

Planning Inspectorate Reference:
Local Planning Authority Reference:

APP/W9500/W/22/3304496
NYM/2021/1005/FL

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: The Mulgrave Estate

Against: Refusal of planning permission for construction of 1 no. principal residence dwelling and garage/cart shed with associated amenity space, parking and access

Location: Land rear of Cross Farm Buildings, High Street, Egton, nr Whitby, North Yorkshire

Statement by Local Planning Authority For Written Representations Appeal

Contents

- 1.0 Introduction
- 2.0 Appeal Site and the Surrounding Area
- 3.0 Relevant Site History
- 4.0 Proposed Development and the Decision
- 5.0 Planning Policy and Guidance
- 6.0 Local Planning Authority's Case
- 7.0 Conclusion

Appendices

Appendix 1 – Suggested conditions

1.0 Introduction

1.1 This Statement refers to the refusal of planning permission for the construction of one principal residence dwelling and garage on land to the rear of Cross Farm Building in the village of Egton. The application was refused by North York Moors National Park Authority (NYMNPA) as the Local Planning Authority (LPA) on 7 February 2022.

2.0 Appeal Site and the Surrounding Area

2.1 The village of Egton is located approximately 10km to the southwest of the coastal town of Whitby, and approximately 2km south of the A171 (Whitby to Guisborough road).

2.2 The application site is located within the central part of the village of Egton on the junction with High Street and the Grosmont Road, within the Egton Conservation Area. It is bounded by residential properties to the east and recently approved residential conversion immediately to the front and a former slaughterhouse to the rear that is currently used for commercial purposes.

2.3 The appeal site comprises a grassed area, previously having been used for livestock grazing.

3.0 Relevant Site History

3.1 There is no specific planning history relating to the appeal site, but there are previous planning permissions relating to the building at the frontage which included the access proposed as part of this appeal within the red line.

3.2 Planning permission was refused in 1980 (NYM/40320076) for the change of use of the redundant agricultural building to a light industrial unit. One of the reasons for refusal was that “the application site is such that servicing of the premises can only be carried out from the public highway where there is a bend in the road with limited visibility which, if approved, would create conditions prejudicial to highway safety”

3.3 In 1981 planning permission was granted (NYM/40320076A) for change of use of the same redundant agricultural building to light industrial, but in order to overcome the original highway safety objections, the following condition was added: -

- 3.4. The existing doorways on the south side of the building and gateway at its north western corner shall not be used for any purpose other than that of emergency exits and which are to be clearly marked as such to the satisfaction of the local planning authority before the change of use is brought into operation.
- 3.5 Subsequent to the refusal of the appeal proposal, a revised application was submitted for a smaller dwelling in a different location on the site (NYM/2022/0470). This application has not been determined and will not be determined until the outcome of this current appeal.
- 4.0 Proposed Development and the Decision
- 4.1 The proposal to which this appeal relates seeks full planning permission for the erection of one principal residence dwelling with a detached garage/cart shed. The dwelling would be constructed of stone and pantile and it was proposed that the vehicular access be provided by an existing twin trod track from the High Street, referred to in 3.2 and 3.3 above.
- 4.2 The proposed dwelling would be a two storey, three bedroom (including master bedroom with separate dressing room and ensuite) measuring 17m long x 6.075m deep at ground floor and 12.3m long at first floor. The height to the eaves would measure 5m and to the ridge would measure 8.6m along with a detached garage and store.
- 4.3 The application was considered by the Director of Planning and refused under powers delegated to him by the Planning Committee, on 7 February 2022 for the following reason: -
- 1 The site is not considered to form a suitable small site as it is not well related to the scale, form and grain of the existing surrounding residential development (existing and approved) within this area of Egton and would be likely to have an overbearing and detrimental impact on neighbouring residential amenity. As such the proposal is contrary to Strategic Policy M and Policy CO7 of the Local Plan which seek to confine new housing development to suitable sites within the main built up areas of the settlements of the National Park.
 - 2 The proposal would create a large three bed dwelling with a total habitable floor space of over 150m² which the Local Planning Authority does not consider would meet the identified need for smaller dwellings and would therefore be contrary to Policy CO7 of the Local Plan insofar as the limited opportunities for housing development would not be used to provide for the type of housing needed to maintain a sustainable local community.

- 3 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 major 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 G of the North York Moors Local Plan.
- 4 In the absence of a speed survey to demonstrate that the access will not be unsafe, it is considered that the access would be harmful to highway safety for users of the highway, contrary to Policy CO2 of the NYM Local Plan.

5.0 Planning Policy and Guidance

5.1 This section covers both the statutory Development Plan and the general 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 M - Housing – seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development of sites on suitable small sites in listed settlements, with principal residence and affordable housing on suitable small sites in Larger Villages.

The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings.

Open market housing (and affordable housing) will be permitted in the Local Service Centre of Helmsley, with principal residence and affordable housing on suitable small sites in Larger Villages; local needs housing on suitable small sites in Smaller Villages; and only to help meet the needs of agricultural, forestry or other essential land management in the open countryside.

Affordable housing schemes will be encouraged in Larger and Smaller Villages through Rural Exception Sites.

