

# North York Moors National Park Authority

## Plans list item 2, Planning Committee report 30 March 2023

**Application reference number:** NYM/2023/0063

**Development description:** Construction of one local occupancy dwelling with associated landscaping and parking

**Site address:** land adjacent to Willow Wood Way, Stainsacre

**Parish:** Hawsker-Cum-Stainsacre

**Case officer:** Mrs Hilary Saunders

**Applicant:** Mr W and Mrs D Fletcher, 3 Stakesby Vale, Whitby, YO21 1JZ

**Agent:** Cheryl Ward Planning fao: Cheryl Farrow, 24 Westfield Mews, Kirkbymoorside, York, YO62 6BA

### Director of Planning's Recommendation

Refusal for the following reason(s)

#### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	Policy CO8 of the North York Moors Local Plan only permits local occupancy dwellings on suitable small sites within the main built up area of a smaller village such as Stainsacre. The application site is located well beyond what constitutes the main built up area of the village of Stainsacre (beyond an exception site affordable housing development) and therefore would not comply with the criteria of Policy CO8, and for the purposes of the policies in the North York Moors Local Plan, the site falls within open countryside. Strategic Policy M and Policy CO10 of the North York Moors Local Plan restrict new residential development in the open countryside to that which is proven as essential for farming, forestry or other essential land management activities. If permitted, the proposal would represent 'sporadic' development in the countryside which would significantly harm the landscape character and special qualities of this part of the National Park. This would conflict with Strategic Policies A, B and M and Policy CO10 of the North York Moors Local Plan which set out the spatial strategy for development and seek to conserve and enhance the special qualities of the National Park.

<b>Refusal reason code</b>	<b>Refusal reason text</b>
2	<p>The proposed scheme fails to provide special justification as to why it should be considered to be acceptable, being contrary to the requirements of Strategic Policy M and Policy CO10 of the North York Moors Local Plan. It is also not considered to meet the requirements of Strategic Policy C of the North York Moors Local Plan which seeks to maintain and enhance the distinctive character of the National Park with development that is of high quality design that reflects architectural character and form of the local vernacular. Furthermore, it is also not considered that the design of the proposed building is of exceptional quality (that special justification may be considered to grant approval in accordance with Paragraph 80 of the National Planning Policy Framework which states that very occasionally approval may be granted for an isolated new dwelling where the design is considered to be truly outstanding and groundbreaking).</p>
3	<p>The proposal would create a large, four storey, four bed dwelling with a total internal habitable floor space of over 370sq.m, which the Local Planning Authority does not consider would meet the identified need for smaller dwellings and would therefore be contrary to Policy CO8 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.</p>

