

**12 Esk View  
Egton  
YO21 1UD**

**TO : Tom Hind, Chief Executive of the North York Moors National Park Authority**

CC: Mrs Hilary Saunders your ref: NYM/2023/0513; by email to :

and by post to: The Old Vicarage, Bondgate, Helmsely,

York YO62 5BP

9 October 2023

**Re: Application for construction of access (retrospective) and two principal residence dwellings with associated amenity space, parking and landscaping works (outline approval NYM/2020/0324/OU) at Land east of 12 Esk View, Egton (the Application)**

Dear Sir/ Madam

I understand from a recent conversation with Mrs Hilary Saunders from the North York Moors National Park Authority that no final decision has been made concerning the above Application.

Please add this letter to your file – my objections.

My objections

I have lived at no 12 Esk View since 1999. My 'front door' is on the 'east side' of the property. My garden is also on the east side of the property.

I have lived alone at 12 Esk View for many years. I am registered bi-polar and the space and view is important for my mental health.

I understand from the plans that I saw some months ago that the planned access road was to be next to my property – allowing me some distance between my house and the proposed new dwellings. I understand that this is no longer the case and the proposed dwellings are to be built right next door to my property (losing light and view). I object.

I understand that my local Parish Council in Egton has objected to the plans to increase the number of dwellings in the National Park and in Egton which is a small village community with limited resources.

I object to the access road in the plans as now understand them to be on the other side of the proposed new dwellings – with the end result being that my view and light being blocked. I simply cannot bear the idea that every time I leave my property I will look at brick

walls of the new dwelling. Can the planners please take note of my objection to having a new house built - blocking my view from the garden (east side of my dwelling) and blocking light for my plants.

I have worked hard to create a diverse environment in my garden – light blocking my garden goes against the national planning to preserve diversification.

I would also like to take the opportunity to complain about the removal of the ancient hedgerow to the east of my property – which had managed for many years to act as a natural windbreak to my garden. I understand that none of this was authorised by the National Park's authority – including the creation of an illegal open gateway. Why have the builders created not only an illegal road but also an illegal open gateway to the fields beyond? These unauthorised actions are both arrogant and insensitive to the National Parks' caring role over the exploitation of the moors. The impact on the wildlife has been extreme. I watched for months as this irreparable damage to the ancient hedgerow as worsened the survival of the birds who used to nest in the hedgerow – including sparrows.

Finally, I do not think that the process of consultation has taken into account the objections of the local residents. The hedgerow and road arrogantly ripped through the farmland without care.

It is now time for the National Parks to care about the wildlife. There is not as I understand it a need to build expensive houses on the edge of Egton. I object to the dwelling houses. I completely object to the houses being built right next to my property and the loss of life and wellbeing that I and the wildlife will inevitably suffer if the road is not built as a natural barrier between me and the new proposed houses.

Yours faithfully

**Emma Stewart**

## FAO NYM Planning Authority

Re: Planning application NYM/2023/0513

I am writing to lodge an objection to the above application, for reasons as follows.

- 1) Full plans have not been submitted – there are no elevations for plot 2.
- 2) This new application must be assessed in the context of the previous application for this site, and not viewed as a separate entity. The applicants have already commenced development, without adhering to planning legislation, approved plans and conditions, and in disregard of reserved matters. If this is allowed to stand, this sets a precedent for illegal development in the National Park.
- 3) Current planning legislation allows for one opportunity to obtain permission after unauthorised development. Following the construction of the unauthorised “access road”, the applicants applied and then withdrew an application (ref. NYM/2023/0246 and direct correspondence from Chris France). As such this ‘new’ application is potentially invalid and if so, should be disallowed.
- 4) The Biodiversity Assessment has been submitted after ‘Phase 0’ of the development has been completed. This has resulted in a factually inaccurate report. In response to the question, ‘Are there trees and hedges on the proposed development site?’ the applicants have answered ‘No’. However, prior to the unauthorised completion of ‘Phase 0’, there was a mature native hedgerow running the length of the site (see ‘B’ in Image A below), which has been unlawfully removed and two large piles of brash are evident next to the new tarmac road. The Assessment refers to the site containing piles of rubble; these were created in the development of ‘Phase 0’ and have not been removed. Therefore, claims that this proposal increases biodiversity would be more accurately rendered as this proposal partially addresses the damage that has been created during ‘Phase 0’.



