous, and integral part. Consequently, I consider that the proposal would not be 'infilling' but an extension of the village into the countryside. Nor do I believe that the development would appear 'natural'; part of the existing embankment would have to be removed to create adequate sight lines, views into an incongruous estate road would replace those across an open field for those approaching from Whitby, and a relatively large expanse of bungalows would be created at the entrance to the most traditional and unspoilt part of Aislaby. I conclude that this project would not constitute 'natural infilling'.

5. It has long been Government policy to protect the countryside; Circular 16/87 reiterates the importance of protecting it for its own sake if not necessarily for

agriculture. Moreover, the paramount aim in National Parks is to protect their natural beauty for the enjoyment of future generations. The approved Structure Plan accords with those objectives and policy H5 seeks to prevent all development beyond settlements unless it would serve some prescribed purpose. This proposal would serve no such purpose. On the contrary, it seems to me that it would be largely a speculative venture on an open, prominent site damaging both to the setting of the village and the landscape surrounding it. I am not convinced that prospective residents would be likely to contribute significantly to the viability of the village post office. The submitted Village Plan is long out of date and completely at variance with existing policies. I conclude that there is no cogent reason for excepting this proposal from the operative planning policies designed to protect the natural beauty of this National Park.

6. I have considered all the other matters raised in the written representations but find nothing sufficiently compelling to alter my conclusions, which I judge to be sound reasons for preventing this project.

7. For the above reasons and in exercise of the powers transferred to me I hereby ~~dismiss this appeal.~~

I am Sir

~~Your obedient Servant~~



D R CULLINGFORD BA MPhil MRTPI  
Inspector

