

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To Mr John Knaggs
26 Rigg View
Stainsacre
Whitby
North Yorkshire YO22 4NR

COPY

The above named Authority being the Planning Authority for the purposes of your application validated 20 January 2014, in respect of **erection of a timber stable block and field shelter at land on Willow Wood Way, Stainsacre** has considered your said application and has **refused** permission for the proposed development for the following reason:

1. The proposed stable building and associated equine use would result in unacceptable levels of activity, both in terms of vehicular, horse and pedestrian movements detrimental to the amenities enjoyed by the occupiers of adjoining residential properties and highway safety. The proposal would therefore be contrary to Development Policy 17 and Development Policy 19 of the North York Moors Local Development Framework.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



COPY

Mr C M France
Director of Planning

Date **17 MAR 2014**

Non - Householder Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the office of the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so on the appropriate planning appeal form obtainable from:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN
Or online at: www.planningportal.gov.uk/pcs

Notes

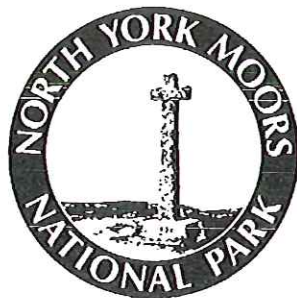
1. Please note, only the applicant possesses the right of appeal.
2. Where an enforcement notice has been served in the last two years the period in which the applicant can appeal against the decision reduces to 28 days.

Appendix 1

List of Planning Applications Determined by the Director of Planning
for the Period from 06/03/2014 to 01/04/2014
in the Following Order and then by District:
Delegated Planning Applications;
Post Committee Applications;
on Expiration of Advertisement;
on Receipt of Amended Plans and Further Observations;
Approval of Conditions;
Applications Adjacent to the Park (3024);
Notifications Under Schedule 2, Part 6/7, of
The Town & Country Planning (General Permitted Development) Order 1995

NYM/2011/0696/FL	Approved change of use and alterations to The Surgery to form residential local occupancy letting living accommodation at The Surgery & The Cottage, Spring House Farm, Great Broughton for Mr Philip Taylor	31/03/2014
NYM/2013/0622/FL	Refused subdivision of site and conversion of garage to form 1 no. local occupancy dwelling with associated garden and parking at 70 High Street, Swainby for Mrs J Place	12/03/2014
NYM/2013/0856/FL	Approved change of use of holiday letting unit for permanent local occupancy dwelling together with conversion of outbuilding to create additional living accommodation at Chapel Barn, Kilburn for Miss Claire Strafford	20/03/2014
NYM/2014/0017/FL	Approved construction of a two storey rear extension at Old Sheepfold Farm, Ingleby Greenhow for Mr and Mrs Paul Day	07/03/2014
NYM/2014/0029/FL	Approved erection of an extension to agricultural livestock/storage building at Woods Cottage, Scawton for Mr Paul Sturdy	12/03/2014
NYM/2014/0044/CU	Approved change of use of former first floor restaurant to 2 no. letting rooms at Golden Lion, 6 West End, Osmotherley for Mr Christie Connolly	19/03/2014
NYM/2014/0048/FL	Approved construction of extension to rear together with extension to attached double garage at Red Oaks, Heathwaite, Swainby for Mr Paul Davison	19/03/2014
NYM/2013/0737/FL	Refused installation of 1 no. velux window in front elevation at Ashreigney, Maltongate, Thornton le Dale for Mrs Lillian Bradley	31/03/2014
NYM/2014/0010/FL	Approved replacement of double garage door with single garage door and personnel door at Old Millholme, Maltongate, Thornton le Dale for Mr David Anderson	13/03/2014

NYM/2013/0864/FL	Approved use of part of existing caravan site to allow siting of 4 holiday static caravans in lieu of 6 touring caravans at Burnt House Holiday Park, Ugthorpe for Mr Andrew Booth	18/03/2014
NYM/2014/0009/FL	Refused erection of a timber stable block and field shelter at land on Willow Wood Way, Stainsacre for Mr John Knaggs	17/03/2014
NYM/2014/0015/FL	Approved construction of a two storey rear extension at Peat House, Egton Grange, Delves Lane, Egton Bridge for Mr and Mrs Jamie and Jessica Rose	27/03/2014
NYM/2014/0020/FL	Approved construction of an agricultural building to house livestock and general purpose storage at Beacon Cottage Farm, Barmoor Lane, Scalby for Mr Brian Thompson	26/03/2014
NYM/2014/0025/FL	Refused loft conversion to include rear dormer, raising of ridge height together with 2 no. rooflights to front elevation at 13 Long Row, Port Mulgrave for Mr P Christon	07/03/2014
NYM/2014/0026/LB	Granted Listed Building consent for installation of double glazed timber sliding sash windows on south, east and west elevations at Manor House, Goathland for Mr Stuart Knight	11/03/2014
NYM/2014/0028/FL	Approved erection of 2 no. storage sheds at The Sportsfield, Middlewood Lane, Fylingthorpe for The Trustees of Fylingdales Sportsfield	12/03/2014
NYM/2014/0034/FL	Approved construction of single storey extension at Keasbeck Hill Farm, Harwood Dale for Mr John Simpson	21/03/2014
NYM/2014/0035/CU	Approved change of use of cafe (A3 Use Class) to allow sale of hot food takeaway (A5 Use Class) at Candy's Café, Bay Bank, Robin Hoods Bay for Mrs Joanne Millward	20/03/2014
NYM/2014/0036/FL	Approved erection of a stone monument (maximum height 2 metres) at land opposite The Hermitage, Guisborough Road, Ugthorpe for Mulgrave Estate	20/03/2014
NYM/2014/0040/FL	Approved variation of condition 12 of planning approval NYM4/033/0204F/PA to allow permanent residential accommodation in 1 no. holiday cottage at Far View Cottage, Long Leas Farm, Hawsker Lane, Hawsker for Messrs JB & J McNeil	24/03/2014
NYM/2014/0046/FL	Approved construction of a boiler house and log store at Keasbeck Hill Farm, Harwood Dale for Mr John Simpson	21/03/2014



Planning Notice
Town and Country Planning (Development Management Procedure)
Order 2010 Notice Under Article 13

Application Number NYM/2014/0009/FL
Applicant Mr John Knaggs
Site Address land on Willow Wood Way, Stainsacre
Proposal Erection of a timber stable block and field shelter

Members of the public may inspect the application(s), including plans at the National Park Offices during normal office hours by appointment or on the Authority's website www.northyorkmoors.org.uk. You are advised to inspect the plans carefully to assess any impact on you as the description can only cover the main parts of the development. Any comments on the application(s) should be sent to the address below within 21 days of the date of this advertisement, quoting the application reference number. Comments may also be submitted using the online form on the Authority's website. If you have any queries on the application(s) please contact the National Park Office.