*Image A: proposed site prior to unapproved development ('Phase 0') and location of existing access track.*

- 5) Statement 2.1 states that “...field access has already been constructed.” It neglects to state that this access was constructed without permission and in breach of planning legislation as outlined above. Statement 3.4 confirms this breach of consent.

- 6) Statement 3.2 is misleading. The field access is not critical to the operation of Plough Farm as the applicant has secured the gate with a padlock to which the current tenant farmer has no access. Access to the field already exists (grid reference: NZ 80871 06343, 'A' in Image A on preceding page) for existing field access and remains suitable for the occasional use that the farmer requires, with use of road traffic cones as required. There was never any need to construct an access road, as noted in comments on the preceding application, especially not one which utilises such a large proportion of the proposed development site that could instead be used for affordable housing.
- 7) The height of properties is still out of line with the gable height of all other properties on this side of the street, and significantly higher than Honeybee House risking privacy intrusion. When the development on the opposite side of the road was approved ('Rainbow's End', ref: NYM/2021/0208/FL), the applicants were required to ensure that the property aligned with the properties on either side (Mount Pleasant and Windy Ridge), to the extent of maintaining an eastern front facing aspect (towards Grosmont) rather than facing onto the street. It is reasonable to expect that this application should likewise be in keeping with the houses on this side of the street in terms of both gable height and location of car parking (see 10 and 11).
- 8) The lack of complete plans means it is unclear whether elevation D faces Honeybee House – if it does, I object to the windows on this elevation.
- 9) The position of plot 2 to the boundary is much closer than plot 1 to the boundary. This risks damage to mature trees and hedging on the boundary line. The plans must state and have approved in advance the exact distance from the boundary line to ensure this is not in breach of National Park and planning legislation.
- 10) Parking at rear of plots is completely out of keeping with all other properties on this side of the street. There is sufficient space on the plot with the houses in the current proposed position for parking at the front – as with all other properties. Creation of parking bays at the rear will result in a significant increase in noise and disturbance to Honeybee House and 12 Esk View given multiple vehicles arriving and leaving from behind the houses and travelling further to reach the main road. Parking at the rear of the properties significantly impacts visually on Honeybee House as well as houses below and across the valley: the view from Honeybee House can be seen below in image B:



*Image B: view from Honeybee House*

- 11) In addition, parking at rear of these properties establishes a problematic precedent of vehicles accessing the rear of property boundaries, when the rationale for the new tarmac road is agricultural field access only (evidenced by the picture of the tractor on the plans). As previously stated, this is not necessary for access to the field - access already exists at the other end of Esk View. The current tenant farmer confirms access is not regularly required, that current access is sufficient and that the new gate is not accessible to him as it is padlocked. It is reasonable to question why the applicants require such expansive access to a relatively small field when this already exists.
- 12) Statement 4.4 states that “...new hedgerows will more than compensate for the loss of hedgerow on the site frontage...”. This is inaccurate, as the previous hedgerow was estimated to be over 100 years old, and its existence as the boundary of an arable / grazing field contributed significantly to the amenity, form, and character of Egton as a farming village. The new tarmac road is completely inappropriate in its form, size and location; it is entirely out of keeping with the local vernacular. As such, and given the disregard given by the applicants to current planning legislation and reserved matters, it is my position that the Authority should reject the application (if it is in fact valid, as per point 3 above) and require the return of the site to its previous state.

