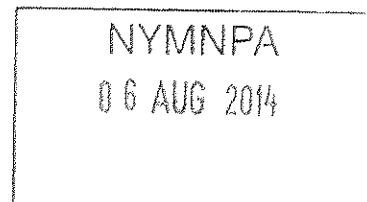


Our Ref: 8286
Date: 1st August 2014

Town and Country Planning Act 1990

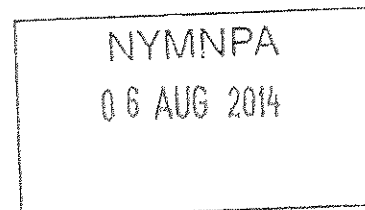
Planning Appeal

Appellant	MR JOHN KNAGGS
Location of Appeal Site	LAND ON WILLOW WOOD WAY, STAINSACRE, NEAR WHITBY
Proposed Development	ERECTION OF A TIMBER STABLE BLOCK AND FIELD SHELTER
Local Planning Authority	NORTH YORK MOORS NATIONAL PARK AUTHORITY
Local Planning Authority Reference Number	NYM/2014/0009/FL



1.0 INTRODUCTION

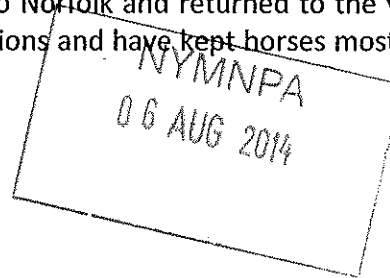
- 1.1 The proposal which is subject of this appeal was contained in a submission to the Local Planning Authority submitted by the Applicant and registered on 27th January 2014.
- 1.2 Prior to the application being validated various items required clarification following queries from the Planning Administration team at the North York Moors National Park. These queries primarily related to providing an accurate site location and block plan.
- 1.3 The application was submitted directly by the applicant together with plans of the proposed stable block and field shelter. In order to get the application validated a detailed site location plan, site block plan together with a section through the access track was provided under Drawing Reference 8286-01 Revision A.
- 1.4 The plans submitted showed the existing grass field together with the location of the applicant's residential property within the village.
- 1.5 The gate into the field in question is approximately 135m from the applicant's residential curtilage (as the crow flies).
- 1.6 This report will describe the background to the application, the site and the application, outline the relevant local and national planning policies and finally review the proposal in the light of those policies.



2.0 BACKGROUND

- 2.1 The land to which this application relates comprises a parcel of agricultural land of approximately 5.68 acres. The field is located at the end of Scaper Lane and accessed from the recently completed Sanctuary Housing development known as Willow Wood Way. The development at Willow Wood Way was on an exception site outside the curtilage of the village of Stainsacre.
- 2.2 The site has vehicular access through a gate off the end of Willow Wood way having a full right of access across this point.
- 2.3 The applicant purchased the field in 2013 as an individual parcel of land.

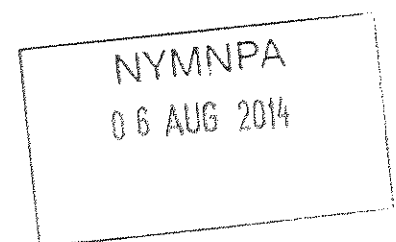
- 2.4 The applicant lives within a 2-3 minute walk away from the site.
- 2.5 The applicant and his wife Mrs Kim Knaggs have lived in 26 Rigg View since 2005. They have kept horses on land around the village during this time.
- 2.6 The applicant searched a long time for land of their own to keep horses on hence the purchase of the 5.68 acre paddock in close proximity to their house. The field has no form of stabling or field shelters.
- 2.7 At the preliminary stages of this project the applicants discussed in detail with this practice the site of the stables within the field. All possible sites on the field were considered and the chosen one achieves all requirements. These being of the correct orientation to give shelter from the prevailing west to east weather pattern, limit any adverse effect on the wider landscape and being a suitable distance away from the residential properties on Willow Wood Way. The position of the stable is still within 5 minutes walking distance of the applicants residence. The stables have been positioned on a section of land to the south west of the former railway line that runs from Whitby to Ravenscar and then onwards to Scarborough. The old railway line has an elevated position with lots of vegetation to the banked sides. This provides an earth bund to one side of the stables sheltering them for view.
- 2.8 The stables are sighted 60m from the principle entrance gate off Willow Wood Way with a twin trod access track being made up of stone with a central grass strip.
- 2.9 Mrs Knaggs has lived in the village since 1971 when her family moved to The Larches. Mr & Mrs Knaggs moved away to Norfolk and returned to the village in 2005. They have very strong local connections and have kept horses most of their lives.



3.0 THE SITE & THE APPLICATION

- 3.1 Stainsacre is a rural village in the North York Moors National Park, which lies approximately 2 miles to the south east of the popular coastal resort of Whitby. The application field is accessed directly through the village onto Scrapper Lane and then Willow Wood Way. The field lies to the south of the former railway line (cinder track).
- 3.2 The area is generally rural and has good connections to nearby bridleways and the former railway track for exercising horses.