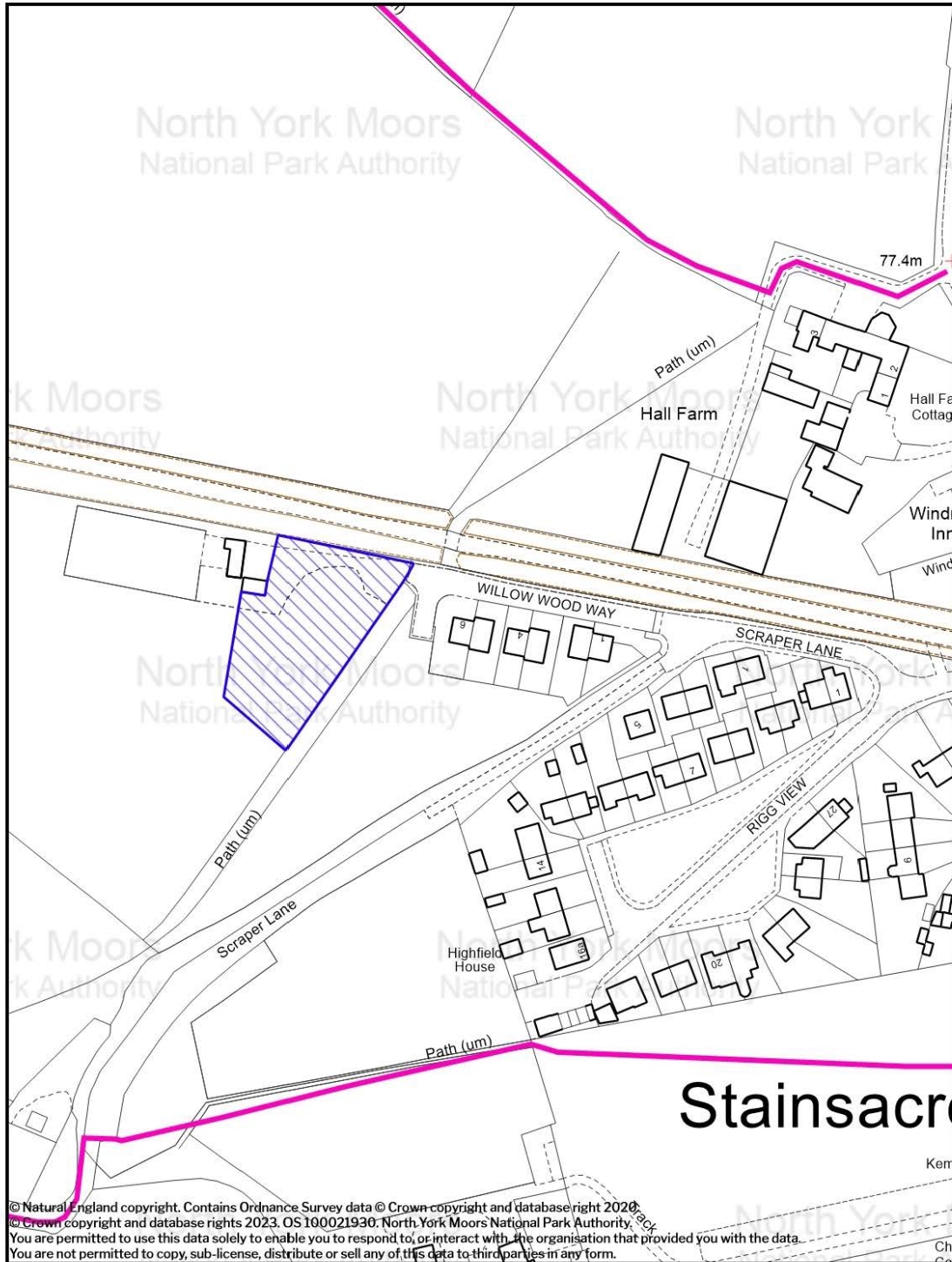
**Map showing application site.**



**North York Moors  
National Park**

Application Number: NYM/2023/0063

Scale: 1:1500



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**Photo showing site of proposed dwelling at end of Willow Wood Way, to the left and forward of the stable building.**



## **Consultation responses**

### **Parish**

Council supports this planning application, the application is in keeping with the current properties on Willow Wood Way, it is ecologically conscious, and the Parish Council feel that supporting families to remain in the Parish is a key feature of new housing developments.

### **Highways**

No objections subject to conditions

### **Environmental Health**

No objections

### **Forestry Commission**

No comments received.

### **Police - Traffic**

No comments received.

## **Third party responses**

M Fletcher, 6 Willow Wood Way, Stainsacre - The applicants are my parents and I do not have any objections. The drawings would almost be a continuation of the existing street, Willow Wood Way. The plan also makes provision for ground floor living and disabled access should my parents need it when they are older. It will not block out any light to my property as I only have one ground floor window overlooking the field.

It would help them in the care of their animals and cut down the traffic on Willow Wood Way as they currently make three or four trips a day to care for the animals. Stainsacre has a variety of styles of houses, and I think a self-sustaining house would be a great addition to beautiful village.

The following people have written in support of/have no objections to the proposal with some or all of the following comments: -

C Spencer, 1 Beechfield, High Hawsker  
D Tindale, Berechiah, Low Hawsker  
M Hogarth, Catwick Farm, Sneatonthorpe  
K Knaggs, 28 Summerfield Lane, Stainsacre  
T Cummins, 27 Rigg View, Stainsacre  
C Maud, 8 Mulgrave view, Stainsacre  
B Fenby, Whinsill, Station Road, Robin Hoods Bay  
A Burke, 87 Church Street, Whitby  
P Harris, 1 Southlands Ave, Whitby  
A and E Harvey, 5 Willow Wood Way, Stainsacre

