



# The Planning Inspectorate

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Mrs F Farnell  
North York Moors National Park  
Authority  
Development Control Support  
Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO6 5BP

Your Ref: NYM/2008/0660/FL  
Our Ref: APP/W9500/A/09/2100649/WF  
Date: 5 August 2009

NYMNPA  
05 AUG 2009  
CS

Dear Mrs Farnell

**Town and Country Planning Act 1990**  
**Appeal by Mr and Mrs I Harrison**  
**Site at Foxhill Paddocks, Low Road ,throxenby, Scarborough, YO12 5TD**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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Phone No. 0117 372 8252  
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Yours sincerely

Dianna Wride



COVERDL1

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

NYMNP/PA

05 AUG 2009



# Appeal Decision

Site visit made on 21 July 2009

by **Brendan Lyons** BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
5 August 2009

**Appeal Ref: APP/W9500/A/09/2100649**

**Foxhill Paddocks, Low Road, Throxenby, Scarborough YO12 5TD**

- 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 Mr & Mrs I Harrison against the decision of North York Moors National Park.
- The application Ref NYM/2008/0660/FL, dated 21 August 2008, was refused by notice dated 17 October 2008.
- The development proposed is a new stable block.

NYMNP

05 AUG 2009

## Decision

1. I allow the appeal, and grant planning permission for a new stable block at Foxhill Paddocks, Low Road, Throxenby, Scarborough YO12 5TD in accordance with the terms of the application, Ref NYM/2008/0660/FL, dated 21 August 2008, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be used for domestic stabling or storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to residential accommodation and any such use or alteration will require a separate grant of planning permission from the local planning authority.
  - 3) The roof tiles to be used in the construction of the development hereby permitted and the colour of stain of the timber walls and doors shall match those used in the existing stable building on the site and shall thereafter be so maintained.
  - 4) No development shall take place until full details of the proposed method of storage and disposal of waste from the stables hereby permitted have been submitted to and approved in writing by the local planning authority. The approved details, which shall include the location of any storage and the frequency of disposal off the site, shall be put into effect immediately the development is brought into use and shall be retained thereafter. No burning of manure or stable sweepings arising from the stables hereby permitted shall take place anywhere on the residential curtilage or paddocks included within the site.

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**Main issue**

2. I consider the main issue to be the effect of the proposed stable block on the special interest of the listed former agricultural buildings and on their setting.

**Reasons**

3. The appeal property comprises a house with associated workspace, gardens and paddocks located in a rural area near Scarborough, within the North York Moors National Park. The house occupies approximately one half of a range of former agricultural buildings arranged around three sides of a courtyard. The buildings are listed Grade II. Following their conversion, a detached garage and a stable building were added to the rear. Permission is now sought for a further stable block.
4. The proposed three-bay building would be of very similar size and design to the earlier stable block and would be sited next to it, facing over the open countryside to the north. Like the earlier building, it would be clad in timber with a clay pantile roof.
5. The reason for refusal of the planning application refers to saved policy BE14 of the North York Moors Local Plan (LP), which supported the conversion of suitable rural buildings to residential use but stated that new ancillary domestic buildings would not be approved. The National Park Authority (NPA) explains that the LP has now been superseded by the adoption of the Local Development Framework Core Strategy and Development Policies (CSDP), in which the relevant replacement policy now only applies to unlisted buildings. The key CSDP policy is now DP5, which seeks to prevent new development that would have an unacceptable effect on the special architectural or historic interest of a listed building or on its setting.
6. The NPA also refers to policy DP19, which requires development within a domestic curtilage to take full account of the special qualities of the Park's landscape character and not to detract from the character of the dwelling or its setting.
7. In my view, the addition of the earlier stables and garage has not caused any harm to the interest of the listed building or to its setting. The scale, form and materials of the buildings make them appear more like a small group of traditional agricultural buildings than as domestic outbuildings. They are sufficiently removed from the listed building to avoid any dilution of its special character. The evidence shows that there were previously substantial agricultural buildings in a similar location to the rear of the listed building.
8. The addition of the proposed stables would not significantly alter either the character of the group of outbuildings or its relationship with the listed building. The new building would not have a domesticating effect, but would reinforce the group's more functional image. The placement of the proposed block to form an open U-shaped layout would be relatively formal, but not to an inappropriate degree, and would have some echo of the form of the listed range.
9. The proposed use of wall and roof materials to match the existing stables would contribute to the coherence of the group. Because the character of the

group would not be inappropriate, the permanent presence in the landscape suggested by the pantile roof would be acceptable. A more temporary roofing material, such as fibre cement, would look incongruous in conjunction with the existing roofs, and I note that a separate proposal on those lines has been rejected by the NPA.

10. The principle of an ancillary group of buildings would not be inconsistent with the settlement pattern of small hamlets and scattered farms identified by the NPA's Landscape Character Type Descriptors for the Limestone Dales, and the pantile roof would relate to the identified building characteristics. In long range views of the site, which appear to be only views available from public vantage points, the new building would not stand out as a significant change.
11. For the above reasons, I consider that the proposal would comply with CSDP policies DP5 and DP19, and with the statutory requirement to have special regard to the desirability of preserving the listed building and its setting.
12. Of the conditions proposed by the NPA, I consider those requiring adherence to plans and works to the site access to be unnecessary, as the permission would relate only to the submitted plans, and no alteration to the access is proposed. Some other conditions are reasonable and necessary, subject to some amendment in the interests of precision and brevity. To ensure that the sensitive character of the site is not altered, the stable block should be restricted to its intended use, incidental to the occupation of the dwelling, and prevented from conversion to residential occupation. For the same reason, the proposed materials should match the existing.
13. While I agree that appropriate measures for the disposal of waste should be implemented in order to protect the environment of the National Park, the condition proposed by the NPA would not comply with the tests of Circular 11/95. It would not be fully relevant to the development to be permitted as it would be framed to control arrangements for the existing stables as well as the proposed. This would not be justified by the more intensive stable use. The short timescales for the submission of details and their early implementation would be unduly onerous and unreasonable. I shall therefore substitute a condition that would apply only to the new building and with timescales linked to the development rather than the permission.
14. Having taken account of all matters raised, I conclude that the proposal would be acceptable and that planning permission should be granted subject to the above conditions.

*Brendan Lyons*

INSPECTOR