

Planning

From: Paul Robinson
Sent: 26 September 2017 12:39
To: Planning; Planning
Subject: Appeal submitted - 4 Echo Hill, Sleights, Whitby.
Attachments: Echo Hill. Appeal Statement.Sept.2017.pdf; 01 APPEAL FORM - 255816-2.pdf

Please take note that I have today submitted an appeal following the refusal of planning permission for a new house at the above property.

Your planing reference is:NYM/2017/0254/FL

The appeal submission and forms etc are attached below.

Yours sincerely,

Paul Robinson MRTPI
Director
Orbis Town Planning



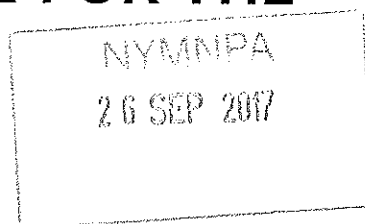
Orbis town planning

APPEAL IN RESPECT OF: -

**4 Echo Hill, Sleights, Whitby, North Yorkshire, YO22 5AE,
Erection of 1 x open market dwelling house (LPA Ref:
NYM/2017/0254/FL)**



STATEMENT OF CASE FOR THE APPELLANT



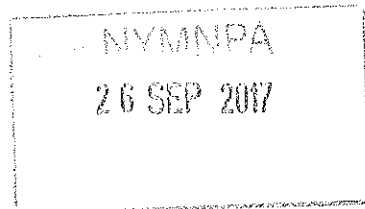
Submitted on behalf of Mr. & Mrs. Little

September 2017

CONTENTS

1. Introduction
2. Site and Surrounding Area
3. Relevant Planning History
4. Appeal Proposal
5. Policy Considerations
6. Planning Considerations
7. Summary

APPENDICES



- A1. Photographs of the site and surrounding area
- A2. Appeal decision: Knowles Lodge, Appletreewick, Skipton
(APP/C9499/W/16/3151272)

1.0 INTRODUCTION

- 1.1 My name is Paul Anthony Robinson. I am a Chartered Town Planner and a member of the RTPI since January 2001, working professionally as a planner since September 1997. I have spent some 15 years as a senior development management officer in the public sector and the past 5 years as a private planning consultant, the director of Orbis town planning. I have conducted many appeals, hearings and public inquiries in my career.
- 1.2 This document forms the appellant's Statement of Case in respect of an appeal against the decision of the North York Moors National Park Planning Authority (The LPA) to refuse planning permission for the erection of a single detached dwelling house on land adjacent to their existing house at 4 Echo Hill, Sleights, North Yorkshire, YO22 5AE.
- 1.3 The application was refused under delegated authority on 3rd July 2017, the single reasons for refusal being:

"The site is not considered to form a small infill gap within a continuously built-up frontage in the main built up area of Sleights, and consequently constitutes housing development in the open countryside for which there is no proven essential need. If permitted the proposal would consolidate this pocket of sporadic development in the countryside and would give the locality a much more built up, urban appearance which would be harmful to the character and appearance of the landscape of this part of the National Park. As such the proposal is contrary to core Policies A and J of the Core Strategy and Development Policies Document and the National Planning Policy Framework which seek to confine new housing development to the main built up areas of the settlements of the National Park and restrict new housing in the open countryside unless there are special circumstances. No such circumstances exist in this case".

- 1.4 This Statement of Case sets out the broader context of this proposal and seeks to address the Council's reason for refusal.

2.0 SITE AND SURROUNDING AREA

- 2.1 The appeal site comprises an open garden area to the side (south) of the existing semi-detached house at 4 Echo Hill, Sleights. The site has dimensions of approximately 14m x 38m (532m²). It is laid out mainly to lawn and shrubs, with parkland trees located towards its western end as the land slopes down towards the Esk. The scale of these trees acts to 'infill' the open gap between nos. 4 and 5 Echo Hill.

- 2.2 The existing dwelling at no. 4 is comprised of a two storey semi-detached house with habitable living space in the attic area (refer to photographs 1 and 4 in Appendix 1). It is constructed in local sandstone with red brick returns above ground floor level. Both semis (nos. 3 and 4) have a covered veranda at first floor level connecting the two houses, giving the appearance of a single, large villa overlooking Sleights. Further significant semis are located adjacent to the north and immediately to the south lie two detached houses on slightly higher ground, both two storeys and finished in sandstone. Taken together these houses form a clear and planned focus of development on the ridge at Echo Hill to the east of Sleights. Photograph 2 in Appendix 1 demonstrates this .

