

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Hawsker-Cum-Stainsacre</b>	<b>App Num. NYM/2015/0595/FL</b>
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**Proposal:** use of land for the keeping of horses and erection of a timber stable block and field shelter (revised scheme to NYM/2014/0009/FL) (part retrospective)

**Location:** land on Willow Wood Way, Stainsacre

**Applicant:** Mr John Knaggs, 26 Rigg View, Stainsacre, Whitby, North Yorkshire, YO22 4NR

**Agent:** Bell Snoxell Building Consultants Ltd, fao: Mr Louis Stainthorpe, Barclays Bank House, Baxtergate, Whitby, North Yorkshire, YO21 1BW

**Date for Decision:** 13 October 2015

**Grid Ref:** NZ 490981 508532

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations
3. RSUO00 The stable and land to which this permission relates shall be used only for horses kept for leisure purposes by the occupants of the dwelling at 26 Rigg View, Stainsacre and for no other purpose.
4. RSUO00 No more than four horses shall be kept at any one time on the land or within the stable and field shelter to which this permission relates.
5. GACS07 External Lighting - Submit Details
6. GACS00 No burning of manure or stable sweepings shall take place anywhere on the site and the method of storage and disposal of any such waste from the stable and land shall accord with the details approved under the discharge of condition application no. NYM/2014/0810/CVC, unless otherwise agreed with the Local Planning Authority.
7. MATS00 The external timber cladding of the building hereby approved shall be coloured and maintained dark brown in perpetuity unless otherwise agreed in writing with the Local Planning Authority
8. MATS00 The external surface of the roof of the building hereby permitted shall be coloured and maintained dark grey or dark brown in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
9. HWAY00 The areas shown on drawing number 8286/01/D for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

### Consultations

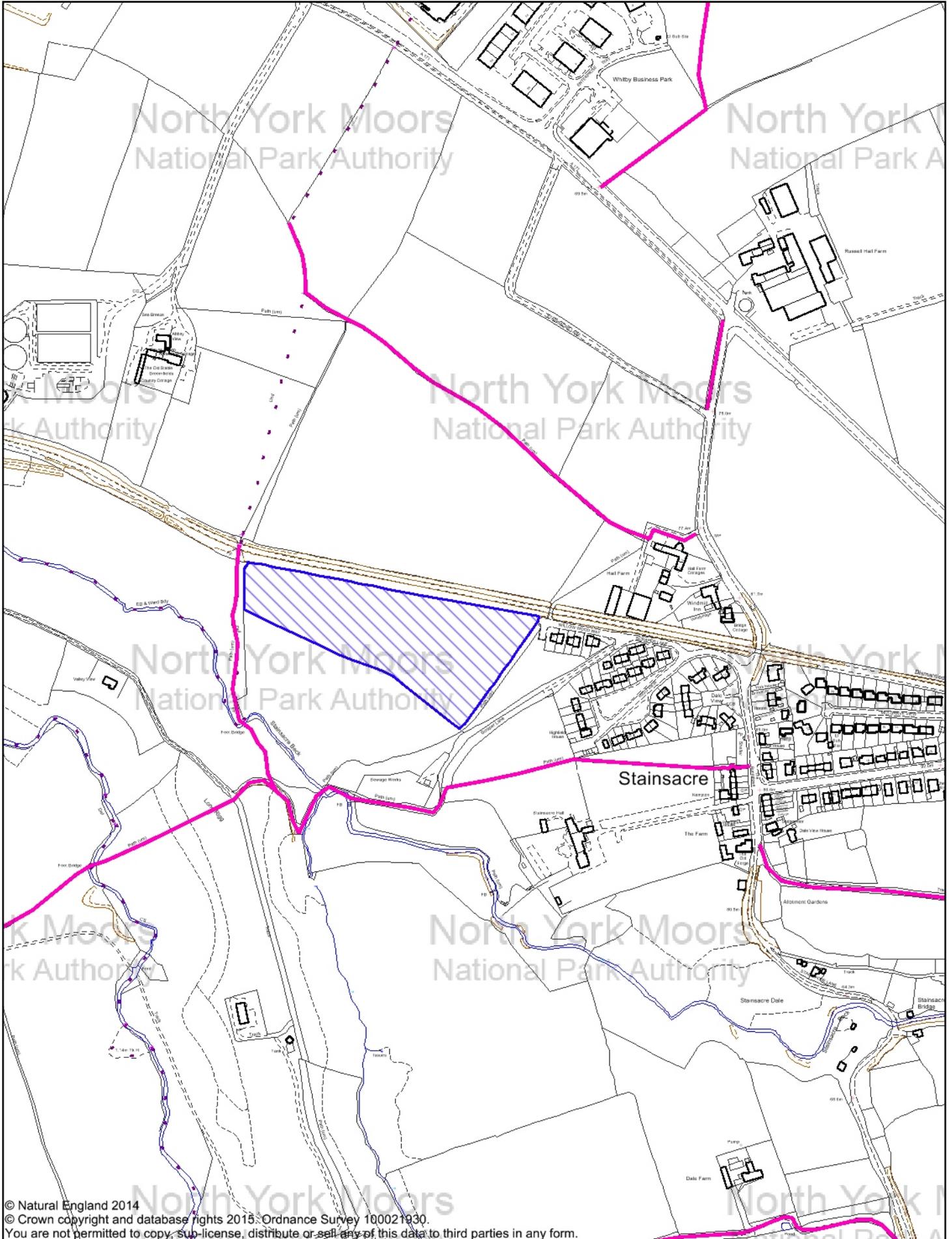
**Parish** – No objections but raise the same issues regarding run off from the manure heap and disposal of muck.