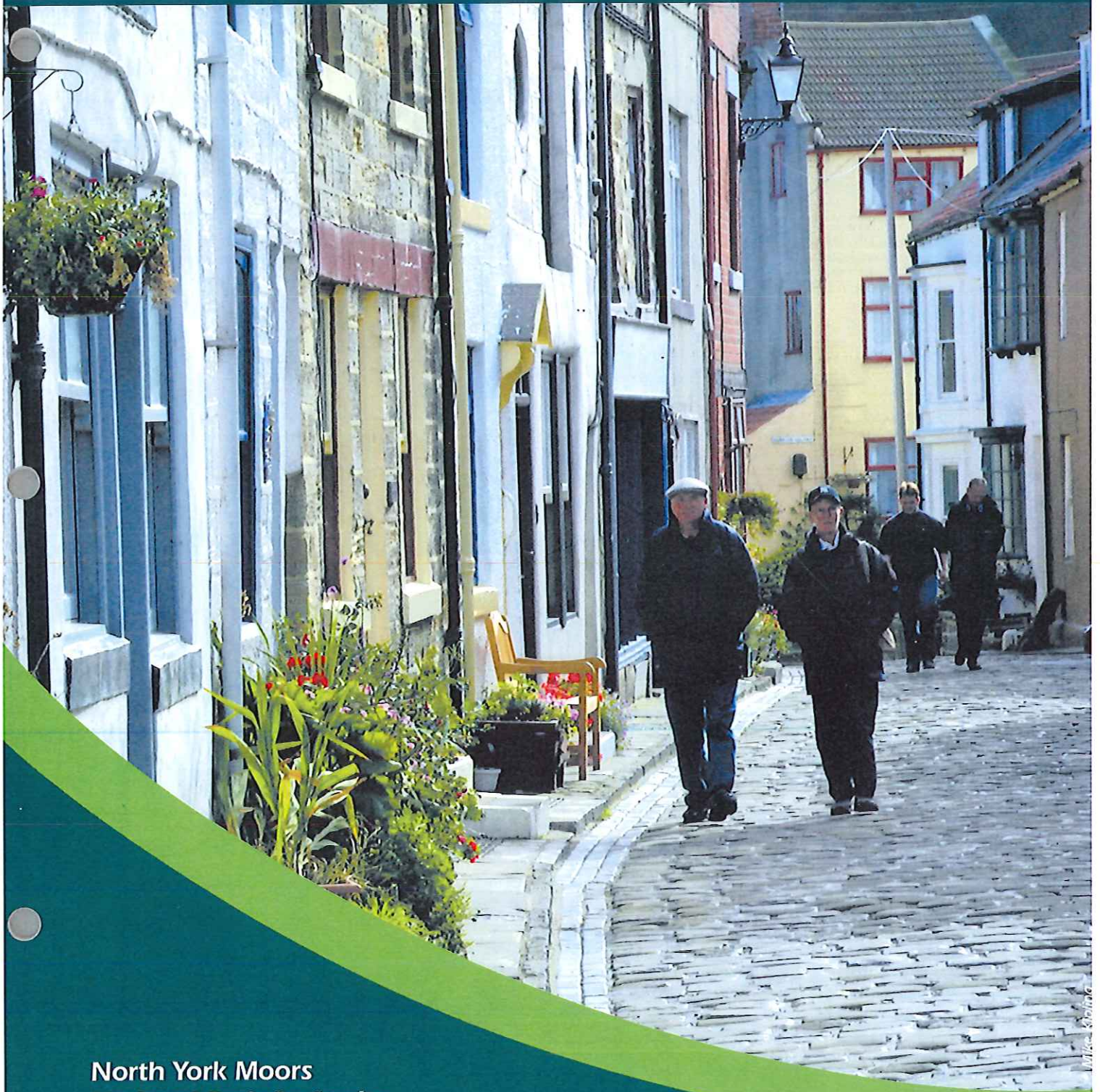
Under the provisions of the Freedom of Information, Access to Information and Environmental Information Acts any comments received are available for public inspection. They will also be forwarded to the Secretary of State for Communities and Local Government in the event of an appeal. If you do not wish your views to be treated in this way please make this clear in your reply.

Mr C M France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York, YO62 5BP

website: www.northyorkmoors.org.uk
email: planning@northyorkmoors.org.uk
tel: 01439 772700

Date of Notice: 6 February 2014.

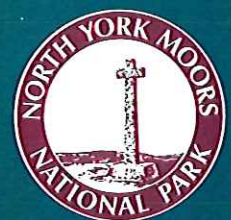
This notice may be removed 21 days after the above date.



North York Moors
National Park Authority
Local Development Framework

Core Strategy and Development Policies

November 2008



North York Moors
National Park Authority
Local Development Framework

Core Strategy and
Development Policies

Adopted Copy 13th November 2008

Question 19
Environment Impact Assessment – Screening
Part d (ii)

It is of the opinion of the Authority that having taken into account the criteria in Schedule 3 to the 2011 Regulations, the development would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location.