26 SEP 2017

- 2.3 At this point Echo Hill forms a gently sloping south-north ridge to the east of the main village of Sleights. Other than nos. 1-6 noted above, 6 other houses on the ridge, with a further 6 houses within close proximity, though none as regulated in form as nos. 1-6.
- 2.4 Site access is from the unadopted Echo Hill, a lane connecting properties here into Lowdale Lane to the south of the train station. Echo Hill is only

partially tarmacked up to and around the cricket field at present but despite this the lane is well used and does not pose a problem of access to the properties served by it. Photographs 2 and 3 in Appendix 1 show this connection.

2.5 The village of Sleights is primarily a small residential settlement built around the bridge crossing over the Esk and the main A169 road between Whitby and Pickering. The village sits beneath the main escarpment and heather moor top within Eskdale and grew in the late Victorian and Edwardian periods with a number of residential villas, and saw further post war housing development to the east of the main village. The village is served by a post office and general store, public houses and a few other business serving basic daily needs as well as passing tourists. It is classified as a service Village in the NYMNP Settlement Hierarchy (2nd tier below the service centre of Helmsley).

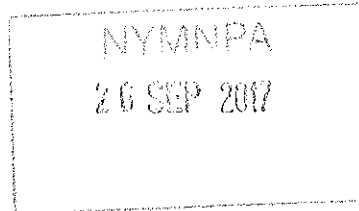
26 SEP 2017

2.6 The site is not within a conservation area and there are no nearby listed buildings that could be affected by development at 4 Echo Hill, but although clearly functionally part of the village and its general townscape, it falls approximately 150m outside the consolidated village area of Sleights and for the purposes of planning policy, has been considered to be in an open countryside location within the National Park. It is not however in an isolated location.

2.7 The wider environment of the North York Moors is renowned for its scenic beauty, cultural assets and biodiversity - the principal features that have led to the designation of the area as a National Park. The diverse and distinctive landscapes of the area have evolved through a combination of natural change and processes, human intervention and management. Heather moorland is notably bereft of trees, creating a strong feeling of space, expansiveness, openness and, sometimes, solitude and wilderness. The sense of remoteness is enhanced by the relatively few roads and settlements which are visible on the moorland plateaus. The upland

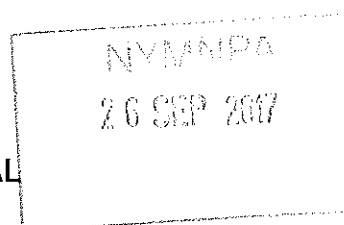
plateaus contrast with the dales with their scattered farmsteads and patterns of drystone walls enclosing small pastures. Eskdale, which separates the North York Moors from the Cleveland Hills, is a much broader valley and lacks the sense of enclosure of many of the other valleys. It is populated by fine stone villages and extensive woodland which itself create a distinctive part of the character of Sleights and the application site.

- 2.8 A Landscape Character Assessment of the North York Moors was published in 2003. This extensive study identified nine landscape character areas. The appeal site lies within Lower Eskdale in the Central Eskdale Valley Character Area.



3.0 PLANNING HISTORY

- 3.1 The planning history of the appeal site is limited to some minor alterations to the house but with the exception of an unsuccessful application to develop the land to the south of the house with a new dwelling in 2006 (Ref. NYM/2006/0861/OU). This application was submitted in outline and proposed a new detached dwelling on land to the south of the current house in a similar vein to the current planning application. However, as an outline application no details were submitted for detailed approval, so matters such as its scale, siting and external appearance were not able to be considered. The application was refused planning permission, the reasons for refusal being that the proposal was outside the settlement of Sleights / Iburndale and did not constitute an infill plot within the built-up area of a settlement. A further reason cited what was considered to be inadequate access to the site from Lowdale. The then applicants at that time did not make an appeal against this decision.



