

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Hawsker-Cum-Stainsacre	App Num. NYM/2013/0561/FL
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Proposal: Change of use of land and construction of 1 no. dwelling, with detached garage, creation of access, parking and landscaping works

Location: Land adjacent Morfa Cottage, Station Road, Hawsker

Applicant: Mr Jeremy Smith, 18 The Garth, Whitby, North Yorkshire, YO21 3PD

Agent: BHD Partnership, fao: Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, North Yorkshire, YO21 1QB

Date for Decision: 04 November 2013

Grid Ref: NZ 492430 507910

Director of Planning's Recommendation

Refusal for the following reasons:

1. In the view of the National Park Authority the proposed construction of one dwelling on the application site does not accord with NYM Core Policy J of the Local Development Framework which specifies that new housing development in Hawsker be restricted to infill sites only which are defined as a small gap within a continuously built up frontage within the main built up settlement which can accommodate no more than one dwelling and would result in a harmful and urbanising form of development which would significantly alter the open aspect of this area outside the main built up part of Hawsker.
2. The proposed construction of a dwelling outside the main settlement limits of the village of Hawsker would be contrary to NYM Core Policy J of the Local Development Framework because there is no evidence to prove that the dwelling is essential for farming, forestry or other essential land management activities.
3. The proposed siting of a dwelling, design, scale and materials proposed would not respect the character of the immediate locality and would be detrimental to the open nature of the locality detracting from the distinctive character of the National Park and therefore contrary to Development Policy 3.
4. The Local Planning Authority considers that clear visibility of 103 metres cannot be achieved along the public highway in south easterly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety and therefore would be contrary to NYM Development Policy 23.
5. The Local Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the county highway to the detriment of safety and the free flow of traffic and therefore would be contrary to NYM Local Development Framework Policy 23.

Consultations

Parish - Objects to this application because it is proposed to use the wrong material. All other houses in the area are made of brick. The house is out of proportion and scale; it is too big a scale in comparison to the other houses. Also it is not an infill plot because road frontage is too big.

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Highways - Recommend refusal on the basis that clear visibility can't be achieved along the public highway and secondly that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the county highway prejudicial to highway safety and the free flow of traffic.

Yorkshire Water -

Environmental Health Officer -

Forestry Commission -

Advertisement Expiry Date - 18 October 2013.

Others - **P Sanderson and P Unsworth, Morfa Cottage, Station Road, Hawsker** - Would like to bring to your attention the proximity of the house and drive to the bend on the A171. Through this section it is a 40mph speed limit and a substantial amount of traffic exceeds this. In the last two years there have been two accidents because cars have come round the bend too fast.

A J Prudom, 3 Mill View Low Haswker - The applicant has lived in the area all his life and works within the National Park. This sort of development should be supported as it is of great importance that we keep and encourage the local working people to stay in the area and keep whatever skills they possess to the benefit of the area. This proposal would be in keeping with the rest of our tidy and well-kept village.

Background

This application relates to a piece of land located to the east of Morfa Cottage, which itself comprises the end of a linear group of nine properties (the north eastern most unit being Trailways Bike Hire), fronting onto the main A171 Whitby Road.

The site does not have any specific planning history but previously seems to have been used for the storage of materials including horse boxes, caravan and various building materials. The site has now been cleared to some extent by the current owner who is the applicant.

This application seeks full planning permission for the construction of a substantial two storey four bed stone and pantile house and detached double garage. The application plans also indicate a potential future proposal for a substantial single story workshop and garage which will be required to house his collection of motorbikes and cars. However, this does not comprise part of the current application.

The house would front the main road and would measure 17.9 metres wide by a maximum depth of 9.9 metres. Height above ground level would vary between 6.8 metres and 9 metres (due to varying ground levels).

Main Issues

Policy Context

Core Policy B of the NYM Local Development Framework sets out the strategy to meet the needs of people in the National Park based upon improving the sustainability of local communities by improving and consolidating existing services and facilities and includes a settlement hierarchy of Local Service Centres, Service Villages, Local Service Villages, Other Villages and the Open Countryside.

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Policy Context (continued)

This Core Policy sets out that in the open countryside housing development will only be permitted if it is related to an essential need to live in the countryside, with the conversion of traditional buildings to support economic uses, and development to meet the needs of farming being one of the few exceptions where new development might be acceptable.

Core Policy J supports the development of local needs housing located on infill sites within the main built up area of Other Villages. The supporting text to Core Policy J defines an infill site as a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design are high; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

The Authority refused planning permission for a pair of dwellings in a not dissimilar outlying site, north of Long Lease Farm back in 2006 which was subsequently dismissed on appeal.

The National Planning Policy Framework

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the Development Plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Core Strategy and Development Policies document was adopted on 11 November 2008 under the provisions of the 2004 Act and is therefore up-to-date and should be the starting point for any planning decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in the National Planning Policy Framework. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty.

This commitment has been publicly confirmed by the Prime Minister during the consultation on the draft National Planning Policy Framework and in the Authority's discussions with the Government's Chief Planning Officer during this time.

Furthermore, the National Planning Policy Framework, in Footnote 9, also confirms that the Framework specifically indicates that development, including the 'presumption in favour of sustainable development' should be restricted within a National Park. It is clear that the National Planning Policy Framework expects a different approach to be taken in National Parks to both plan making and decisions taken on planning applications compared with other areas outside of designated National Parks.

Site location

The site of the proposed dwelling is located adjacent to Morfa Cottage, which is the last property in a row of units along the A171, but located well outside the main built up part of Hawsker. The site does not comprise an infill plot and consequently the proposal to construct a large dwelling on this site is contrary to Core Policy J.

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Site Location (continued)

Furthermore, as the site does not comprise an infill plot and is located outside the main built up settlement of Hawsker, only development essentially required in relation to farming or forestry might be permitted. If permitted it would constitute a consolidation of one existing sporadic development and have an urbanising impact on this out of settlement location which would be harmful notwithstanding there is some clutter on the site.

Design and Materials

The linear groups of properties adjacent the site are modest in scale and are of red brick and slate construction. The proposed dwelling does not respect the scale of these dwellings, and the use of stone and pantile in this particular location, whilst a traditional material generally within the Park, would be out of character here.

Recommendation

The proposal is considered to be contrary to the spatial strategy of the North York Moors National Park in particular with regard to Core Policies B and J and Development Policy 3 and for these reasons refusal is recommended.

Contribution to Management Plan Objectives

If refused, this decision would assist the Authority meeting the aspiration of Community Policy C10 which seeks to ensure new development is only allowed where it would enhance the built heritage of the Park.

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.