Development Policy 19 - Householder Development

Proposals for development within the domestic curtilage of dwellings will need to take full account of the special qualities of the Park's nine landscape character areas and architectural character of settlements and will only be supported where:

1. The scale, height, form, position and design of new development does not detract from the character and form of the original dwelling or its setting in the landscape.
2. The development does not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling.
3. The development does not harm the amenities of adjoining occupiers by reason of noise and disturbance, smell or other adverse impact.
4. In the case of annexe accommodation, the development is ancillary to the main dwelling in terms of its scale and specification, in the case of new build it is physically attached to the main dwelling and in all cases the annexe will remain under the control of the occupier of the main dwelling.

Applicants should refer to:

- Design Guide Supplementary Planning Document

9.22 Extensions are often a convenient way of providing additional accommodation and new structures such as garages and sheds are often required for additional domestic storage. However, they should not adversely affect the character of the host building or wider landscape or the amenities of neighbouring residents. Proposals which incrementally extend small dwellings beyond their original size can have a detrimental impact on the character of the area and on the mix of dwelling types available in the Park. In designing an extension, applicants should consider the design, scale and materials of neighbouring buildings. Applicants are also encouraged to incorporate sustainable construction techniques where feasible. Where the building is Listed or located within a Conservation Area regard should also be had to Development Policies 4 and 5.

9.23 The extension of existing properties or conversion of adjacent outbuildings to form an annexe can often meet the changing accommodation needs of households. The design of the scheme should ensure that the accommodation is ancillary to the main building and commensurate with the accommodation needs of the household and retains sufficient amenity space. Any permissions will be subject to a condition preventing the annexe from being sold off separately from the main house.

9.24 There is increasing demand for buildings and facilities associated with the keeping of horses within domestic curtilages. Isolated stable buildings and associated fences and jumps in prominent locations can have an adverse impact on the special character and appearance of the Park. For this reason permission 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.

Development Policy 12 – Agriculture

Proposals for new agricultural buildings, tracks and structures or extensions to existing buildings will be permitted where:

1. There is a functional need for the building and its scale is commensurate with that need.
2. The building is designed for the purposes of agriculture.
3. The site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location.
4. A landscaping scheme which reduces the visual impact of the proposal on the wider landscape and is appropriate to the character of the locality is submitted as part of the proposal.

Applicants should refer to:

- Planning Policy Statement 7 – Sustainable Development in Rural Areas

- 8.12 The Authority will support development proposals that will enable farm businesses to become more competitive, comply with changing legislation and associated guidance, diversify into new agricultural opportunities and to adapt to changing markets. The best and most versatile agricultural land (defined as land in grades 1,2 and 3A of the Agricultural Land Classification) will be safeguarded.
- 8.13 Under the Town and Country (General Permitted Development) Order 1995 applications for a range of buildings/structures can be made through a system of notification, whereby the Authority is only required to approve the details of a scheme relating to its siting, design and external appearance. In considering applications the Authority must be satisfied that the proposal is designed for the purposes of agriculture in terms of its scale and location and will not have an adverse impact on the character of the wider landscape. Investigation of need or other aspects of the agricultural holding may be undertaken if there is cause to doubt the need test, for example where a building is of a substantial size clarification may be sought over the intended use to ensure that the size is justified.
- 8.14 Applicants will need to demonstrate that very special circumstances exist for proposals for new buildings in isolated locations in the open countryside. These circumstances may arise from requirements to comply with changing legislation or for example the siting of slurry stores, which through planning regulations must be sited away from certain farm buildings. Where proposals are in more isolated locations a landscaping scheme, which reduces the impact of the proposal on the wider landscape will be required. Potential impacts upon the natural environment will also need to be addressed.

Amongst other environmental considerations, proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan.

- 8.15 The Authority will consider imposing a condition on appropriate planning permissions requiring the removal of the building if it is no longer needed for agricultural purposes.

Development Policy 17 - Commercial Horse Related Development

Proposals for horse related development for commercial equestrian centres and liverys will be permitted where:

1. There is no requirement for a new or additional dwelling to manage the site.
2. The amenities enjoyed by neighbouring occupiers will not be harmed by reason of disturbance and/or smell nuisance.
3. The proposal site is accessible by an adequate network of safe equestrian routes, which are capable of absorbing the additional usage.
4. There is adequate provision for parking and/or other associated ancillary facilities.
5. The proposal is of appropriate scale and well related to existing buildings.

Applicants should refer to:

- Planning Policy Statement 7 – Sustainable Development in Rural Areas

- 8.30 PPS 7 acknowledges the important role that equestrian activities can play in the economy of rural areas and says that local authorities should support enterprises that that maintain environmental quality and countryside character.
- 8.31 Horse riding in the Park is generally considered as an appropriate form of recreation and will be supported by the Authority as long as it does not lead to conflicts with the landscape and natural beauty of the Park or with residents and other Park users. However the increasing popularity of equestrian activities has resulted in increased pressure for development for new buildings and associated structures such as all weather exercise and training areas. The concentration of this type of activity may lead to the over saturation of bridle paths, which adversely impacts other users such as walkers who may find their enjoyment reduced or may have a detrimental impact on the natural environment and the appearance of the landscape. As such any proposals for commercial horse related development should be of appropriate scale and well related to existing buildings. Amongst other environmental considerations, development proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan.

NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES
HIGHWAY AUTHORITY RECOMMENDATION



Application No:	14/09/FL		
Proposed Development:	Erection of a timber stable block and field shelter at land on		
Location:	Willow Wood Way, Stainsacre		
Applicant:	Mr J Knaggs		
CH Ref:		Case Officer:	Ged Lyth
Area Ref:	4/33/296	Tel:	0845 8727374
County Road No:		E-mail:	area3.whitby@northyorks.gov.uk

On the clear understanding that this application will be conditioned to remain ancillary, It is recommended that the following conditions are attached to any permission that may be given:-

1. HC-06 Discharge of Surface Water

There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason

In accordance with policy number and in the interests of highway safety.