4.0 DEVELOPMENT SUBJECT TO THIS APPEAL

- 4.1 The proposed development is for the erection of a new dwelling on the open garden area to the south of the existing house at no. 4 Echo Hill, Sleights. The proposed house would be two storeys in height and comprise of 4 bedrooms, matching the broad style, height and appearance of the house at the host property and those of surrounding plots.
- 4.2 The house would sit centrally within the new plot, allowing significant open gaps to either side. Its roof would largely mimic that of the existing houses at 3 and 4 Echo Hill with a low front gable over the master bedroom, and with side gables to the main roof. Finished Floor Levels and its ridgeline would be comparable with neighbouring properties either side, whilst taking into account the natural rise in the land southwards from the main access lane at Echo Hill. This would produce a natural progression of building heights along the ridge in keeping with its existing scale and character.
- 4.3 Proposed materials would mirror those of neighbouring houses, using local stone and red brick with clay roofing tiles. Windows would be white uPVC matching those of neighbouring houses.
- 4.4 Access to the site would be from Echo Hill to the east (as with all neighbouring plots). Car parking on site would be provided to the west of the house within a single garage, with additional forecourt parking at the rear as deemed necessary.

5.0 POLICY CONSIDERATIONS

- 5.1 The relevant policy background for this appeal includes at the National level, the NPPF (2012), and locally, the North York Moors National Park Core Strategy (2007) and Development Policies DPD. The NYMNP Landscape Character Assessment (2003) also plays a key part in informing the design of the appeal proposal and merits of this appeal.

- 5.2 The LPA's refusal notice centred on the location of the development and its adverse impact upon the special qualities of the National Park. The refusal referred to policies A and J of the Core Strategy, both of which will be made available in full during the appeal by the LPA. However the salient points are summarised below.
- 5.3 **Core Policy A** seeks to deliver National Park purposes and Sustainable Development, encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park's special qualities. To do this it seeks to secure a scale of Development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquility of the Park, nor detract from the quality of life of local residents or the experience of visitors; Conserving and enhancing the landscape, settlement, building features; and historic assets of the landscape and character areas; Enabling the provision of a choice of housing that will meet the needs of local communities in terms of type, tenure and affordability; and, Enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport.
- 5.4 **Core Policy J** sets out the LPA's housing policy and seeks a mix of housing types to maintain the vitality of communities, delivered in the Service Centre and Service villages (eg. Sleights). The policy seeks to restrict new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwellings and conversion of traditional rural buildings for residential letting for local needs. Local occupancy restrictions are also applied. Core Policy J allows for housing development within the main built up area of the settlements. The Proposals Maps show the entire settlement and an interpretation of what constitutes the main built up area will be considered on a case by case basis.
- 5.5 **Core Policy J** expects the majority of new housing development will take place on infill sites and these are defined as a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling.

26 SEP 2017

NYA/110/A
26 SEP 2017

6.0 THE KEY PLANNING CONSIDERATIONS

- 6.1 The appeal proposal was refused on the basis that the site was not considered to fall within the main built up area of Sleights. In planning terms it therefore falls within the open countryside, where according to Core Policy J new open-market housing is restricted. The LPA further asserts that development here would consolidate an existing pocket of sporadic housing, leading to a more built-up and urban appearance which would be harmful to the character and landscape of the National Park.
- 6.2 We do not contest that the site lies outside the main settlement core of Sleights and is therefore located within the open countryside for the purposes of planning. The matter at hand is not whether the appeal proposal complies with Core Policy J, but whether non-compliance would in fact lead to any material harm.
- 6.3 Despite not falling within the denser built-up area of Sleights the site does fall neatly within a reasonably sized and well-regimented group of houses just outside the main settlement core. In our view this group of housing is not 'sporadic' in nature or appearance (as the LPA claim). 'Sporadic' would imply that housing here is scattered, 'occurring at irregular intervals or only in a few places; isolated'. In fact housing on Echo Hill forms a definitive cluster of housing, albeit rural in character. Existing houses on the ridge are closely grouped. They have a relatively homogenous form and appearance and constructed from similar materials. As a result the houses here already comprise a strong visual reference point. They are far from sporadic in nature, having only a single gap between them where the proposed house would sit. The LPA's conclusion that the proposal would consolidate sporadic development does not therefore stand up to scrutiny. It is already largely consolidated, save for a single gap between 6 other houses. Furthermore, given its limited scale nor would the proposal result in creating an 'urban appearance' as the LPA claim. The line of housing here is definitely rural in character. It forms a distinct grouping but is far

from being 'urban' in nature. The addition of a single dwelling here within this grouping would not give the site an urban appearance - there is already a built presence here.

