

The Planning Inspectorate

COMMENTS ON CASE - PERSONAL FORM (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in either the start date letter or the notification letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/W9500/W/22/3304496

SENDER DETAILS

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Our Ref: APP/W9500/W/22/3304496

North York Moors National Park Authority
Development Control Support
The Old Vicarage
Bondgate
Helmsley
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YO62 5BP

28 November 2022

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by The Mulgrave Estate

Site Address: Plot rear of Cross Farm Outbuilding, High Street, Egton, North
Yorks, YO21 1TZ

I enclose for your information a copy of the appellant's final comments on the above
appeal(s). Normally, no further comments, from any party, will now be taken into
consideration.

Yours faithfully,

Vicky Williams

Vicky Williams

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Appeal Reference: APP/W9500/W/22/3304496

DETAILS OF THE CASE

Appeal Reference APP/W9500/W/22/3304496

Appeal By THE MULGRAVE ESTATE

Site Address
Plot rear of Cross Farm Outbuilding
High Street
Egton
North Yorks
YO21 1TZ

SENDER DETAILS

Name MR JOHN LONG

Address
45 The Street
Surlingham
NORWICH
NR14 7AJ

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: PLANNING APPEAL R_O CROSS FARM APPELLANT FINAL COMMENTS 15 11
22.pdf

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PLANNING APPEAL: Appellant Final Comments
(IN RESPECT OF REFUSAL OF PLANNING APPLICATION: 2021/1005/FL)

Appeal Ref: APP/W9500/W/22/3304496

**Site: Residential Development (1 dwelling) on land Rear of
Cross Farm Barns, Egton**

15 November 2022



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1 Introduction

- 1.1 This Statement sets out the Appellant's (The Mulgrave Estate) final comments on the Council's Statement of Case and matters raised by Interested Parties.

2 Appellant Final Comments

Comments in response to the LPA's Statement of Case.

- 2.1 The LPA's case focuses on whether the site constitutes a 'suitable small site'; whether the proposed dwelling is out of scale and out of keeping with the locality's character; whether it meets the identified need for smaller dwellings; and whether safe access can be achieved.
- 2.2 All of these points have been thoroughly considered and addressed in the Appellant's Statement of Case. The Appellant does not wish to promote any further substantive comments in response to the LPAs statement other than to reaffirm the main points:
- The site can be considered a 'suitable small site' for residential development. The LPA appear to have accepted this in respect of the subsequent planning application (NYM/2022/0470) (LPA Statement of Case section 6.2), albeit the decision on the subsequent application likely hinges on whether the Appellant's contentions in respect of access are upheld (see below). The consideration of scale, size and orientation of the proposed development is a separate matter and should not determine whether a small site is suitable for development or not. Evidence is included in the Appellant's statement of case which demonstrates that Egton does have development behind street frontages, and the proposal would not be out of keeping with the village's form and grain.
 - The proposed dwelling can be considered in-scale and in-keeping with the local area. It is evident that two storey residential properties are sited either side of the site, and the adjacent former Slaughterhouse is a substantial building of a utilitarian design and construction. A new two storey building on the site would not be incongruous. It will be constructed of materials commonly found elsewhere in the village and whilst parts of the dwelling will be visible it will be with a backdrop of existing buildings. The existing outbuilding on the site's frontage has yet to be converted and there is currently no rear amenity area that would be affected by overlooking. The proposed cart shed will not be visible from the Grosmont Road, and views from the High Street will be limited to glimpses only and will not have a significant detrimental impact on the area's character or appearance.
 - The proposed dwelling is a 3 bedroom family home, suitable for a small family. It is not excessively sized, neither are the habitable rooms. In total, the dwelling extends to 142 sqm of habitable and non-habitable space (this is less than the 150 sqm suggested by the LPA). The
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Authority's Strategic Housing Market Assessment indicates that there is a need for 3 bedroom units for general housing within the Park. The dwelling would provide an opportunity for a small family to live in the Park, and/or upgrade from a smaller property elsewhere in the Park as the family grows. Even if the proposed dwelling is considered to not meet the definition of a smaller dwelling, whilst Policy CO7 expects smaller dwellings it does not specifically preclude the development of other size of dwellings within Principal Settlements.

- In terms of Highway Safety, the Highway Authority's initial response to the application was: "**The access to the site from the highway is via an existing dropped kerb. Consequently there are no local highway objections**". The Highway Authority then submitted a further response immediately prior to the application's refusal (the second Highway Authority response was received on the same day as the refusal notice was issued, without the Appellant having the opportunity to comment or respond). The Appellants contend that the reasoning for the second response is spurious and appears to be based on the requirement of a planning condition on a decision from the 1980s that was never discharged or enforced. The highway situation remains as it was at the time of the Highway Authority's initial response, which is that there is an existing access with a dropped kerb that has been used for a number of years without recorded incident. Evidence is submitted with the Appellant's main Statement of Case demonstrating the ongoing use of the access. The new dwelling will not significantly intensify the use of the access and will be used only by the proposed dwelling. A speed survey is considered unnecessary as the access is existing with no recorded accidents and its use will not be significantly increased. Also, the difference between the speed the Highway Authority consider will be safe compared to what they have estimated is just 1mph. The Appellant's contend the difference is insignificant and the Highway Authority's initial response to the application should stand.

Comments in response to the Interested Party Comments

- 2.3 The Interested Party's comments focus on the safety of the access and question the Statements of Truth submitted in support of the Appeal. The Statements of Truths' purpose is to: confirm that the access is established and has been used to serve the site (and adjacent outbuilding), unfettered, unrestricted and without recorded incident for a number of years; that a right of way remains; and that the Local Planning Authority have not sought to enforce any restrictions on its use by motor vehicles.
- 2.4 The Appellant's position is that the access has the benefit of unfettered use and is suitable and able (i.e., the right of way exists) to serve a single dwelling. This being the case, the Appellants suggest that Highway Authority's initial comments on the planning application should stand i.e. "**The access to the site from the highway is via an existing dropped kerb. Consequently there are no local highway objections**". The Highway Autho. y did not initially consider the site access unsafe and were content to see its use to serve a single dwelling. The Appellant suggests that this position should be the basis upon which the access element of the scheme should be determined.
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3 Conclusions

- 3.1 In light of the above, and as set out in the Appellant's Statement of Case, it is considered that the LPA's reasons for refusal cannot be substantiated and that there are sufficient planning grounds to support the proposal. It will provide an opportunity for a small family to live in the Park and contribute to sustaining Egton's local community and the scheme can be described as sustainable development. The site can be accessed via an existing established access and dropped kerb and a right of access into the site exists.
 - 3.2 Should the Inspector be minded to allow the appeal, the Appellants confirm that they are content with the LPAs suggested conditions, and would be content with any further conditions the Inspector deemed necessary to mitigate any potential scheme impacts not covered by the LPAs conditions.
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