NYMNP
 05 FEB 2014
 CK

2. HC-07 Private Access/Verge Crossings: Construction Requirements

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with

Date:	26 February 2014	Approved
To:	NYMNP	Signed:
FAO:	Mrs H Saunders	
Copies to:		
Issued by:	Highways & Transportation, Area 3-Whitby Office, Cholmley Way, Whitby, YO22 4NQ	
	For Corporate Director for Business and Environmental Services	

For office use only	Application Category	Agreements	Off site drainage	Structures	Cycle Parking	
	B					

HIGHWAY AUTHORITY RECOMMENDATION

Continuation sheet: 2
Application No: 14/09/FL



the following requirements:

- (iii) Any gates or barriers shall not be able to swing over the proposed highway.
- (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- (vi) The final surfacing of any private access within **six** metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details *unless otherwise agreed in writing by the Local Planning Authority.*

Reason

In accordance with policy **number** and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

3. HC-27 Access to the Highway

There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority *in consultation with the Highway Authority.* The development shall not be brought into use until the approved access is available for use.

Note

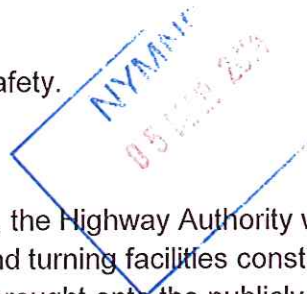
The developers of Willow Wood Way are currently pursuing an agreement for the highway area to become a publicly maintainable highway.

Reason

In accordance with policy # and in the interests of highway safety.

Note to Planning Officer

If the application site were to be used as commercial stables, the Highway Authority would be recommending the provision of suitable on-site parking and turning facilities constructed to a suitable standard so as to prevent loose material being brought onto the publicly maintainable highway. The Highway Authority would also consider recommending limiting the amount of traffic to the site as Willow Wood Way is a minor access road designed to NYCC's specification for residential roads serving a maximum of 25 dwellings.



Caroline Bell

From: Virginia Ramsey
Sent: 19 February 2014 12:04
To: Planning
Subject: Responses to planning applications from Hawsker cum Stainsacre Parish Council

NYM/2013/0841 Replacement field shelter/storage building at land south of Ayton House, Hawsker.

The Parish Council has no objections to this application.

NYM/2014/0009 Timber stable block at Willow Wood Way, Stainsacre.

The Parish Council has no objections to this application.

The Parish Council is concerned with regard to the turn around on site.

Also for both applications about any run off from any manure heap.

Virginia Ramsey
(Parish Clerk)

Scanned by MailDefender - managed email security from intY - www.maildefender.net

INF
19 FEB 2014
CK

Your ref:

Our ref: NYM/2014/0009/FL

Date:

This matter is being dealt with by: Mrs H Saunders

Dear Sir/Madam

Town and Country Planning Act 1990

Land at: land on Willow Wood Way Stainsacre

Proposed development: erection of a timber stable block and field shelter

Appeal reference: APP/W9500/A/14/ 2223379

Appeal starting date: 14 August 2014

Appellant(s) name: Mr John Knaggs

I am writing to let you know that an appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority for the reasons given on the attached sheet. A copy of the appellant's grounds of appeal can be seen at, or obtained from, The Old Vicarage, Bondgate, Helmsley. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department and copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write direct to the Planning Inspectorate, 3/06 Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within six weeks of the appeal start date, quoting the appeal reference number.

Continued.....

Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal. The Planning Inspectorate will send a copy of the decision letter to you provided you specifically ask for one. Please do not hesitate to contact the Officer dealing with this matter if you require any additional information or would like a copy of the free booklet 'Guide to taking part in appeals'.

Yours faithfully

Mark Hill

M Hill

Head of Development Management

Hawsker Parish Council
c/o Virginia Ramsey
9 Hall Pasture
Sleights
Whitby
North Yorkshire
YO22 5DQ

Area Traffic – Scarborough
NYCC – Area 3 Whitby
Highways Depot
Cholmley Way
Whitby
North Yorkshire
YO22 4NQ

Forestry Commission
Fao: Elizabeth Walton
Forestry Commission
Outgang Road
Pickering
YO18 7EL

EHO
Town Hall
St Nicholas Street
Scarborough
North Yorkshire
fao: Julie.peirson@scarborough.gov.uk

Blank Neighbour

Owner/Occupier
1 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

Owner/Occupier
2 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

Owner/Occupier
3 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

Owner/Occupier
4 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

Owner/Occupier
5 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

Owner/Occupier
6 Willow Wood Way
Stainsacre
Whitby
North Yorkshire
YO22 4PX

6 Willow Wood Way
Stainsacre
Whitby
N. Yorks
YO22 4PX

Dear Mrs H Saunders, I would like to raise my concerns for the proposed stable block off Willow Wood Way, Stainsacre.

We are the residents of the house which is directly next to the field with the proposed stable block.

My main concern is the fact that there is no parking on the plans. The designated parking on Willow Wood Way was only meant for the 6 houses which were built. My concern is that there are regularly 4x4 vehicles and cars approaching the field and often parking in the turning circle. At times there has been up to 4 vehicles parking in the turning circle and blocking access to this. Since the field was bought by Mrs Knaggs we have noticed the increase in vehicles is dramatic and the owners of the field now use the turning circle as a car park. I do feel that the road has changed its use from a quiet road only used for turning to one that now has large vehicles coming right through. I do feel this will be more evident in the Summer when the children begin to once again play outside. The road layout is in such a way that the path is incorporated into the road which means that our children play out in the area and fast moving vehicles now accessing the field would be a new danger. Before, the road was only ever used for my neighbours to turn around in and the odd tractor which came down to access the field. Currently, as the turning circle is the only hard standing next to the field it has been used for all sorts of duties such as black smiths visits, grooming, tacking up, feeding horses and the owners dogs are off the leads in the road area. Therefore, if the stable area is to go ahead I would like it to be considered that parking for large vehicles needs to be added along with a hard standing to carry out duties associated with the block.

It is important to note that there is another field adjacent to our house also has access down Willow Wood Way. Currently, we are aware that this field has also sold but are concerned that in future will its owners also demand the same rights regarding parking? If this would be the case then Willow Wood Way would simply not be able to cope with many vehicles accessing both sites. When both fields were previously owned by a farmer we only ever had tractors accessing the fields with their livestock now I feel that the use of Willow Wood Way has changed and I know it feels much more dramatic for those houses whose living room is at the front of the house as the road has become noisy.