- 3.3 The proposed site of the stable is near the northern boundary of the field within 60m of the entrance gate off Willow Wood way. The site extends to 5.68 acres laid to grass pasture.
- 3.4 The location of the stables was carefully selected for the following main reasons :-
- To ensure the building is sufficiently distanced from any dwellinghouse in terms of impact on visual amenities, potential noise and smell disturbance yet close enough to the roadway for ease of access.
 - To be less prominent in the wider landscape of the North York Moors National Park screened by the former railway line to the north.
 - Access road provision with a twin trod path for easy access for horses to the field, and for the delivery of any large hay bales/feed.
 - To shelter the horses and small hard standing area adjacent to the field shelter from the west to east prevailing weather patterns.
- 3.5 Also included in the application is the request to change the use of the grass paddock for the keeping of horses. The animals will graze the land and exercise themselves when turned out. The applicant proposes to keep their own 2 horses on the site. The field is of sufficient size for this purpose with the general rule of thumb being 1 horse for every 2 acres. The field will not be overgrazed.
- 3.6 The applicant is experienced at keeping horses. During the summer period only limited feed and bedding will be brought to the site. During the winter months food will be brought and stored on the site to reduce vehicle journeys.
- 3.7 Arrangements have been made for any manure generated on the site to be regularly removed by a local farmer. Any muck heaps will be in close proximity to the stable to ensure direct access onto the track as not to damage the field.
- 3.8 During the application period concerns were raised by the North York Moors National Park Planning Officer that the grass immediately inside the field from the entrance gate would get churned up by vehicles turning in the site. A revised site location and block plan was therefore submitted creating a 8 x 6.5m parking and turning area finished in stone. The provision of this aspect would also limit any vehicles being parked on the adjacent Willow Wood Way road and or turning circle.

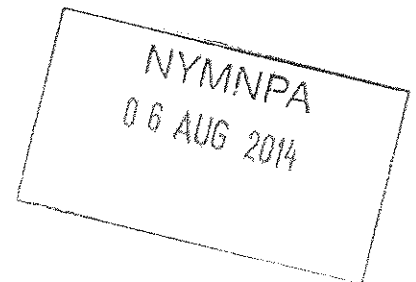


4.0 PLANNING HISTORY

- 4.1 There is no planning history with the land since purchased by the applicant. The field itself was previously accessed through the small triangular field being partially developed to the north section near the railway line by Sanctuary Housing.
- 4.2 The field formed part of a local farm up until it was sold.

5.0 PLANNING POLICIES

- 5.1 The refusal of the application by the North York Moors National Park was done so under Development Policies 17 and 19.
- 5.2 Development Policy 17 of the Local Plan is titled 'Commercial Horse Related Development'. This aspect was queried by the North York Moors National Park during the application process. It was confirmed in writing (via an e-mail) that the site was being utilised by the applicant for private use only with no commercial use. The issue appeared to arise as the applicants had allowed a third pony onto the field from a friend. This was done at no financial gain and was a favour as the friend's field was saturated due to the very wet weather at the time. This was a short term arrangement until the weather dried up.
- 5.3 During the application process and following refusal this item was queried with the planning officer Mrs Saunders. The officer highlighted that a photograph was taken near the site of someone riding another horse. A request was made for details but this was turned down by the planning officer under the grounds that the picture had been sent to the enforcement team and was not a public document. If such a picture was taken this would not prove in any way that the site was being used for any commercial purpose. The relevance of this to the refusal is that it clearly influenced the decision.
- 5.4 At the present time the applicant continues to utilise the site for grazing horses and there are no commercial activities taking place. There is absolutely no intention in the future of any commercial activities and the field is for their private use only. The applicant and his wife both have full time jobs.



5.5 Many similar applications in the North York Moors National Park for stables have had conditions placed on them stipulating no commercial use and that they should be utilised for keeping hobby/domestic horses. Such a condition could have been placed on any approval. In some instances the proposed stable buildings are in fields away from the domestic curtilage of the applicants similar to the situation at Willow Wood Way. Example cases include:

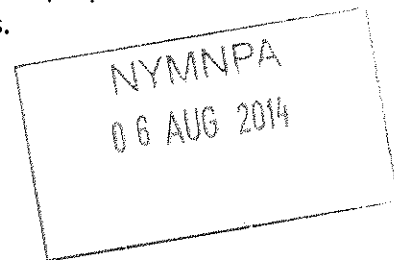
- NYM/2013/0746. Daleside Road, Rosedale
- NYM/2011/0801/FL. Hollins House, Grosmont
- NYM/2011/0568. The Lodge, Stone Stoup Farm, Ingleby Greenhow

5.6 Development Policy 19 titled 'Householder Development' was stated in the decision letter. It is conceded by the applicant that the proximity of the field in question to the house does not fully comply with Development Policy 19. With this said however the Officer dealing with the application highlighted that the proposed field shelter and stable are seen in the context of other residential development and would not be visually intrusive in the immediate or wider landscape.

