

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Hawsker-Cum-Stainsacre

Application No. NYM/2018/0160/FL

Proposal: removal of condition 3 of planning approval NYM/2015/0595/FL to sever ties with 26 Rigg View, Stainsacre

**Location: land at Willow Wood Way
Stainsacre**

Decision Date: 09 May 2018

Consultations

Parish –Support, with the understanding that everything else remains. Also the Parish Council consider this the right time for the new owns and those who live in the street to talk through their issues.

Site Notice Expiry Date – 17 April 2018

Others –

Mr & Mrs Harvey and Mr and Mrs Angus, 5 & 6 Willow Wood Way, Stainsacre – Object. Condition 3 was attached in order to ensure that traffic coming down Willow Wood Way would remain at a minimum. We fear a huge increase in traffic flow as the new applicants do not live in the village. Concerned for road safety and increased parking, loading and unloading in front of our house

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2.	RSU000	There shall be no commercial use of the stable hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
3.	RSU000	No more than four horses shall be kept at any one time on the land or within the stable and field shelter to which this permission relates.
4.	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Signature:



Date:

9/05/18

Application Number: NYM/2018/0160/FL

5.	GACS00	No burning of manure or stable sweepings shall take place anywhere on the site and the method of storage and disposal of any such waste from the stable and land shall accord with the details approved under the discharge of condition application no. NYM/2014/0810/CVC, unless otherwise agreed with the Local Planning Authority.
6.	MATS00	The external timber cladding of the building hereby approved shall be coloured and maintained dark brown in perpetuity unless otherwise agreed in writing with the Local Planning Authority
7.	MATS00	The external surface of the roof of the building hereby permitted shall be coloured and maintained dark grey or dark brown in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
8.	HWAY00	The areas shown on drawing number 8286/01/D for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason for Condition(s)

1.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2&3	RSU00	In order to comply with NYM Development Policy 19 to enable the Local Planning Authority to control any commercial use of the stables which could give rise to conditions detrimental to the special qualities of the National Park and the residential amenities of adjoining occupiers which would be contrary to NYM Core Policy A.
4&5	GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
6.	MATS01	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7.	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
8.	HWAY15	In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

Signature:



Date:

9/05/18

Application Number: NYM/2018/0160/FL

Background

The land to which this application relates comprises 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, which is a narrow residential cul-de-sac.

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

The field was purchased by the occupant/owners of 26 Rigg View, Stainsacre (less than a five minute walk away) and in 2014, full planning permission was sought for the erection of a timber-clad building to provide two stables and tack room and a separate field shelter.

The application was refused by the Local Planning Authority under delegated powers due to concerns that the proposed stable building and associated equine use would result in unacceptable levels of activity. This would be in terms of vehicular, horse and pedestrian movements detrimental to the amenities enjoyed by the occupiers of adjoining residential properties and highway safety, along Willow Way

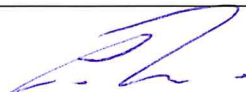
The applicant subsequently appealed that decision and the appeal was allowed. The Inspector considered issues such as additional traffic; both vehicular and pedestrian, potential for commercial use of the site, potential for a riding school, and concluded that as the stables wouldn't be visually intrusive in the wider landscape, and that provided conditions were attached so that there were no commercial use of the site, activity levels could be very similar if used for grazing other livestock. Furthermore, the Inspector also took into account that the applicant has Right of Way for vehicular traffic along Willow Wood Way, along with the residents of Willow Wood Way and another field.

A revised application was then submitted in 2015 because when the stable building was constructed, it was sited 10 metres to the east of its approved location. That application also sought consent to change the use of the land from agricultural grazing, to the use of land for the keeping of horses. Officers considered it to be a much clearer situation, if a change of use of the land to the grazing of horses was sought as it would make the planning situation more straightforward and therefore easier to enforce. An additional condition was attached to this approval, restricting the number of horse kept on the field to 4.

A condition was attached to these permissions, restricting the use of the field only for horses kept for leisure purposes by the occupants of the dwelling at 26 Rigg View, Stainsacre. The Authority had requested the Planning Inspector add such a condition when he was considering the appeal.

This application seeks permission to remove that condition.

Signature:



Date:

9/05/18

Application Number: NYM/2018/0160/FL

Main Issues

Development Policy 17 of the NYM Local Development Framework only permits commercial horse related development where there is no requirement for a new dwelling to manage the site, the amenities enjoyed by neighbours will not be disturbed by reasons of smell or disturbance, the proposed site is accessible by an adequate and safe network of equestrian routes, there is adequate provision for parking and/or other associated ancillary facilities and the proposal is of an appropriate scale and well related to existing buildings.

Development Policy 19 of the NYM Local Development Framework states that proposals for new buildings associated with the keeping of horses for recreational purposes will only be supported where they are closely associated with the domestic curtilage.

In considering the appeal decision, the Inspector concluded that Development Policy 17 was not applicable as a commercial use of the site was not proposed.

The Inspector also concluded that the proposal did not fall comfortably within the terms of Development Policy 19 either. However he considered that as the explanatory text in DP19 states that the reason the policy seeks to support stabling only if it is closely associated with the domestic curtilage, is in order to avoid stable buildings and associated fences and jumps in isolated rural locations.

The Inspector considered the proposal met the objectives of Development Policy 19 as the proposed stable was not visually intrusive in the wider landscape due to the railway embankment and would be seen in the context of the dwellings nearby. The Inspector commented that as the appellant was willing to accept a condition limiting the use to horses associated with his dwelling, that would further mettle principles embodied in DP19.

The key issue for consideration in the determination of this planning application is whether or not activity levels would increase to such a significant extent, that there would be an unacceptable impact on the amenities of the occupiers of properties on Willow Wood Way, or whether the proposed change of ownership would result in a development so fundamentally different to that already approved, to result in an unacceptable conflict with adopted Policy.

The current owners of the site, whilst living in Stainsacre, have regularly accessed the field by car, particularly if bringing in feed etc. Furthermore, the owners of the field and any future owners, have a legal right of vehicular access to the field, whether this is for agricultural activities or for the keeping of horses. The Inspector when considering the original appeal did not consider that the associated use of this access, by vehicles or pedestrians would be any greater than if it were a farm access.

Signature:



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9/05/18

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There are conditions already in place limiting the maximum number of horse to 4 and the current application has submitted details of the 4 horses they intend to graze on the lands. It is also considered that providing the personal permission is replaced by a condition restricting commercial use this proposal would not result in any significant increase in activity levels than currently exist or that would be expected if the field were being access by farm traffic.

As stated above, the purpose of avoiding stable buildings in isolated locations is to avoid an unacceptable visual impact on the landscape. As stated by the Planning Inspector, there is no landscape harm to this development and no harm to amenities caused by vehicular traffic, and neither of these aspects would change with these proposals.

Consequently, in view of the above, approval 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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

Signature: 	Date: 9/05/18
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