Another concern would be the location of the muck heap. I would like it if this was located on the plan or have a designated area away from the house on the opposite side of the stable block.

My last concern is the use of the field in the future. It has been suggested that in future the plot may develop with further building for other 'livestock' such as chickens, rare breeds of cattle, goats etc. I feel it would be inappropriate for there to be more buildings/shelters on the field other than the stable block.

As the plans currently stand I would object to this development.

Best Wishes
Charlotte Angus



Christopher Knowles

From: Alex Fredman
Sent: 14 February 2014 14:08
To: Christopher Knowles
Subject: Re: NYMNPA NYM/2014/0009/FL

Hi Christopher it's. 5 willow wood way stainsacre whitby North Yorkshire yo22 4px

Sent from my iPhone

On 14 Feb 2014, at 11:43, Christopher Knowles <c.knowles@northyorkmoors.org.uk> wrote:

Dear Alex Fredman and Eric Harvey

Thank you for email dated 13 February 2014 making comments on planning application NYM/2014/0009/FL at land on Willow Wood Way, Stainsacre. Unfortunately under current Planning Legislation we require a full postal address to be supplied with your letter before any comments can be taken into account.

Yours sincerely

Christopher Knowles
Planning Administration Technician

North York Moors National Park
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP



Tel: 01439 772700
Email: c.knowles@northyorkmoors.org.uk
Website: www.northyorkmoors.org.uk

CONFIDENTIALITY: The contents of this message are the views of the author, not necessarily the views of the North York Moors National Park Authority. This is a private message intended for the named addressee(s) only. Its contents may be confidential.

If you have received this message in error please reply to say so and then delete the message. Any use, copying, disclosure or distribution by anyone other than the addressee is forbidden.

www.northyorkmoors.org.uk

Scanned by MailDefender - managed email security from intY - www.maildefender.net
Scanned by MailDefender - managed email security from intY - www.maildefender.net

Caroline Bell

From: Alex Fredman
Sent: 13 February 2014 12:10
To: Planning
Subject: Objection to stable block Willow Wood Way Stainsacre

I would like to object to the plans for a stable block in land off Willow Wood Way on the following grounds

The owners of the land currently sub letting it to lots of different people who are using Willow wood way as a giant car park for tending to their horses frequently throughout the day. Previously willow wood way was a quiet cul de sac in which children could play safely. The users of the field are showing no regard for this and speed down the street in their 4x 4 vehicles. We have a two year old child who cannot play safely outside now due to this.

2 Owners of the field allow their dogs to defecate on the grass of the houses along willow wood way And do not keep the dogs on Leads while tending to their horses. Their dogs have run up our path while our daughter is playing.

3 the plans have no hard standing for their cars where are they going to park as our street only has enough parking for current occupiers and field users are blocking the turning circle and road making it impossible for us to manoeuvre our vehicles

4 I raised issues with one of the horse owners who said she didn't care what we thought about them speeding etc. this problem will only get worse

5 plans need to incorporate road and parking for their vehicles within the field if they are to be approved

6 due to commercial nature of field being used we fear a riding school will be next as they plan to expand their business adding additional livestock and further buildings

7 previously land was used by farmer and there was no disturbance to Homeowners. Now there is mud spread along our road and horse muck making it dangerous for motorists and children.

8 what are the plans for muck heap as this needs to be included as health and safety risk.

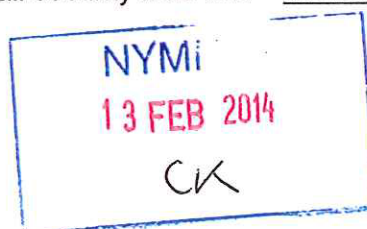
I hope you take this objection into account as people are not happy. We only found out about plans from notice and we were not written to by the nymnpa to be asked about what we thought of the plans.

I would like to put on record our strong objections to the plans as they currently stand

Yours sincerely

Alex Fredman and Eric Harvey

Scanned by MailDefender - managed email security from intY - www.maildefender.net



4 Willow Wood Way
Stainsacre
Near Whitby
Yo22 4px
Mr B Heyes
Miss S Muir

Dear Sir / Madam,

26/2/14.

In reply to your letter you sent regarding the neighbouring planning permission REF: NYM/2014/0009/FL GRID REF : 491255508570 Application in respect of erection of a timber stable block and field shelter at land on willow wood way Stainsacre .

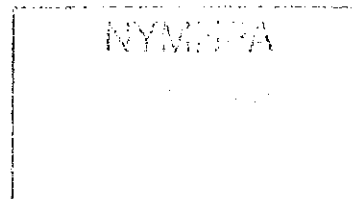
We wish to oppose the planning permission due to various reasons.

1. The impact of the extra vehicles and traffic to a small cul de sac which has a turning circle and only parking for each of the privately rented or owned properties.
2. As the applicant is requiring stabling for for a equestrian purposes they will more than likely be horse transportation through large vehicles and wagons which the access road does not support.
3. The path is integral to the road there is no raised foot path for pedestrians to walk on which I feel is dangerous for children and adults with the raised levels of different cars which are coming down to access the field.
4. Increased noise levels to the front of the houses due to excessive access to the field and other duties that have been carried out in the turning circle I.e. black smiths duties, tacking up. I feel that the houses with the lounges at the front will find this a negative towards their house.

Hope you can understand the points we have raised as this our home and these issues need to be brought to your attention and took into account. We look forward to your response.

Kind regards
Miss S Muir
Mr B Heyes.
4 Willow Wood Way

B. C. Heyes.



North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Hawsker-Cum-Stainsacre

Application No. NYM/2014/0009/FL

Proposal: erection of a timber stable block and field shelter

Location: land on Willow Wood Way Stainsacre

Decision Date: 17 March 2014

Consultations

Parish – No objections but is concerned with regards to the turn around on site and about any run off from any manure heap.

