

## **North York Moors National Park Authority**

### **Town and Country Planning Act 1990**

**Appeal by:** Mr Stuart Anderson

**Against:** Refusal of planning permission for erection of replacement stable block

**Location:** land near to Station Square, Ravenscar

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### **Statement by Local Planning Authority For Written Representations Appeal**

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## **1.0 Introduction**

- 1.1 This Statement refers to the refusal of planning permission for the erection of a replacement domestic stable building located on land near to Station Square in Ravenscar. The application was refused by the North York Moors National Park Authority (NYMNPA) as the Local Planning Authority (LPA) on 29 June 2021.

## **2.0 Appeal Site and the Surrounding Area**

- 2.1 The settlement of Ravenscar is located approximately 5km to the south east of Whitby. It is a scattered settlement occupying an exposed position and Station Square is located at the eastern limit of the village.
- 2.2 The associated property; No. 4 Station Square is an end terrace property, previously operating with a shop/post office at ground floor but now in permanent residential use with later extensions to the side. The terrace overlooks a grassed area and is close to public footpaths, the Cleveland Way National Trail and the former railway line which is now known as the Cinder Track and is another popular walking and cycling route. The property at the other end of the terrace still operates as a tea room.
- 2.3 The application site is located on land which is slightly detached from the immediate domestic curtilage of No. 4 and comprises open fields used as pasture. Although the land rises gently, views of the rest of the settlement can be obtained and the site is visible from the Cinder Track and public areas of The Square.
- 2.4 There is an existing and dilapidated building on site which is mainly constructed of timber under a flat sheet roof. Although the existing building is not of a high quality design or construction, it is of a scale which is commensurate with its domestic use and the wider setting.
- 2.5 The wider setting is characterised by a relatively open landscape with scattered domestic properties. There is an HM Coastguard equipment store located adjacent the approach road to Station Square which is of red brick under slate construction reflecting the materials used locally. There are no other isolated field barns or agricultural building in the immediate locality or setting of Station Square.

## **3 Relevant Site History**

- 3.1 There are a number of applications dating back to the 1980s including the change of use of the ground floor of No. 4 Station Square from a retail area to residential use, subsequent applications for extensions, alterations and the creation of an annexe. However, there is no planning history relating to the existing stables or land to which this application relates.

#### **4 Proposed Development and the Decision**

- 4.1 The application sought full planning permission for the replacement of the dilapidated timber stable building with a large steel-framed building to be used as stabling in the paddock to the south-west of the property.
- 4.2 As originally submitted, the application proposed a large building of ridge and gable design with blockwork walls and Yorkshire boarding above under a corrugated metal sheet roof. One gable elevation characterised by a horizontal roller-shutter door and one long elevation fitted with a single width door. The floor plan showed a single internal division providing one stable and one store.
- 4.3 Officers sought amendments to the scheme requesting revisions to the size and design of the proposal in order to reflect the domestic equestrian use proposed and specific local policy requirements. However, due to the weather conditions experienced in this location and the large breed of one of the horses, the applicant considered that conventional stables were not appropriate. With the exception of fully cladding the building with timber, the applicant was not prepared to offer any further revisions.
- 4.4 The application was considered by the Director of Planning and refused under powers delegated to him by the Planning Committee, on 29 June 2021 for the following reason:

By reason of its scale, bulk, design and materials the proposed stable building is considered to be harmful to the landscape character of this part of the National Park, contrary to the requirements of Strategic Policy A of the NYM Local Plan. The proposed design is more characteristic of an industrial or agricultural building and therefore fails to comply with the standard of design required by Policy CO20 which seeks to ensure new equestrian development is of a scale and design appropriate for its setting. Although proposed to occupy the footprint of an existing structure, the development site is located away from the host property and therefore the oversized and industrial nature of the building would dominate views from Station Square and appear out of scale in this predominantly domestic setting, detrimental to the visual amenity of the area.