- 6.4 Within this cluster the appeal site presents a unique plot between existing housing, the development of which would not be harmful to the acknowledged importance of the national park. Our view is that the very special characteristics of this site lend itself to the very limited level of development proposed here without creating any of the harmful impacts more ordinarily associated with sporadic development in the National Park.
- 6.5 The key planning consideration here is therefore, would the development of this site be harmful to the character, landscape or special qualities of the National Park?
- 6.6 The principle aim of Core Policy A is to deliver national park purposes and sustainable development, encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park's special qualities.
- 6.7 The historical delivery of policy in the national park quite naturally assumes an approach of restricting development. This is set out more specifically in Core Policy J. However, the manner in which this has generally been applied has turned in to one of complete preclusion. This is a generic response to all development and so fails to consider each individual proposal on its merits. With the exception of limited affordable housing to meet local needs the LPA's application of this policy assumes that all development is by its nature 'harmful'. Thus, whilst this approach would be one way to safeguard the character and appearance of the National Park, it does not assess the actual impacts of a proposal upon its merits.
- 6.8 Whilst it is noted in the NPPF that the principles of sustainable development do not apply in full to areas or restraint such as national Parks, one still has to review all proposals based upon their merits and take into account all material circumstances. In the case of the current appeal proposal this first

involves determining the character of the national park landscape in which it is proposed and then determining the impacts of the proposal upon them.

- 6.9 In this case a site landscape character assessment was carried out to support the planning application, referencing the NYMNP LCA (2003). In summary this noted that the wider setting of the appeal site was within the Lower Esk Valley, characterised by its narrow, deep and sinuous central valley beneath areas of heather moorland. At Sleights the valley is more open on its southern side where it is joined by a number of moorland dales, and as at Echo View, there are residual bluffs within the valley formed by moraines of retreating glaciers. The site therefore sits within the area between the wooded river bottom and upland moors where human activity and habitation is perhaps most apparent. This itself is demonstrated in the village of Sleights, stretching as it does up from the valley, with associated homesteads and groups of houses outlying this, but which are clearly very closely associated with the character, appearance and ultimately the function of the village. Local landscape character (and by association, the essential qualities of this part of the National Park) is defined by this pattern of residential and agricultural development.
- 6.10 The proposed new dwelling would not be at odds within the above landscape context. Indeed, it would fit very neatly within it and therefore avoid any adverse impacts upon the character and appearance of the National Park. It is acknowledged that a demand for residential and holiday homes leading to pressure for small scale settlement expansion and infill can threaten the overall scenic beauty and landscape character of the Lower Eskdale Valley, but the question at hand is what harm the proposal here would have on this over-riding character and scenic beauty. Since the proposal sits very neatly within the existing landscape character and pattern of residential development, we submit that in this case alone, there would be no harm arising.

26 SEP 2017

6.11 Thus, in assessing the proposal against the identified threats to the scenic qualities of the National park, the appeal proposal did not present any significant conflict:

Table 1 - Comparison of appeal proposal to 'identified threats to the National park

LCA identified 'threat'	Notes
Demand for residential and holiday homes in the National Park	In this case the house would sit in a very logical location between 7 other houses. It would partly fill in the existing gap between nos. 4 and 5 Echo Hill, but would leave gaps retained to the side and a sympathetic design, materials and landscaping scheme (including new and enhanced planting). The proposed house would also sit behind existing mature trees which already replicate the rhythm of housing that would come about if the current proposal was built (see photo 2 in Appendix 1). Within this context the visual impact upon the scenic beauty and special characteristics of the park in this location would be negligible. The national Park would clearly be under no material threat from the proposal.
Pressure for small scale settlement expansion including infill	<p>The proposal does not comprise settlement extension or infill as set out under Core Policy J. Nonetheless, the infill of this gap will have minimal impact upon the setting of the ridge and the houses upon it, which already form a very strong visual reference locally, and would not affect any longer range views either up or down the valley or up to the heather moorlands.</p> <p>The site is also unique in its situation between the existing row of houses on the ridge. There are no further plots were this could logically take place without expanding the current form of Echo Hill, and therefore there can be no question of precedent being created which could lead to a material expansion of development here.</p>
The cumulative effect of changes in the physical fabric of settlements,.. creeping suburbanisation and gentrification of settlement.	The proposal would not materially alter the existing pattern of development or its physical fabric, nor would its form, design or materials represent creeping suburbanisation. The proposal would deliver a house that would compliment the design and era of those immediately surrounding it, and in this respect would have no negative impact.