- The plans look very innovative and use a lot of new modern energy saving and self-supporting ideas whilst keeping a simple design to be sympathetic with the existing street and area and addresses the need to provide interesting and ecologically sound homes for local people.
- Believe in the Communities Chapter of the Local Plan, allowances can be made for permanent residences on small sites in smaller villages which can only have local occupancy /or strong local ties.
- The plans allow for a small amount of growth to the village and help encourage growth in the community.
- The applicants have animals and machinery needed for the maintenance of their land and living on site would give them added security.
- Their daughter lives in the village so additional to the field they regularly visit her.
- A lot of time is spent visiting the field several times a day due to animals and maintaining the field. They need to spend a lot of time with their horses so regularly driving up and down to the field daily.
- Will support village life.
- The application seems address many aspects of local needs regarding housing.
- Environmentally sympathetic and will be constructed and occupied by a local family of long standing rather than a second home or holiday let of which we have far too many in Whitby already.
- The design compliments rather than detracts from the National Park landscape.
- A petition has also been submitted from the Windmill Inn, Stainsacre in support of the application, from 20 addresses (one of which is also listed above).

### **Consultation expiry**

3 March 2023

### **Background**

This current application seeks full planning permission for the construction of a four bedroom, four level dwelling sited to the southeast of the existing stable block and approximately 30m to the west of the nearest house on Willow Wood Way, in the open countryside on the edge of the village.

The planning history for this site is quite complex.

The land to which this application relates forms a small part of a parcel of agricultural land of approximately 2.3 ha (5.68 acres) in area, located at the end of Scaper Lane and accessed from the housing development known as Willow Wood Way. The site is bounded to the north by the old railway line which is used as a permissive path by walkers and the land slopes downwards from northeast to southeast.

Prior to the construction of the dwellings at Willow Wood Way, the land formed the eastern part of the original field within which the current application for a dwelling is located. It comprises a residential cul-de-sac approved as an exception site for affordable housing in 2011 (Sanctuary Housing Association). This was approved under Core Policy K of the 2010 Local Plan which sought to permit the development of 100% affordable housing, as an exception to normal housing policy where need has been identified and on sites adjacent to the main built-up area of the Service Villages.

When this housing scheme was approved, vehicular access to the field (current application site) was retained for agricultural access. The field was subsequently sold off as an individual parcel, separate from the farm holding it was previously part of.

In 2014, full planning permission was sought for the erection of stables and tack room and a separate field shelter. The application was refused under delegated powers due to concerns that the proposed stable building and associated equine use would result in unacceptable levels of activity (vehicular, horse and pedestrian movements).

The proposal was subsequently allowed at appeal with the Inspector concluding that as the stables wouldn't be visually intrusive in the wider landscape, and that provided conditions were attached so that there was no commercial use of the site, activity levels could be very similar if used for grazing other livestock.

A revised and retrospective application was then submitted in 2015 for the siting of the stable 10 metres to the east of its approved location, and also to change the use of the land from agricultural grazing to the keeping of horses. This was approved and conditions were attached, restricting the number of horses kept on the field to four and restricting the use of the field only for horses kept for leisure purposes by the applicants from their dwelling in Stainsacre.

Planning permission was then granted in 2018 to increase the number of horses from four to five and to sever the tie to the house in Stainsacre as the field had been purchased by the applicants of this current proposal who live in Whitby. Planning permission was also granted in 2018 for the construction of a manege, with the justification put forward by the applicants being that the manege would enable the applicants to have private lessons onsite reducing the number and frequency of vehicle movements as they would be having to take the horses elsewhere less often.

In terms of the current proposal, the dwelling would measure 14m long x 8.6m deep with a lean-to side projection measuring 4.1m wide x 7.7m deep. The dwelling would be partly dug into the sloping site, but the south and west elevations would measure 12m to the ridge and 7.5m to the eaves, with the north and east elevations measuring 9.7m to ridge and 5.4m to eaves (the houses on Willow Way are approximately 8.5m to ridge).

The dwelling would be clad mainly with dark grey Siberian larch timber boarding with some stone, with the main roof being clad in dark grey/black corrugated sheeting and the lean-to in either clay pantiles or sedum with dark grey aluminium window and door frames.

In terms of floorspace the dwelling would comprise the following: -

- Basement – Office, cinema room, wet room, and garage with electric vehicle charging lounge.
- Ground floor – kitchen and dining room with balcony, bedroom one with en-suite spa, office, and wet room.
- First floor – open plan living space with balcony, bedrooms two and three and bathroom
- Second floor – Bedroom four with dressing room and en-suite bathroom.