Highways -

Environmental Health Officer -

Site Notice Expiry Date – 27 February 2014

Others –

Charlotte Angus, 6 Willow Wood Way, Stainsacre – Object:

There is no parking and the designated parking on Willow Wood Way was only meant for the 6 houses which were built. There are regularly 4x4 vehicles and cars approaching the field and often parking in the turning circle. At times there has been up to 4 vehicles parking in the turning circle and blocking access to this. The increase in vehicles is dramatic and the owners of the field now use the turning circle as a car park. The road has changed its use from a quiet road only used for turning to one that now has large vehicles coming right through. This will be more evident in the Summer when the children play outside.

The path is incorporated into the road which means that children play out in the area and fast moving vehicles now accessing the field would be a new danger. Before, the road was only ever used for my neighbours to turn around in and the odd tractor which came down to access the field. Currently, as the turning circle is the only hard standing next to the field it has been used for all sorts of duties such as black smiths visits, grooming, tacking up, feeding horses and the owners dogs are off the leads in the road area. Therefore, if the stable area is to go ahead I would like it to be considered that parking for large vehicles needs to be added along with a hard standing to carry out duties associated with the block.

There is another field adjacent to our house which has access down Willow Wood Way. Currently, we are aware that this field has also sold but are concerned that in future will its owners also demand the same rights regarding parking? If this would be the case then Willow Wood Way would simply not be able to cope with many vehicles accessing both sites. When both fields were previously owned by a farmer we only ever had tractors accessing the fields with their livestock now I feel that the use of Willow Wood Way has changed and I know it feels much more dramatic for those houses whose living room is at the front of the house as the road has become noisy.

Another concern would be the location of the muck heap. I would like it if this was located on the plan or have a designated area away from the house on the opposite side of the stable block.

 - 11/03/14

Application Number: NYM/2014/0009/FL

Alex Fredman, 5 Willow Wood Way – strongly object on the following grounds

- The owners of the land currently sub letting it to lots of different people who are using Willow wood way as a giant car park for tending to their horses frequently throughout the day. Previously willow wood way was a quiet cul de sac in which children could play safely. The users of the field are showing no regard for this and speed down the street in their 4x 4 vehicles. We have a two year old child who cannot play safely outside now due to this.
- The plans have no hard standing for their cars where are they going to park as our street only has enough parking for current occupiers and field users are blocking the turning circle and road making it impossible for us to manoeuvre our vehicles
- plans need to incorporate road and parking for their vehicles within the field if they are to be approved
- due to commercial nature of field being used we fear a riding school will be next as they plan to expand their business adding additional livestock and further buildings
- previously land was used by farmer and there was no disturbance to Homeowners. Now there is mud spread along our road and horse muck making it dangerous for motorists and children.
- what are the plans for muck heap as this needs to be included as health and safety risk.

I hope you take this objection into account as people are not happy.

Samantha Muir, 4 Willow Wood Way – objects due to the impact of extra vehicles and traffic to a small cul-de-sac. Also this is for equestrian purposes which will result in large vehicles and wagons. There is no separate footpath so additional vehicles are dangerous. There is also increased noise levels to the front of the houses due to excessive traffic to the field.

Director of Planning's Recommendation

Refusal for the following reasons:

1. The proposed stable building and associated equine use would result in unacceptable levels of activity, both in terms of vehicular, horse and pedestrian movements detrimental to the amenities enjoyed by the occupiers of adjoining residential properties and highway safety. The proposal would therefore be contrary to Development Policy 17 and Development Policy 19 of the North York Moors Local Development Framework.



Application Number: NYM/2014/0009/FL

Background

The land to which this application relates comprises a parcel of agricultural land of approximately 5.68 acres in area, located at the end of Scrapper Lane and accessed from the new Sanctuary Housing Development now known as Willow Wood Way. Vehicular access to the field was retained at this point as part of that housing development, for agricultural access. The field has now been sold off as an individual parcel, separate from the farm holding it was previously part of.

The field has been purchased by the occupant/owners of 26 Rigg View, Stainsacre, which is less than a 5 minute walk away from the site.

This application seeks permission for the erection of a timber-clad building to provide 2 stables and tack room and a separate field shelter.

The stable would measure 10.8m long x 3.6m deep with a maximum height of 3.5m.

The field shelter would measure 7.2m wide x 4.5m deep with a maximum height of 3.2m.

Both buildings would be clad in horizontal timber boarding with green box profile metal sheet roof.

It is proposed to locate the buildings adjacent to the northern boundary of the site which abuts the embankment up to the old railway line (now the cinder track permissive path) and approximately 25m west of the access gates at the end of Willow Way.

The application does not imply that the land and buildings would be used for commercial equestrian purposes, but it is apparent that that is how the site is currently being used.

Main Issues

Development Policy 17 of the 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 LDF 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.

Development Policy 12 of the Local Development Framework seeks to permit proposals for new agricultural buildings, tracks and structures or extensions to existing buildings where there is a functional need for the building, the building is designed for the purposes of agriculture, the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location, and a landscaping scheme which reduces the visual impact of the proposal on the wider landscape is submitted as part of the proposal.



Application Number: NYM/2014/0009/FL

If the application is considered under Development Policy 19 as ancillary domestic development, the proposal would not be in accordance with this Policy as the site is not close to the domestic curtilage of the applicant. However, the proposed buildings are seen in the context of other residential development and would not be visually intrusive in the immediate or wider landscape. Due to the very close proximity in Rigg View of the applicants dwelling, it is considered 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 the buildings would not cause disturbance to neighbours in terms of vehicular movement and general activity.

In terms of the siting of livestock buildings, it is considered that due to the close proximity of the dwelling of the owners of the field, that there wouldn't be a demand for a new dwelling on the site to care for any livestock and it is not considered that the proposal would be contrary to DP12 as the site is not unduly isolated or visually prominent.

However, although this application has not yet been determined, it has become apparent that the site is being used commercially and the level of vehicular activity and parking and general movement and activity of horses along Willow Wood Way is causing significant nuisance, disturbance and issues regarding highway safety that the proposal is considered to be significantly harmful to the amenities of those residents and therefore contrary to Development Policy 17 of the LDF.