Professor Rebecca Hodgson  
Honeybee House  
Egton  
Whitby  
YO21 1UE

Wednesday 6 September 2023

**From:** Rebecca Hodgson  
**Sent:** 06 September 2023 10:10  
**To:** Planning; Chris France; Hilary Saunders  
**Subject:** NYM/2023/0513 - comments  
**Attachments:** NYM.2023.0513 RHComments.pdf

Dear NYM Planning team,

Please find attached my comments on NYM/2023/0513.

If you have not visited the site, please can I urge you to do so in order to appraise the visual and environmental impact of the controversially completed 'Phase 0'.

Thank you for your consideration.

Rebecca Hodgson  
Honeybee House, Egton

**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2023/0513 - Case Officer Mrs Hilary Saunders - Received from Mrs Kathleen Colley at Linden Grove, Egton, Whitby, YO21 1UB  
**Date:** 30 August 2023 12:36:30

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I am writing to object to the above retrospective planning application on the following grounds:

1. The plan states that the existing use is an agricultural field and field access. There has never been access to this field from the road at this point. However, on the previous outline planning application it did state that the plan included sufficient space to allow agricultural vehicles to access the land to the rear should it be necessary. This access was shown to the right of the proposed properties as you face the plot and not as it has now been constructed. There is already a perfectly good access point into this field at the other end of Esk View which has always been utilised by the farmer in the past so why do you need a further access point. I appreciate that a new stock fence would be required to the rear of any new property.
2. The application asks whether there are any trees or hedges on the proposed development site and the applicant has ticked the box NO. This is because the existing hedge was removed when the work was undertaken without planning consent. If you go back to the original outline application NYM/2020/0324, under landscaping, and I quote, "The front gardens are likely to retain as much of the hedgerow as possible with breaks to allow for access. The loss of a small section of hedgerow could be mitigated by the planting of new hedgerows on the rear and side boundaries." Indeed if you look at the this planning application photographs 5.24 and 5.25 shows the very mature hedge which has been removed.
3. The original outline planning application was for a pair of semi-detached houses along with the retained space for access as I have previously noted. However, this submission is for two very small detached dwellings. In my opinion the original proposal is more in keeping with the majority of properties in the area.
4. The tarmac access which has been created is a blot on the landscape.
5. If you do decide to grant this application then I feel that a condition must be put in stating that this access road cannot under any circumstances be extended further.

Comments made by Mrs Kathleen Colley of Linden Grove, Egton, Whitby, YO21 1UB

Preferred Method of Contact is Email

Comment Type is Strongly Object

## Planning application NYM/2023/0513 - 12 Esk View objection

I object in the strongest possible terms to this planning application on the grounds detailed below.

Decision notice (Decision No. NYM/2020/0324/OU) dated 25<sup>th</sup> June 2020 stated that development shall be commenced with 3 years of the decision notice. It further stated that the development shall not be commenced until details of the certain reserved matters have been submitted to and approved by the Local Planning Authority:

- I. the siting, design and external appearance of the building, including a schedule of external materials to be used;
- II. the means of access to the site;
- III. the landscaping of the site; and
- IV. the existing ground levels and proposed finished floor and ground levels.

The further decision notice (Decision No. NYM/2020/0913/RM) repeated the restrictions as the "...siting, design and external appearance of the building, including a schedule of external materials to be used" had still not been submitted.

Without discharging any of their obligations, and in a blatant attempt to avoid permission expiring the applicants have flagrantly ignored planning legislation and commenced development. In so doing they have not even attempted to adhere to any approved plans. The existing hedgerow has been ripped out, an ugly and non-compliant tarmac road has been installed and the road signs have been located in the footpath and in an attempt to try to prove that farm access is required, a new fence and gate has been installed. This access is not even required as the field already has a suitable gated access point (grid reference: NZ 80871 06343).