The development would incorporate integrated solar panels on the south roof slope, and electric car charging facilities.

Supporting information states that: -

- Permission is being sought for a local occupancy dwelling, but also the proposal should be considered under Paragraph 80 of the National Planning Policy Framework as a dwelling of “truly outstanding design”. Under para 80 there is no requirement to justify housing “need”.
- Furthermore, guidance from central government advises that to address the UKs on-going housing crisis, there must be a government change to the approach to ‘rural’ housing and policy should promote ‘organic, incremental growth’ in settlements with fewer than 3,000 residents.
- Developing the site for agricultural or forestry purposes would not be compatible with the existing or adjacent land uses at Willow Wood Way nor is the access suitable for this type of use.
- The proposal will enhance the land at Willow Wood Way and the area setting and is seen as a place to deliver a truly outstanding development. The main hub of Stainsacre will be allowed to thrive and the development proposal will fit neatly within this context close to the former Railway line and residential development.
- The aim of the project is to achieve a more sustainable low carbon home by incorporating features such as a sedum/grass roof, rainwater harvesting, photovoltaic panels, maximum insulation and airtight as possible, mechanical air ventilation with heat recovery, and triple glazed, and sound proofed.

## **Main issues**

### **Local Plan**

**Strategic Policy A (National Park Purposes)** seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes, but 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.



**Strategic Policy B (The Spatial Strategy)** sets out how development will be guided by the settlement hierarchy.

**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.

**Strategic Policy M (Housing)** seeks to ensure the delivery of new homes to help meet the needs of local communities. The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, but schemes will be expected to meet the need for smaller dwellings.

It is explained within the supporting text that there is a predominance of larger homes within the existing housing stock in the National Park. At the same time there is a trend towards smaller households and there is also evidence that affordability is a problem, particularly for younger people needing to set up home for the first time. In order to achieve a better balance within the housing stock, all new build housing developments should meet the need for smaller dwellings... as a general principle the Authority is looking for housing development that will meet the growing need for dwellings for smaller households. This approach has been referred to in recent appeal decisions where the inspector has specifically cited the local plan requirement for smaller houses. Larger homes can be created from conversions.

It is also explained that it is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside. Gaps created by the development of rural exception sites will not be considered to be suitable small sites.

**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.

**Policy CO10 (Housing in open countryside)** seeks to ensure that in order to maintain the quality of the National Park landscape, housing development in open countryside will only be permitted where there is an essential need to support established farming, forestry or other essential land management activities, where an existing dwelling is to be replaced; or where a rural building is of architectural or historic interest and is to be converted.

### **National Planning Policy Framework (NPPF)**

Para 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- i. there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- ii. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- iii. the development would re-use redundant or disused buildings and enhance its immediate setting;
- iv. the development would involve the subdivision of an existing residential building; or
- v. the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 80 is a re-embodiment of previous policies contained in the 2012 NPPF and before that the 2004 Planning Policy Statement 7(PPS7) and originally in the 1997 Planning Policy Guidance (PPG) (introduced by the then Environment Secretary, John Gummer). The origin of this policy was to continue the tradition of English Country Houses –

“An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design and would significantly enhance its immediate setting and wider surroundings. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside.”

### **Material considerations**

The site is not located within the built-up part of the village of Stainsacre, and the development would therefore comprise a new dwelling in the open countryside. Consequently, the primary considerations are whether there are any special circumstances which would justify the approval of such development.

## **Paragraph 80 NPPF**

The architectural and innovation bar is very high for such proposals, many fail on appeal as this policy is an exception to the long-established principle of avoiding new isolated dwellings in the open countryside (for very clear planning reasons). It is therefore inevitable that introducing what is seen as a planning “loophole” will attract a high level of proposals nationally and so to avoid the proliferation of houses in unsustainable and sporadic locations and undermine the general principle of spatial planning the policy bar is set extremely high. This is even more so in countryside that is nationally protected. In the case of this application, the proposed dwelling is not of a remarkable contemporary design and nor is it ground-breaking. Whilst it may be energy efficient, and utilise renewable energy resources, this is no more than would normally be expected from a new build development, along with the incorporation of solar panels and car charging points. Nor would the development significantly enhance its immediate setting.