In view of the above considerations and the existing evidence that activity here is detrimental to local amenities, refusal is recommended

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Refusal (No Amendments Requested/Departure from Development Plan)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



Hilary Saunders

From: Hilary Saunders
Sent: 08 May 2014 17:17
To: louis@bell-snoxell.co.uk
Subject: Land off Willow Wood Way, Stainsacre

Your ref: LS/8286
Our ref: NYM/2014/0009/FL

Dear Louis,

Thank you for your letter received on 7 May 2014 regarding the above.

Firstly I would draw your attention to paragraph 9.24 of DP19 of the Local Development Framework which states that new buildings associated with the keeping of horses for recreational purposes will only be supported where they are closely associated with the domestic curtilage. The refused application is clearly contrary to this element of the Policy.

The Application form didn't actually state that the proposal would only be for domestic purposes although the applicant did advise that was her intention. However, it was clear that a number of people other than the applicants were using the field and riding the horses kept there. Photographs were sent to this Authority providing us with that evidence, however as this came through the Enforcement Complaints team, these details are confidential. For these reasons, this Authority is not confident that a condition restricting the use of the site in relation to the keeping/riding of horses only to the applicant would/could realistically be enforced.

The comments regarding the number of horses kept related to whether or not permission was also required for change of use of the land. Case Law over the years sets out that if more horses are grazed on the land that can realistically graze off the land only (i.e. without the need for feed being brought on) then the use of the land changes from Agriculture to Horsiculture which requires planning permission for change of use. The general guide is any more than 1 horse per 2 acres of land cannot graze purely off the land and is of such an intensive nature as to constitute a change of use. In this case, a change of use hadn't been applied for.

My suggestion is that for the time being, they look at putting a single field shelter on the site, which is unlikely to require permission if it meets the following criteria:

- No change to ground surface on which shelter placed or around shelter – i.e. gravel, concrete, tarmac etc.
- No mains power or water supply installed to serve structure
- No bigger than 4m x 4m.
- No new access should be laid to reach structure
- Should be no locked/contained areas within shelter for storage.
- No more than 1 horse or 1 structure sited on 2 acres of land (or part thereof).

I would suggest that they operate on this basis for at least a year and if it has then been demonstrated that the use away from the applicant's dwelling is not causing local problems and the keeping of horse has been clearly only for hobby purposes by the applicant's; an application for a more substantial stable might be considered differently.

I trust that the above advice is of assistance, but if you have any further queries, please do not hesitate to contact me again at the above address.

Kind regards

H. Saunders

**Mrs Hilary Saunders
Planning Team Leader (South)
North York Moors National Park Authority**

Tel. no. 01439 772700

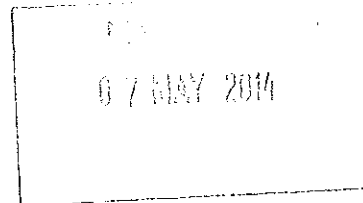
Web: www.northyorkmoors.org.uk

Please note that my normal working days are Tuesday - Friday.

6th May 2014

LS/8286

Ms Hilary Saunders
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP



Dear Hilary,

RE: Proposed Stable Block & Field Shelter On Land Purchased off Willow Wood Way, Stainsacre, YO22 4PX – Refused Application Reference : NYM/2014/0009/FL

In relation to the above application I confirm that I am acting on behalf of the Applicants following the refusal of their application.

My involvement with the initial application was to produce drawings only so as to enable the application to be validated. The applicants, Mr & Mrs Knaggs, carried out their own negotiations with you during the planning process.

The decision to refuse the application came as a shock to the applicants as the negotiations during the planning process and the provision of revised drawings seemed to be going well. They are also somewhat confused about the policies noted in the refusal document.

The applicants appreciate the complexity of the application and I have now explained the relevant policies within the Local Plan used to justify the refusal. Careful review has been undertaken of the North York Moors National Park file held in the Helmsley office specifically relating to the letters of complaint received by neighbouring residents.

At this stage I would be grateful for some further feedback as to whether a new application for the same proposals would be viewed differently if the applicants were prepared to accept a condition stipulating private leisure/hobby use only for horses. The position of manure heaps could also be conditioned or agreed during the application process.

One item that is unclear at the present time is why the application has been refused under Development Policy 17 – Commercial Horse Related Development.

Our Clients have utilised the field for their own horses only and for keeping a friend's horse for a short period of time due to their field being flooded. The applicants did not benefit in any way financially from this arrangement. Could you please clarify the use of this policy to refuse the application and if commercial activity was suspected what proof there is. The applicants have confirmed that there has been no commercial activity on the site and they do not intend to use it for commercial purposes hence why they feel aggrieved that this was used as justification in the refusal.

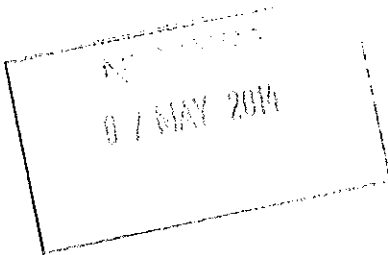
We have researched many other applications that are similar to the application that was refused. In most instances conditions are utilised to ensure that the change of use on such land is for private leisure/hobby use of horses only. There is no mention as to the number of horses in such applications. Could you please verify the item put to the applicants in respect of the number of horses. In an email dated 14th February from you to Mr & Mrs Knaggs you requested confirmation that only two horses would be kept on the field. I am unsure as to what planning policy or law this item refers to and I would be grateful for your assistance.

In summary the applicants would like to reapply with the same plan but with it made clear that they will accept conditions for the use of the field and positioning of any manure piles etc. The highways concerns have been alleviated by the revised plans with turning circle and off street car parking.

I trust you find the above in order and I look forward to your response.