6.12 In light of the above assessment we conclude that whilst the proposal would conflict with the headline approach of Core Policy J, in reality there would be no material harm arising from the proposal. The setting, scenic beauty or management objectives of the National Park would not be materially harmed. Therefore, since there would be a lack of material harm, the proposal would meet with the objectives of Core Policy A of the development plan and the NPPF.

- 6.13 In cases judged on their own merits it is difficult to draw any conclusions from similar developments or appeals in this or other national park settings. However, on the matter of considering 'harm', one can refer to a site at Knowles Lodge, Appletreewick in the Yorkshire Dales National Park, where an appeal was determined in relation to the redevelopment of a existing house with a new, larger and contemporary dwelling (Ref. APP/C9499/W/16/3151272 - see Appendix 2). The issue centred around the effect of the proposed development on the character and appearance of the surrounding area and the Yorkshire Dales National Park, the LPA citing the scale, massing, bulk and appearance of what was considered to be a substantial detached dwelling to detract from the landscape character and local distinctness of the surrounding area, creating significant harm to the landscape character and appearance of the national park. In essence it failed the LPA's criterion set out in the development plan. Nonetheless, the Inspector concluded that since the appeal site was secluded on a tree-lined escarpment its visual impact in the wider landscape would be minimal and it would not be overly dominant in the local landscape. It would have a minimal material impact on the character and appearance of the surrounding area or National Park. The new dwelling would sit comfortably on its substantial plot and its design would minimise any adverse effect on the local area. Consequently, the Inspector concluded that the proposal would not have a materially harmful effect on the character and appearance of the surrounding area or the landscape and scenic beauty of the National Park. The appeal was allowed on this basis.
- 6.14 The Knowles Lodge case is similar to the appeal site in that whilst it did not meet the requirements of extant policy, when judged on its actual merits it would not materially harm the open character or landscape and scenic beauty. In effect, despite conflict with the development plan there was insufficient harm caused to warrant a reason to refuse the proposal. Since we have similarly demonstrated here that there would be a similar lack of harm caused in the current appeal proposal, the same conclusion should be reached.
- 6.15 Taking into account the above the appellants accept that the proposal would be located in the open countryside for planning purposes and that it proposes open market housing without seeking to demonstrate any 'special circumstances' as set out in the extant Core strategy. However, we have

APPROVED
20 SEP 2017

demonstrated above that the proposal would meet with the objectives of Core Policy A, the role of which is to preserve National Park purposes. It would secure a scale of development that would not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquility of the Park, nor detract from the quality of life of local residents or the experience of visitors. It would conserve the landscape, settlement, building features and historic assets of the landscape and character areas. It would not necessarily meet with the general direction of Core Policy J, but even then this policy seeks to restrict development (in order to pursue the objectives of Core Policy A), not totally preclude it. In a case such as this where there would clearly be no material harm arising, there would seem little reason to enforce this policy for its own sake in this instance.

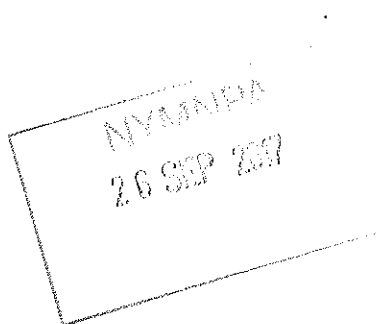
7.0 SUMMARY

- 7.1 The appeal application proposes to erect a single detached house on a site outside the acknowledged built-up area of Sleights. The appellant's accept that in planning terms this comprises an open countryside location. However, the site is not remote and is in a sustainable location. It would not consolidate existing sporadic development and, given the nature of existing built development around it, it would not materially harm the special character or appearance of this part of the North York Moors National Park.
- 7.2 Whilst the proposal does not present any of the 'special circumstances' set out in the NYMNP Core Strategy Policy J, it would nonetheless have no adverse impacts on issues of acknowledged importance within the National Park. It would safeguard National Park purposes in accordance with Core Policy A and on this basis the proposals represent sustainable development in accordance with the NPPF.
- 7.3 We therefore submit that on balance the appeal proposal should be approved.