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 Authority  
 The Old Vicarage  
 Bondgate  
 Helmsley YO62 5BP  
 01439 772700

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Consultations continued

**Ward – Cllr Jane Mortimer** – I would like the application to go to Committee for discussion given the concern of local residents. The stable block is close to housing and residents are concerned about the possible future extension to an equestrian centre.

**Forestry Commission -**

**Highways –**

**EHO –**

**Site Notice Expiry Date - 16 September 2015**

**Others – Mr & Mrs Angus, 6 Willow Wood Way** – Object. The stable is too close to our home. It needs to be in its originally approved position so that the noise impact would be minimal and the smell wouldn't infringe upon our property.

Any change of use would encourage more traffic along a narrow a cul-de-sac with an integral path, and extended activity in the field which would be disruptive due to the increased noise levels and overlooking. The possible increase in the number of horses would also create an increased level of unpleasant smell.

The Authority should be enforcing the original plans and we are disappointed that the National Park did not monitor the building while it was being constructed.

As a direct neighbouring property we are concerned that the equine use would have a huge detrimental impact on our amenities. We are extremely concerned that this could develop and turn into a business venture which would create extra noise due to people using the site and increase traffic movement.

The impact on entering Willow Wood Way has also been visually dramatic. If the original plans had been followed then the stable would have had a less of a visual impact.

Should the equine use be passed as part of the application it would go against the agreed conditions supported by the Inspectorate. For example, number of horses, personal use activity, muck heap location and disposal. We feel that these conditions are there to protect us as home owners in National Park. If equestrian use was granted it would go against the original reasons as to why the planning was passed. At the time the Inspector thought the activity would be low level in keeping with the applicant's domestic use and hence granted the plans. Should the equestrian use be granted then this would change the level of activity on the site. It would also make the conditions un-enforceable.

**Mr & Mrs Harvey, 5 Willow Wood Way -** Object. The applicant has breached the conditions of the original planning application by not ensuring the stable block building was facing the correct way and the correct distance on the site.

Since the stable block had been constructed, our residential amenity has been affected with more noise, a significant increase in vehicle numbers and a greater visual impact. The original application should be enforced, including the correct distance of the stable and the direction that it faces which would reduce the impact of the building.

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Others continued

Object to the change of use as concerned that this will increase noise levels as more people will use the field for equestrian use e.g. it could lead to a potential business for the applicant.

Willow Wood Way is a narrow street with integral path and just six houses. Increased traffic will have a detrimental effect on our residential amenity and it may not be a safe place for our young family to live. The National Park built these homes to encourage local working people to buy them and stay in the National Park which should be protected from development. Especially plans that the National Park initially rejected before being overturned by the Planning Inspectorate.

**Mr Martin Clews, 3 Willow Wood Way** – Support this application. The applicants have kept their horses here for over 2 years and I do not think there has been any increase in traffic or disturbance that would affect myself or nearby residents. They keep their horses for pleasure and keep the site tidy. My daughter and others in the street enjoy feeding the horse at the gate.

Before Willow Wood Way was built, Scrapper Lane was a quiet cul-de-sac and now they have the increase in traffic from 6 new houses – I have never heard them complain.

**Mr & Mrs Watson, 4 Scrapper Lane, Stainsacre** – Support the application. It is a necessary thing to keep the horses all in one place. They do not cause any problems in the village, i.e. disturbance or traffic. The stables are kept in immaculate condition and we enjoy seeing the horses being exercised.

**Graham Priestley, 1 Scrapper Lane, Stainsacre** – Support the application. I work from home and my office faces the Cinder Track, so have a clear view of the comings and goings down Scrapper Lane and Willow Wood Way and the area remains quiet. It is good to see various rural pursuits and the applicants keep the field in a tidy condition. The keeping of horses has presented no inconvenience or disruption or increase in traffic.