Yours sincerely,

Louis Stainthorpe
Chartered Building Surveyor
BSc (Hons), MRICS, RMaPS, MBEEng (Director)



Hilary Saunders

From: Hilary Saunders
Sent: 14 February 2014 09:43
To: 'Kim Knaggs'
Subject: RE: Planning application at land at Willow Wood Way Stainsacre

Dear Mr and Mrs Knaggs,

Thankyou for the additional information regarding the above application.

As stated in my earlier letter, planning permission for change of use of the land would be required if more than 2 horses are kept on the land. I would advise you that such an application would be likely to be resisted due to the traffic implications, particularly if the horses are owned by different people, as this would be likely to result in more traffic movements which would be considered inappropriate in this location where the site is accessed along a residential street (which doesn't have pavement). When I visited the site I thought I spotted 4 horses, rather than 3 and I would suggest that in order to avoid objections on highway safety grounds from the highway authority, that the horses which aren't yours be moved from the site.

I also noticed when I visited the site that the entrance to the field was very churned up. As the field entrance is at the turning head of Willow Wood Way, I would not want to see parking in this area and whilst I would anticipate the majority of your visits would be on foot (as you only live around the corner) I appreciate that you will also need to visit the site in a vehicle. Consequently, I would suggest that in addition to the twin trod track to the proposed stable building, a small hard standing should be included within the plans, just inside the entrance gates, large enough for you to park a vehicle and horsebox/trailer on.

I look forward to receipt of the above revised plans at your earliest convenience and confirmation that only 2 horses will be kept on the field.

Yours sincerely,

H. Saunders

Mrs Hilary Saunders
Planning Team Leader (South)
North York Moors National Park Authority

Tel. no. 01439 772700

Web: www.northyorkmoors.org.uk

Please note that my normal working days are Tuesday - Friday.

From: Kim Knagg
Sent: 09 February 2014 13:34
To: Hilary Saunders
Subject: Re: Planning application at land at Willow Wood Way Stainsacre

Dear Mrs Saunders,

I am replying to your letter dated 7th Feb. Can I confirm the white tape around the centre of the field is to stop the horses going onto that piece of land. When it was laid back to grass, the centre of the field did not grow for what ever reason, therefore, was reseeded at a much later date and

2014/0009/FL

Cal...ne Bell

From: Hilary Saunders
Sent: 09 February 2014 14:27
To: Planning
Subject: Fwd: Planning application at land at Willow Wood Way Stainsacre

Sent from Samsung Mobile

----- Original message -----

From: Kim Knaggs
Date: 09/02/2014 13:33 (GMT+00:00)
To: Hilary Saunders <h.saunders@northyorkmoors.org.uk>
Subject: Re: Planning application at land at Willow Wood Way Stainsacre



Dear Mrs Saunders,

I am replying to your letter dated 7th Feb. Can I confirm the white tape around the centre of the field is to stop the horses going onto that piece of land. When it was laid back to grass, the centre of the field did not grow for what ever reason, therefore, was reseeded at a much later date and did not get established and settled before all the wet weather came. This resulted in the horses just sinking into the land, so as to try and preserve that piece we taped them off it.

The third pony belongs to a friend of ours. She asked if we could help her out as her paddock is small and due to the very wet weather is now bog. This is been done with no financial benefit to us, but she helps out when we are at work, this is just a short term arrangement until the weather dries up.

Before we purchased the land we had no grazing of our own, but with us been from a farming background we are interested in purchasing some goats, chickens and a couple of small rare breed cattle, but we have not done this as yet as we do not know what can be erected and the field has no shelters in it at the moment for livestock to shelter from the weather, hope this has explained in more detail to help with our application.

Yours Sincerely

Mr and Mrs Knaggs

On Friday, 7 February 2014, 13:15, Hilary Saunders <h.saunders@northyorkmoors.org.uk> wrote:
Please find attached a letter requesting further information in relation to the above planning application.

Yours sincerely,

Mrs Hilary Saunders
Planning Team Leader (South)
North York Moors National Park Authority

Tel. no. 01439 772700

Web: www.northyorkmoors.org.uk

Please note that my normal working days are Tuesday - Friday.

CONFIDENTIALITY: The contents of this message are the views of the author, not necessarily the views of the North York Moors National Park Authority. This is a private message intended for the named addressee(s) only. Its contents may be confidential.

If you have received this message in error please reply to say so and then delete the message. Any use, copying, disclosure or distribution by anyone other than the addressee is forbidden.

www.northyorkmoors.org.uk

Scanned by MailDefender - managed email security from intY - www.maildefender.net

Scanned by MailDefender - managed email security from intY - www.maildefender.net



1. The proposed stable building and associated equine use would result in unacceptable levels of activity, both in terms of vehicular, horse and pedestrian movements detrimental to the amenities enjoyed by the occupiers of adjoining residential properties and highway safety. The proposal would therefore be contrary to Development Policy 17 and Development Policy 19 of the North York Moors Local Development Framework.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

Hawsker-cum-Stainsacre Parish Council
c/o Virginia Ramsey
9 Hall Pasture
Sleights
Whitby
North Yorkshire
YO22 5DQ

Your ref:

Our ref: NYM/2014/0009/FL

Date: 18 August 2014

This matter is being dealt with by: Mrs H Saunders

Dear Sir/Madam

Town and Country Planning Act 1990

Land at: land on Willow Wood Way, Stainsacre

Proposed development: erection of a timber stable block and field shelter

Appeal reference: APP/W9500/A/14/ 2223379

Appeal starting date: 14 August 2014

Appellant(s) name: Mr John Knaggs

I am writing to let you know that an appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority for the reasons given on the attached sheet. A copy of the appellant's grounds of appeal can be seen at, or obtained from, The Old Vicarage, Bondgate, Helmsley. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department and copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write direct to the Planning Inspectorate, 3/06 Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within six weeks of the appeal start date, quoting the appeal reference number.

Continued.....

Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal. The Planning Inspectorate will send a copy of the decision letter to you provided you specifically ask for one. Please do not hesitate to contact the Officer dealing with this matter if you require any additional information or would like a copy of the free booklet 'Guide to taking part in appeals'.

Yours faithfully

Mark Hill

M Hill

Head of Development Management