Paul Robinson BA(Hons) BPL MRTPI

Orbis town planning

September 2017



Appendix 1

Photographs of site and surrounding area

1. Western façade of 4 Echo Hill facing Sleights village



2. Un-made section of Echo Hill access Lane up to application site

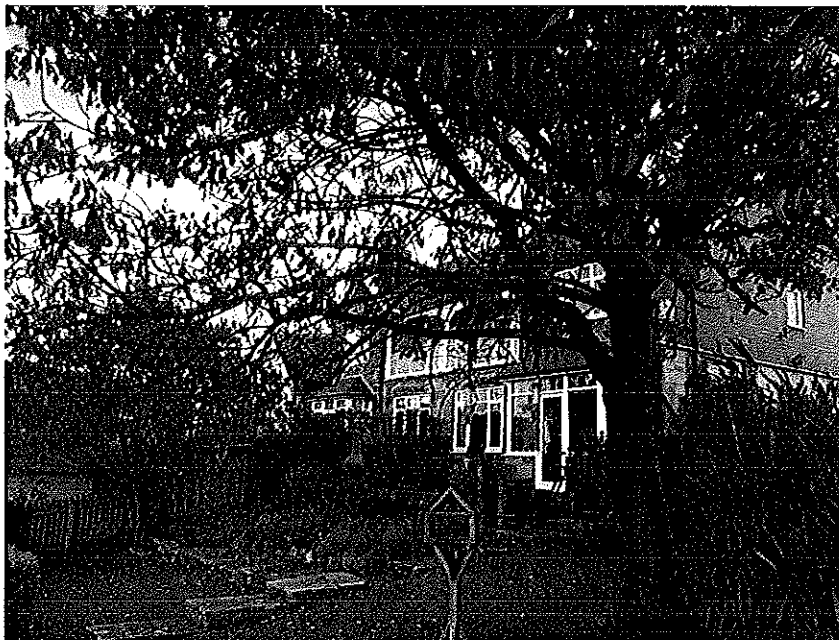


N
26 SEP 2017

3. Access to the site from Lowdale Lane within Sleights village



4. View of 4 Echo Hill from the main western garden area



APPROVED
26 FEB 1987

5. View westwards up the Esk Valley across Lowdale farm towards the main village at Sleights



NYMNPA
26 SEP 2017

Appendix 2

Appeal decision at Knowles Lodge, Appletreewick, Skipton
(APP/C9499/W/16/3151272)



Appeal Decision

Site visit made on 23 August 2016

by Andrew McCormack BSc (Hons) MRTPI an Inspector
appointed by the Secretary of State for Communities and Local
Government Decision date: 09 September 2016

**Appeal Ref: APP/C9499/W/16/3151272 Knowles
Lodge, Stangs Lane, Appletreewick BD23 6DQ**

The appeal is made under section 78 of the Town and Country
Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Ms Sue Davies against the decision of
Yorkshire Dales National Park Authority.

The application Ref C/02/129B, dated 17 September 2015, was
refused by notice dated 11 February 2016.

The development proposed is demolition of existing dwelling and
erection of new dwelling.

Decision

1. The appeal is allowed and planning permission is
granted for demolition of existing dwelling and erection of
new dwelling in accordance with the terms of application
Ref: C/02/129B, dated 17 September 2015 and subject to
the conditions set out in the schedule attached at the end
of this decision letter.

Main Issue

2. The main issue is the effect of the proposed

26 SEP 2017

development on the character and appearance of the surrounding area and the Yorkshire Dales National Park.