It is not considered that the design is of exceptional quality, it is not “truly outstanding” and does not reflect the highest standards in architecture, nor would it help to raise standards of design more generally in rural areas or significantly enhance its immediate setting.

Furthermore, the proposed design bears no reference to any form of vernacular architecture or materials and is not considered to meet the extremely high bar of exceptional design required by Para 80 of the NPPF.

Consequently, as this proposal is not considered to meet the criteria set out in Para 80, it therefore must be considered against the Housing Policies contained within the North York Moors Local Plan (outlined above).

Principle of development, size of dwelling, local occupancy and contribution to housing supply

The application site does not meet the requirements of Policy CO8 (which would permit local occupancy dwellings on small sites within the built-up part of the village) as the site is located beyond residential properties that were built on part of this field under the exception site policy for affordable housing. It is set out within the explanatory text of the Local Plan that it is not intended to allow villages to expand into open countryside and that gaps created by the development of rural exception sites will not be considered to be suitable small sites.

On the basis that it is not considered that the site meets the criteria of Policy CO8, nor that the proposed development is of such outstanding design to be considered an exception to normal housing policies under the criteria set out in Paragraph 80 of the NPPF, and there is no agricultural need for the dwelling, the proposal needs to be considered against Policy CO10 of the Local Plan which relates to housing in the open countryside.

There is no agricultural justification, although the applicant's agent has put forward a case for a local occupancy dwelling here. Firstly, this is contrary to the requirements of Policy CO10 and secondly, the information provided (and from evidence from previous applications for stabling here) states that the applicants live and work in Whitby and do not have an essential need to live in this location, just a desire to live closer to where their horses are kept and their daughter. Consequently, they do not appear to comply with the local occupancy restriction.

Furthermore, even if this was a site that could be considered under Policy CO8 (rather than open countryside), and the applicant's complied with the criteria, it is set out within the Local Plan that new development must meet the identified need for smaller dwellings. This proposal would create a substantial four bed detached dwelling (large master bedroom with ensuite bathroom, ensuite spa, cinema room etc) with a total habitable floor space of over 370m<sup>2</sup>. 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 CO8 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.

This policy approach has recently been supported at appeal (rear of Cross Farm Building, Egton, NYM/2021/1005/FL) where the Planning Inspector stated that: -

“With regards to meeting the need for smaller dwellings, the Strategic Housing Market Assessment 2016 (SHMA) reports that the main need is for one and two-bedroom units for affordable housing and smaller three-bedroom units for general housing. Three-bedroom properties can be considered as smaller dwellings and the SHMA does not specify a maximum size for the different types of properties. Nevertheless, the size, scale and design of the appeal proposal would include a large floorplan. This would include a large dressing room and en-suite bathroom; would be set within a large plot with a detached garage/cart shed and therefore could not reasonably be described as a smaller dwelling. The appeal proposal would therefore conflict with LP Policy CO7 which requires proposals to meet the need for smaller dwellings.”

The applicant's agent states that this proposal will help to address the current housing crisis, but as the need within the National Park is for smaller and specifically affordable dwellings, which this is not, the proposal would not contribute to housing need within the locality.

### **Suitability of existing site for agricultural purposes**

In the applicant's supporting document it is stated that the site is “vacant land” and not suitable for agricultural or forestry use due to its close proximity to residential properties. Firstly, the general nature of villages within the National Park is that they are rural in nature and consequently, in close relationship with agricultural and forestry activities.

Secondly, the existing dwellings on Willow Wood Way were built in part of this agricultural field, under the rural exception site policy and part of the criteria of that approval was that adequate access was retained along Willow Wood Way to the wide gate to maintain a suitable access to the agricultural field.

### **Conclusion**

The site is not located within the main built up part of the village and would comprise new housing development in the open countryside, which is restricted to that which is proven as essential for farming, forestry or other essential land management activities.

The current application does not relate to an essential need to live in the countryside, and it is not considered that there is any justification to set aside the strong policy objection in this case. The proposal would be considered to add to sporadic development in the countryside entirely contrary to policy, and there are no material planning reasons to give such a proposal favourable consideration and create a precedent for other sites within the rest of the National Park. In addition, no special justification has been put forward as to why the proposal should be considered to be truly “outstanding” as required by Para 80 of the NPPF and the proposal would not accord with the spatial housing policies set out in Strategic Policy M of the Local Plan.

In view of the above refusal is recommended.

### **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.