**S Swales, 5 Scrapper Lane** – Support the application. The main problems are with existing residents in Willow Wood Way who drive in and out with no consideration to neighbours. The applicant's premises do not affect us in any way. After vehicles have been to the stables and any debris is on the road, Mrs Knaggs is often seen sweeping it up.

**Jackie Coates, 3 Scrapper Lane** – Support the application. Have no problems with the horses. It is good to see the field in use.

### **Background**

The land to which this application relates comprises a parcel of agricultural land of approximately 2.3 ha (5.68 acres) in area, located at the end of 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 five minute walk away from the site.

In 2014, full planning permission was sought for the erection of a timber-clad building to provide two stables and tack room and a separate field shelter. It was proposed that the stable would measure 10.8 metres long x 3.6 metres deep with a maximum height of 3.5 metres and the field shelter would

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Others continued

measure 7.2 metres wide x 4.5 metres deep with a maximum height of 3.2 metres. It was proposed that buildings would be clad in horizontal timber boarding with green box profile metal sheet roof.

The proposed building was to be located adjacent to the northern boundary of the site which abuts the embankment up to the old railway line (now the Scarborough Borough Council Cinder Track permissive path) and approximately 25 metres west of the access gates at the end of Willow Way.

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

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

This current application has been submitted because when the stable building was constructed, it was sited 10 metres to the east of its approved location, so it is 50 metres away from the boundary of the field with the access onto Willow Wood Way, rather than 60 metres away which was the approved position.

This current application also seeks consent to change the use of the land from agricultural grazing, to the use of land for the keeping of horses. This has been included in the application as the Authority operates a 'rule of thumb guide' which is generally taken to be the grazing of more than one horse per two acres constitutes a change of use to deal with this complex area of 'Planning Law'. It has previously been accepted that the applicants could keep two horses on the field without a change of use being required, however, if they kept any more of their horses, either owned or had on loan, this may well result in a different nature of use than 'grazing' of the land and constitute a change of use of the land. Officers considered it to be a much clearer situation, if a change of use of the land to the grazing of horses was sought as it would make the planning situation more straightforward and therefore easier to enforce.

### **Main Issues**

The principle of this development was agreed at appeal and this is a key material planning consideration in the determination of this retrospective planning application.

Officers consider it would be appropriate to retain an aspect within the application for 'keeping of horses' and recommend a condition relating to the maximum number of horses to be kept on the land and conditions to clarify the ownership of the horses and also provide clarification of who does/would own those horses.

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**Policy Context**

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

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

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

The Inspector also concluded that the proposal did not fall comfortably within the terms of Development Policy 19 either. However he considered that the proposal met the objectives of Development Policy 19 as the appellant's residence is only a two to three minute walk from the site and the development would not be visually intrusive.

**Visual and Amenity Impact of Building**

The approved building was to be sited 60 metres to the west of the access gates from Willow Wood Way, and the building was orientated so that the building and hardstanding area faced towards Willow Wood Way. The buildings have been constructed as approved and orientated the same way, but when setting out there was apparently an error in measuring the site and the building was sited 50 metres away from the gateway, so 10 metres closer than approved.

Concern has been expressed that this has resulted in the building being visually intrusive and also has resulted in noise and smells from the stable building having a detrimental impact on the amenities of the occupiers of the properties on Willow Wood Way. However, whilst the building is visible from Willow Wood Way and noise and smells from the horses and activity around them might be audible from the adjacent dwellings it is not considered that this would be significantly greater than from the approved location and Officers do not consider that a refusal could be upheld on the basis of a difference of 10 metres.

**Levels of Activity in Relation to Change of Use of Land**

During consideration of the original application, evidence was submitted by those living locally that a number of children were being given riding lessons on the road on Willow Wood Way, and that there were significant amounts of vehicular movements from people (the appellants and others) visiting the site. The amount of activity created by this apparently caused significant noise disturbance and nuisance, resulting in a detrimental impact on the residential amenities of the adjoining domestic properties. However, the Planning Inspector considered the evidence that had been submitted and concluded that that level of activity, was only temporary and was not on a commercial basis and that any commercial use of the site could be controlled by the Local Planning Authority. The Inspector did not accept the Planning Authority's concern that conditions attached to any planning permission restricting how the site be used would be very difficult to enforce.

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**Main Issues continued**

The applicants are not seeking consent for a commercial use, but as on occasions there have been more than two horses on the land, the Authority's solicitor has advised that this crosses the threshold and amounts to a material change of use from agriculture/grazing to the keeping of horses. It is considered that by formalising the use, the Authority will be better able to control activity levels on the site.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

**Contribution to Management Plan Objectives**

Approval of the development would help the Authority to meet the aspirations of Environment Policy E3 aimed at ensuring development is not detrimental to the landscape of the National Park.