Reasons

The Yorkshire Dales Housing Development Plan 2012 (the HDP) has replaced the housing policies in the Yorkshire Dales Local Plan 2006 (the Local Plan). Therefore, both form part of the development plan. In terms of Paragraph 215 of the National Planning Policy Framework (the Framework), the Council claims that full weight should be given to the development plan policies. I find the relevant development plan policies to be consistent with the Framework and note that this is not disputed by the appellant.

Policy HDP9 of the HDP requires that replacement dwellings will only be permitted when all of its criteria are met. The policy allows for replacement dwellings of a similar cubic volume where appropriate in terms of scale, form and design. Similarly, Policy B7 of the Local Plan requires all new buildings to be sympathetic to their surroundings in terms of siting, scale, form and design and to meet the requirements of Policy GP2 of the Local Plan. Furthermore, Policy GP1 of the Local Plan states that development will not be permitted unless it can be demonstrated that there is an overriding need for the development and that any harm can be mitigated.

The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development. Notwithstanding this, Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks. Furthermore, Paragraph 59 states that policies should not be unnecessarily prescriptive or detailed and should concentrate on guiding the overall effect of new development in relation to neighbouring properties and the local area in terms of scale, density, massing, height,

landscape, layout, materials and access. In addition, Paragraph 64 of the Framework advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The appeal site is secluded and the proposed dwelling would not be visible in the wider landscape for much of the year. Furthermore, due to its position on a tree-lined escarpment and the surrounding topography, it would not be visible from nearby properties, Stangs Lane or the Dales Way footpath. Therefore, its visual impact in the wider landscape would be minimal and it would not be overly dominant in the local landscape.

The scale, bulk and height of the proposed dwelling would not be materially different to that of the existing property. Whilst the grouping of buildings would be amalgamated, the overall built form and on the site would not significantly alter. The above ground cubic volume of the new dwelling would be less than that of the existing buildings combined. Notwithstanding this, the proposed basement would create a substantially larger building in terms of cubic volume. However, the basement would not be visible in the surrounding area and would facilitate the services and machinery required to deliver greater energy efficiency on the site and assist the proposed development in meeting the aims of Policy GP2 of the Local Plan.

The design of the new dwelling would differ from the traditional, unfussy and functional form of development in this part of the National Park. Furthermore, the extent of glazing proposed would not closely follow the locally distinctive attributes of local buildings. However, the design and materials would provide suitable connections to the more traditional character and distinctiveness of those nearby buildings and the wider landscape. The Council state concern for localised light pollution resulting from the

extent of glazing on the southern elevation of the proposed dwelling. However, there is no substantive evidence before me to support this view and the recessed nature of the glazing would likely have a mitigating effect in that regard. Furthermore, the extent of the proposed glazing would not be excessive in such a contemporary design or circumstance where the dormer window in the southern elevation of the existing property fulfils a similar purpose.

The existing timber building is in a poor state of repair. Substantial water ingress was observed during my site visit. Furthermore, evidence indicates that the repair and renovation of the property would not be economically feasible or achieve an up to date and energy efficient property. The new dwelling would provide energy efficient and contemporary facilities and create a replacement family home through a sympathetic design. Given its position on an elevated but secluded plot, it would have minimal material impact on the character and appearance of the surrounding area or the National Park. The new dwelling would sit comfortably on its substantial plot and its design would minimise any adverse effect on the local area.

Consequently, I conclude that the proposal would not have a materially harmful effect on the character and appearance of the surrounding area or the landscape and scenic beauty of the National Park. Therefore, it would comply with Policy HDP9 of the HDP, Policies GP1, GP2 and B7 of the Local Plan and the Framework.

Conditions

I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).

In addition to the standard implementation condition (1), I have imposed a condition specifying the approved plans (2) for reasons of certainty. Conditions relating to the external materials to be used (3 and 4), landscaping (5 and 6) and the protection of existing trees (7) are necessary and reasonable in the interests of character and appearance. A condition regarding the protection of bats (8) is necessary and reasonable for reasons of protecting biodiversity. A condition relating to the garage area of the permitted dwelling (9) is necessary and reasonable with regard to the living conditions of future occupiers. Conditions relating to anti-reflective glazing (10), recessed window and door frames (11) are necessary and reasonable in the interests of character and appearance.