#### **5 Planning Policy and Guidance**

- 5.1 This section covers both the statutory Development Plan and the specific implications of the location of the appeal site within a National Park.
- 5.2 At the time of decision, the Development Plan for the area formally consisted of the **North York Moors Local Plan** which was adopted by the NPA on 27 July 2020. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014) and the Helmsley Local Plan (2015), though these do not contain policies relevant to this appeal).

5.3 The most relevant policies in the determination of this appeal are considered to be:

**Strategic Policy A - Achieving National Park Purposes and Sustainable Development** states that within the North York Moors National Park a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;
2. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

It goes onto state that where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Sustainable development means development which, amongst other criteria, is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment.

**Policy CO20 – Equestrian Development for Private Use** seeks to permit applications for equestrian use (including stables, outdoor arenas and permanent field shelters) where there would be no adverse landscape impact; where existing buildings are used as far as possible and where new buildings are closely associated with existing buildings; where the scale/design is appropriate; where it will not disturb neighbouring amenities; lighting is discreet and where there is adequate parking for horse-related vehicles.

**The National Planning Policy Framework** - Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. **The National Planning Policy Framework (NPPF)** does not change the statutory status of the Development Plan as the starting point for decision making but is an important material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Local Plan (NYMLP) was adopted on 27 July 2020 under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 and does not conflict with national policies in the NPPF. It is therefore up-to-date and should be the starting point for any planning decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in the NPPF (July 2021). **Paragraph 176** says that great weight should be given to

conserving landscape and scenic beauty in National Parks, which have the highest status of protection.

Furthermore, whilst at the heart of the NPPF is a presumption in favour of sustainable development, **Paragraph 176** also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks. Additionally, the NPPF makes it very clear that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The **North York Moors National Park** was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. When it appears that there is conflict between these purposes the 'Sandford principle' confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), 'Environment Act 1995, part III: 'National Parks' DoE, 11 September 1996.

## **6 Local Planning Authority's Case**

- 6.1 The primary issues for consideration in this case are whether the proposed building is of an acceptable scale and design; is located in close association with existing buildings and whether the building would have any adverse landscape impact.
- 6.2 The Local Plan recognises that equestrian development can have an adverse impact on the character and appearance of the National Park landscape which is afforded the highest level of protection from development and activity. Local planning policies therefore seek to assist in striking a balance between a resident's hobby and landscape protection and the wider public interest. A key determinative matter is whether a proposal is of an appropriate scale and not harmful to local landscape.
- 6.3 In terms of location, the building is considered to be divorced from the host property and any other form of built development. The proposed building would therefore appear as a separate 'field barn'. Although it is accepted that in the absence of other existing buildings or as a result of land ownership matters, it is not always possible to achieve sensitive siting within an existing built context. In such cases, it is more important to ensure the proposal represents a high standard of design which is compatible with the proposed use and area.
- 6.4 In combination with its scale and industrial design, the building would not be in keeping with the character of the area which is predominantly residential. In contrast with the

existing structure, the proposed shed would reflect a commercial agricultural design and would therefore be more visible and likely be a prominent building in this part of the landscape which is popular with tourists.