Policy CO7 - Housing in Larger Villages – Sets out that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village only, with proposals meeting 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.

Policy CO2 – Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Strategic Policy G – Landscape- seeks to ensure that the high quality, diverse and distinctive landscapes of the North York Moors be conserved and enhanced, with great weight being given to landscape considerations in planning decisions and development will only be supported where the location, scale and detailed design of the scheme respects and enhances the local landscape character.

Development which would have an unacceptable impact on the natural beauty, character and special qualities of the areas of moorland, woodland, coast and foreshore as defined by the Section 3 Conservation Map or on the setting of the Howardian Hills AONB or local seascape will not be permitted.

- 5.4 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.

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.

6.0 Local Planning Authority's Case

- 6.1 The main issues are considered to be whether the site can be considered a suitable small site within the main built-up area of Egton, and whether the scale and design of the proposed development would be in keeping with the character of the locality and whether the scale of the proposed dwelling meets the identified need for smaller dwellings and whether safe access can be achieved.
- 6.2 Subsequent to the refusal of the appeal proposal, a revised planning application has been submitted to the National Park Authority (NYM/2022/ 0470) for a smaller, single storey two bed dwelling without garage accommodation, with the orientation turned 180 degrees so it would be parallel with the adjoining outbuildings to the west. This has led the National Park Authority (NPA) to reconsider the principle of the suitability of the site for development. The issue of safe access has not been resolved with this revised application and it has therefore not been determined, at the applicant's request. However, the view of the NPA is that the scale, size, and orientation of the appeal proposal indicated

that the site does not constitute a suitable site, albeit it may be appropriate to accommodate a smaller unit of accommodation, if safe vehicular access were possible. In terms of the appeal scheme, the scale of development is not considered appropriate for this small site and would have a detrimental impact on the wider setting of the village and its contribution to the wider landscape, contrary to Strategic Policies G and M.

- 6.3 The housing policies contained within the NYM Local Plan are set out in Section 5.3 above and are specific in terms of new housing development being in keeping with the form and grain of a settlement pattern. Egton is not characterised by development in rear gardens/areas and the proposed design, size and scale (substantial ground floor footprint with the height to the ridge being 8.6m) of the proposed dwelling would relate extremely poorly to the single storey element of the range of the old slaughterhouse buildings to the west and the single storey linear building on the road frontage, which is not only of much lower height, but also set at a significantly lower ground level. It is considered that the construction of a two-storey dwelling at the rear of this frontage unit which has planning permission for conversion to a residential dwelling unit would result in an unacceptable level of overlooking of the rear amenity area and have an overbearing impact on its outlook. The proposed two-storey dwelling would also look out of keeping from the street scene, due to its height and detached garage building.
- 6.4 In terms of design, the use of horizontal boarding and slate roofs for an outbuilding is not in keeping with the local vernacular. Slate roofs are historically found on the more important main dwelling and subservient outbuildings are roofed with pantiles. Furthermore, vertical cladding comprises the local vernacular for outbuildings and again the use of horizontal cladding would be out of keeping with the locality.
- 6.5 Furthermore, Policy CO7 of the Local Plan seeks to ensure that new development meets the identified need for smaller dwellings as set out in the Local Plan. The proposal would create a substantial 3 bed detached dwelling (large master bedroom with ensuite bathroom and dressing room) with a total habitable floor space of over 150m². It is not considered that a dwelling of the size proposed would meet the identified need for smaller dwellings and would therefore be contrary to Policy CO7 of the Local Plan insofar as the limited opportunities for housing development would not be used to provide for the type of housing needed to maintain a sustainable local community.
- 6.6 In terms of Highway Safety, the Highway Authority, Parish Council and neighbours expressed concerns regarding the suitability and safety of the access into the site. The visibility at this access has been assessed at 2m by 16 metres and a

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NYM/2021/1005/FL

typical speed for vehicles approaching from the Grosmont direction has been estimated by the Local Highway Authority at 15mph. The required vision splay for this speed is 2 metres by 17 metres. This vision splay cannot be easily improved because of the existing building but an approach speed of 14mph would meet the criteria.

6.7 The Highway Authority advised that a speed survey would need to be carried out to assess the actual approaching speed of vehicles from the Grosmont direction in order to assess the safety of the access, in accordance with the Manual for Streets.

7.0 Conclusion

7.1 In view of the above it is considered that the proposal is contrary to both Strategic Policy M and Policies CO7 and CO2 of the NYM Local Plan and consequently the NPA respectfully requests that the Inspector dismisses the appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix 1.

APPENDIX 1

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. The application property hereby permitted, shall be used as a principal residential dwelling and for no other purpose including any other use in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
5. The garage/store building hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
6. No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall

be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.

7. No work shall commence on the construction of the walls of the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
8. The external elevations of the garage/store building hereby approved shall, within three months of first being brought into use, be clad in timber boarding and shall thereafter be so maintained.
9. The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. The lintels and cills of all new windows hereby approved, together with any replacement lintels and cills, shall be of natural or reclaimed stone and shall be maintained in that condition in perpetuity.
11. External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
12. The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
13. All new windows shall be of flush fitting design (not storm-proof and without integral projecting cill) and shall be maintained in that condition in perpetuity.
14. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.