With regard to the Council's suggested approved plans condition, I have removed the documents from as these are not approved plans. The arboricultural report and the bat scoping and activity survey are the subject of separate conditions. The other documents referred to fall within the terms of the approved planning application Ref: C/02/129B.

In terms of the Council's suggested conditions removing permitted development rights, the PPG states that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. Whilst I acknowledge that the appeal scheme is within a National Park, I do not consider this alone to constitute the exceptional circumstances as set out in the PPG. Accordingly, I have not imposed such conditions.

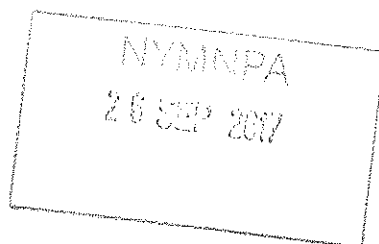
It is necessary that the requirements of Conditions 3 and 5 are agreed and in place prior to development commencing to ensure an acceptable development in the interests of character and appearance.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR



The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time, we will not accept the appeal.

Appeal Reference: APP/W9500/W/17/3185209

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr B Little
Address	4 Echo Hill Sleights WHITBY YO22 5AE
Preferred contact method	<input type="checkbox"/> Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

NYM/NPA
26 SEP 2017

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

Name	Mr Paul Robinson
Company/Group Name	Orbis Town Planning Ltd
Address	19 Whitwell Terrace GUISBOROUGH TS14 6EY
Phone number	07792900429
Email	paulrobinson2bb@gmail.com
Your reference	OTP1084
Preferred contact method	<input type="checkbox"/> Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	North York Moors National Park Authority
LPA reference number	NYM/2017/0254/FL
Date of the application	05/04/2017

Did the LPA validate and register your application?

Yes No

Did the LPA issue a decision?

Yes No

Date of LPA's decision

03/07/2017

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes No

Address

4 Echo Hill
Sleights
WHITBY
YO22 5AE

Is the appeal site within a Green Belt?

Yes No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes No

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Proposed construction of new dwelling

Area (in hectares) of the whole appeal site [e.g. 1234.56]

0.06 hectare(s)

Area of floor space of proposed development (in square metres)

218 sq metre(s)

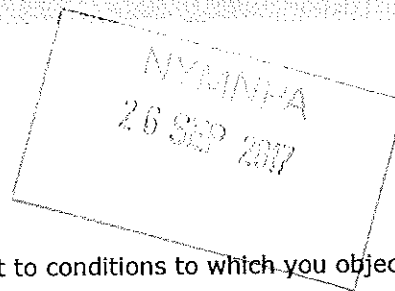
Does the proposal include demolition of non-listed buildings within a conservation area?

Yes No

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

- 1. Refused planning permission for the development.
- 2. Refused permission to vary or remove a condition(s).
- 3. Refused prior approval of permitted development rights.
- 4. Granted planning permission for the development subject to conditions to which you object.
- 5. Refused approval of the matters reserved under an outline planning permission.
- 6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
- 8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
- 9. Failed to give notice of its decision within the appropriate period because of a dispute over



provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

2. Hearing

3. Inquiry

H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes No

(b) Have you made a costs application with this appeal? Yes No

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

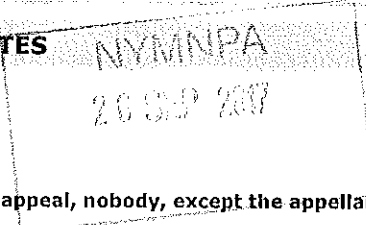
I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

NYMNP
26 SEP 2007

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes No

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr Paul Robinson

Date

26/09/2017 12:15:49

Name

Mr Paul Robinson

On behalf of

Mr B Little

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section: FULL STATEMENT OF CASE
Document Description: A copy of the full statement of case.
File name: Echo Hill. Appeal Statement,Sept.2017.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. A copy of the original application sent to the LPA.
File name: Forms.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name: Forms.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name: Public NYM2017-0254-FL Decision Notice.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name: Site Location Plan.NYM2017.0254.FL Site Location.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name: 02-161130-0001.pdf
File name: 02-161130-0002.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name: List of plans submitted to LPA.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
File name: List of plans submitted to LPA.pdf

Completed by MR PAUL ROBINSON

Date

26/09/2017 12:15:49

NYOMÁR
2017.09.26