- 6.5 The appellant contests that typical domestic stabling is not compatible with the weather conditions of the area and specifically mentions the problems encountered with overhanging eaves. The Authority has not specified the use of overhanging eaves but has encouraged the appellant and his agent to consider alternative design solutions. The appellant identifies in his statement that Officers have not made specific design suggestions. However, Officers have provided advice and interpretation of the relevant policies in order for the agent to develop alternative proposals. No alternatives have been presented for consideration by Officers.
- 6.6 It is noted that there are examples of smaller-scale domestic buildings of timber or timber clad construction within the domestic curtilages of nearby properties and more specifically, an application for a typical domestic stable structure currently under consideration at a more exposed site, approximately 550m from the appeal site.
- 6.7 Based on the limited, anecdotal information provided by the appellant, the LPA does not accept that the weather conditions of the area are an acceptable justification to set aside normal Policy requirements in this case.
- 6.8 Whilst there is no objection in principle to the replacement of the existing structure, the proposed building is not considered to meet the specific policy requirements in relation to scale and design. The proposal is of agricultural/light industrial design which is not considered compatible with the wider setting which is of a residential nature or the proposed use for private, hobby equestrian use.
- 6.9 The site is clearly available to public view and therefore landscape impact is a main consideration. The appellant suggests that views are limited and, in his opinion, not experienced, by a significant number of people. However, the fact remains that the site is visible and lies at the end of a popular walking and cycling route, close to Station Square which is used by visitors and patrons of the nearby tea room. The current view from the cinder track is relatively open but the construction of a larger replacement building would have an adverse impact by obstructing views of the open, protected National Park landscape.

## **7 Matters of Common Ground**

- 7.1 It is accepted that the existing stable is of poor quality and would benefit from being replaced from both an operational perspective and from a landscape point of view. However, the size, scale and design of the proposal remain to be of significant concern to the LPA and in the absence of any evidence of the horses kept (none were present at the time of the Officer's site visit) and specific reasons why a smaller building or building of an improved design cannot be constructed to withstand the reported weather conditions of the area, the LPA does not feel the proposed building can be supported under the planning policies specific to private equestrian development.

## **8 Comments on Grounds of Appeal**

- 8.1 The appellant has identified a number of buildings he considers to be similar to the proposed building which are located in the wider locality. However, it must be noted that each of the buildings identified in the grounds of appeal relate to agricultural holdings or commercial/industrial businesses. Consequently, not only do the other sites have significantly different contexts and settings (i.e., established agricultural, small holding or commercial businesses) but they are also subject to a completely different set of planning policies for decision-making purposes. Furthermore, the majority of the examples given were determined under the previous development plan which has now been replaced by the NYM Local Plan.
- 8.2 Although the appellant states that the building at Providence Heath is equine development, the Authority's planning records show that this building is for agricultural purposes and was therefore considered as such. At that time the main holding already had provision for 4no. equestrian stables within a traditional stone under pantile outbuilding located to the rear of the grade II listed dwelling. Given the listed nature of the host property, consideration was given to the siting of the modern agricultural building so as to protect the setting of the heritage asset.
- 8.3 The position of a recently approved but yet to be constructed agricultural building (ref. NYM/2021/0224/FL) is not accurately depicted by the appellant's photographs. Due to its agricultural use, it is not a comparable example, yet its siting is immediately adjacent the host property and set with a backdrop of a large agricultural (dairy) unit.
- 8.4 The LPA therefore does not consider the examples provided by the appellant in support of the application at land near Station Square to have any relevance to the specific details of this case.

## **9 Conclusion**

- 9.1 In conclusion, the proposal is considered to be of excessive size and an inappropriate design for this village location. The site lacks adequate screening or other built context to sufficiently mitigate its visual impact. The proposal has not been supported with sufficient or specific evidence relating to the exact number and breed of horses requiring shelter and no other compelling planning reasons have been provided which would justify setting aside adopted planning policies and guidance.
- 9.2 As stated above the proposed building is not considered to be of an appropriate size, scale or design for the proposed purpose. Furthermore, the combination of its bulk and mass together with its siting away from other buildings and in a setting devoid of isolated field barns, the proposal is considered likely to have a detrimental impact on the wider setting of the National Park and its special qualities. The LPA considers that the proposal fails to meet the relevant development plan policies in this respect and does not meet the guidance contained within the NPPF relating to development within National Parks and design specifically. Consequently, the NPA respectfully requests that the Inspector dismisses the appeal. However, should the Inspector be mindful to

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allow the appeal, a list of conditions which the NPA would wish to see imposed have previously been provided with the appeal questionnaire.