5.7 The Officer also conceded that due to the very close proximity in Rigg View of the applicants dwelling that such a proposal could be considered acceptable if the use were tied to the occupants of that dwelling only and if it were considered that the use of their buildings would not cause disturbance to neighbours in terms of vehicular movement and general activity.

5.8 The application did draw a number of complaints from residents on Willow Wood Way in terms of vehicle movement. The applicant feels that the comments made were exaggerated and did not reflect fairly the amount of activity on the site. In most cases the applicant walks to the site currently to check on the animal and no vehicle is utilised. It is only on the odd occasion where items need to be delivered to the site and or items removed. If planning permission were obtained regular manure removal would be necessary to prevent any adverse impact from smells.

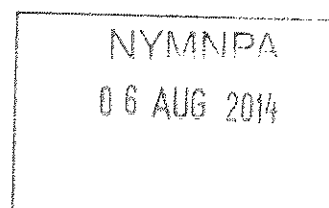
5.9 It is considered that under development Policy 19 that the scale, height, form, position and design of the buildings does not detract from the character and form of the nearby dwellings or the setting in the landscape. The development does not adversely affect the residential amenity of neighbouring occupiers. The applicant now has significant support within the village for the proposal and details in this respect will be submitted during the Appeal process.



- 5.10 The incorporation of a turning and parking area within the site through the revised drawing submitted would limit any impact on Willow Wood Way where the majority of objections have been drawn. The issue with vehicular movement is one of the principle points of concern by near-by residents. At the present time the field is agricultural and there are rights of access across Willow Wood Way. The roadway is understood to have been constructed to adoptable standards and is in the process of being adopted by the local authority. The applicant, who owns the field, has a right of access across the road and could this several times a day with any form of vehicle. Limiting vehicle movements is the applicants intention by walking to the field most days rather than using a car.
- 5.11 The Authority's Officers were generally positive throughout the application process hence why revised plans were formulated to help appease some of the adverse comments received from nearby residents.
- 5.12 The scheme was reviewed by the Parish Council with comments concluded by Virginia Ramsey (Parish Clerk). The Parish Council was concerned with regards to the turn around on site and manure heaps but had no objections to the application. It is felt that a condition could be added for the regular attendance of manure heaps and to prevent any form of burning or other activities on site.
- 5.13 The National Planning Policy Framework has a presumption in favour of sustainable development and social progress. The application is sustainable enabling a local couple to keep horses near to their home rather than driving to a rented site elsewhere. The NPPF also states that planning must be a creative exercise in finding ways to enhance and improve the places where we live. Keeping horses in fields on the outskirts of villages in the North York Moors National Park is something that has happened for centuries. Approval of the application would enhance the lives of the applicants and the horses will graze the land keeping it well tended.

6.0 CONCLUSION

- 6.1 The application was prejudiced by accusations of commercial use of the site. This was certainly not the case and the applicant together with his wife were utilising horses on the site for hobby/domestic use only. No financial gain was achieved by allowing a friends horse to stay on the site for a number of weeks due to adverse weather conditions.



- 6.2 The majority of the complaints received from nearby residents related to the roadway known as Willow Wood Way in terms of vehicle movement and parking. The revised drawing submitted as part of the application included a small turning and parking area within the field therefore helping to mitigate any problems in this respect. It is also highlighted in the planning report that no response was given by highways on the proposal. As this was one of the main items of objection and the roadway is in the process of being adopted the exact reason for this has not been made clear.
- 6.3 The applicant has the right to move vehicles across Willow Wood Way and could do so multiple times a day and the residents could do nothing about this. This is not what the applicant proposes. They propose to utilise the roadway on a number of occasions during the week to get any heavy items such as hay bales or manure on and off the site. On a day to day basis the applicant primarily walks to the site therefore causing no adverse effect on the nearby residents.
- 6.4 This is a relatively modest application for a hobby stable block in close proximity within a very short walking distance of the applicant's house. The setting of the stable and field shelter has very limited impact on the wider landscape.
- 6.5 In the Officers report on the application it was considered that such a proposal could be considered acceptable if the use were tied to the occupants of 26 Rigg View, the applicant. The Officer also concluded that the relatively small amount of vehicle movement and parking on Willow Wood Way was causing significant nuisance, disturbance and issues regarding highway safety. This further reinforces the point made that no formal response was received from highway concluding the application in this key area.
- 6.6 We remain convinced that this application is worthy of an appeal given the two key areas where the application was jeopardised, these being no formal feedback from the highways department and a false accusation of commercial use on the site. During the application process the North York Moors National Park Officer asked for amendments to the plans to make these more acceptable and at no point was it advised that the application was going to be refused. If this was the case then the application would have been withdrawn swiftly.

Louis Stainthorpe BSc (Hons), MRICS, RMaPS, MCABE
1st August 2014