The current planning legislation states that a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event. As the applicants have already applied and then withdrawn an application (reference letter from Chris France dated 16<sup>th</sup> May 2023, reference NYM/2023/0246) with respect to these reserved matters the I would question if this current application is even permitted under the Town and Country Planning Act. If it is, then the latest application must be rejected, this is not an oversight on a planning application but a cynical attempt to subvert the legal planning process. If the application is not rejected the applicants will simply take approval as a green light to ignore any future reserved matters as they continue their unwarranted planning assault on the residents of the North York Moors National Park.

### Comments on Public Application Form

- In response to the question "Are there trees or hedges on the proposed development site?" in the Trees and Hedges section the applicants have answered 'No'. This is only true because they have already removed the hedge without consent and therefore the veracity of this statement has to be questioned, especially its compliance with the requirements of the Town and Country Planning Act 1990 in terms of a truthful statement. The remains of the hedge are in a pile next to the new tarmac road as shown below.





#### Additional comments on the Public Supporting Information by John Long Planning

- The application is an attempt to justify the breach of the original permission including the flagrant breach of the restrictions imposed.
- Statement 2.1 states that “...a field access already constructed”. It omits that this access was constructed in breach of planning law and is the reason why this retrospective application is being made. This is at best disingenuous and at worst dishonest.
- Statement 2.5 confirms that the applicants had three years in which to comply with the reserved matters of application NYM/2020/0324/OU but they failed and instead ignored the restrictions and constructed a road without permission.
- Statement 3.2 is disingenuous. It is obvious that the field is not critical to the operation of Plough Farm as the applicant has secured the new gate with a padlock and chain to which I am led to believe the current tenant farmer has no access. This point should be clarified with the applicants otherwise it would appear that this is a false statement in contravention of the under the Town and Country Planning Act. In addition, if the applicants are relying upon the continuing operations of Plough Farm as justification for their breach of planning consent, then they should clarify in writing whether or not they have given the current tenant notice to quit and whether they have already removed summer grazing land from the current tenant so as to impede the operation of the farm.
- Statement 3.3 confirms that the applicants had three years for submission and approval of reserved matters. Having failed to comply with the granted planning consent and failing to respond to the reserved matters they simply went ahead and commenced development anyway. Irrespective of any principle that the applicants feel may have been set there is a stronger principle, that the planning laws apply to all applicants equally. The applicants should be instructed to fully remediate the site and not apply for retrospective consent for the construction that has taken place in flagrant breach of the planning consent that was granted.
- Statement 3.4 confirms that the applicants have already acted in breach of consent. Reference to the following image from Google Earth clearly shows the original hedge (highlighted) which was ripped out without consent and also shows that there was no significant access. Therefore, the need for this field access is questionable at best. After the removal of the hedge the applicants had a new fence and gate installed in a blatant attempt to shore up the dubious claims about required access.



- Statement 4.1 states that the application plot “...does not contribute to the amenity, form and character of the village”. Again, this is a disingenuous statement. The plot did contribute to the amenity of the village until the hedgerow was ripped out and an expanse of tarmac laid across the field. The development so far would suit a suburban setting and is not appropriate for a village in a National Park. The photograph below shows just how inappropriate and unacceptable the non-consensual work is.



- Statement 4.4 states that “...new hedgerows will more than compensate for the loss of hedgerow on the site frontage to create the access and footpath”. This ignores the reality that the old hedgerow has been replaced by a tarmac footpath with a road sign erupting from the middle of the path, reference the picture below.



- Statement 4.9 states that “the access also serves as a field access”. This field already has a suitable gated access point (grid reference: NZ 80871 06343), see the picture below. If the applicant’s statements are to be believed and that this new access is solely required for field access at this precise location, then they should be required to enter into a legally binding covenant that prohibits the extension of this access any further towards Red House Farm.



- Statement 9.2 omits to mention that the planning consent was breached.

Ian T Woodcock  
Dale View  
Egton  
Whitby  
YO21 1TZ