

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Aislaby

Application No. NYM/2016/0643/FL

Proposal: reduction in size of existing manege, excavation and earthworks, demolition of wall together with change of use of land to form extension to domestic curtilage (part retrospective)

Location: Beech Hill, 3 Main Road, Aislaby

Decision Date: 18 November 2016

Consultations

Borough/District -

Parish – No objections

Site Notice/Advertisement Expiry Date – 4 November 2016

Others – Mr J McEachen & R Durbridge, 5 Main Road, Aislaby

No objection to the works outlined in the application. The works seem to have enhanced the lie of the field and has in effect not made any great noticeable difference to the original layout or use of the area.

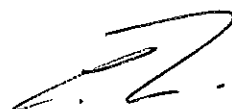
Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	WPDR06	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes E (or any order revoking and re-enacting that Order), no erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
2.	WPDR09	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.
3.	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Informative(s)

1.	As the application site is now classed as domestic curtilage, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows temporary uses of land does not apply as the land is considered to be within the curtilage of a building.
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18/11/16

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Reason for Condition(s)

1 & 2.	RSN WPDR01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
3.	RSN GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

Background

Beech Hill, 3 Main Road, Aislaby is a large house built in the early 1960s and to which a large private stable block was added in 1987. The property is in extensive grounds and next to the stable block is an all-weather riding arena.

The site has an extensive planning history which includes consent granted in 1989 for the stable block and associated open-air arena to be used as an equestrian centre; then subsequently in 1991 and 1992 permission was refused for the conversion of the stables into 2 dwellings and then 1 respectively; approval was then granted in 2004 for the conversion of the stables into 2 holiday cottages.

The site now operates as a successful holiday cottage enterprise, the further expansion of which was bolstered by granting permission for two further units of new build 'gardener's cottage' style accommodation within the curtilage of Beech Hill in 2008, although this permission was not implemented.

Retrospective applications were refused on the site for the construction of a wooden gazebo and the stationing of a timber faced steel container to the rear of the property as well as the construction of a laundry/reception building to serve the cottages. The gazebo and sitting out area were specifically provided for the tourists using the former stable cottages.

This application again seeks retrospective approval for a reduction in the size of existing manege, excavation and earthworks, demolition of wall together with change of use of land to form extension to domestic curtilage.

The property formerly had a grass tennis court beyond a Ha Ha at the end of the garden which was used as a children's play area and the applicant would mow the grass paddock beyond this although still in agricultural use. Following the partial collapse of the Ha Ha the applicant decided to remove the wall and extend the existing level playing area to form a wider level grass area. This also involved reducing the length of the manege to provide safer access for lawn mowers onto the grassed areas and also the creation of grass banking to accommodate the different levels. This application also includes the change of use of the flat area created from Agricultural land to an extension of the domestic curtilage.

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MAIN ISSUES

Core Policy G of the Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas.

Development Policy 20 of the LDF seeks to permit the extension of existing domestic curtilages where the land does not form an important amenity or open space and where the change of use will not have an adverse impact on the character of the landscape

Development Policy 4 of the Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

The Building Conservation Officer has stated that they have no objection to the loss of ménage, or the extension of the domestic curtilage. They did however raise concern about the loss of the ha-ha. No information was submitted with the application to help assess the age of this structure so it is unclear whether it pre-dated the construction of Beech Hill and was a remnant from a more historic garden in which Beech Hill was constructed or whether it was contemporaneous with the house. Regardless of age, however, ha-has are a particular feature of the landscape on the south side of the village and are therefore locally distinctive features which contribute to the architectural and historic character of the Conservation Area. They have been used to help overcome the sloping topography to create useable spaces. Ha-has also help define more formal garden spaces associated with the larger, higher status properties in contrast with the less formal spaces often located further away from the dwellings. It is not considered that safety is a sufficient justification for removal of the ha-ha given that another ha-ha has been retained on site and the low level of the ha-ha removed. The loss of the ha-ha undermines the character of the Conservation Area and should be reinstated.

A number of properties have extended their boundaries to the South of Aislaby over the last year. In this instance the Conservation Area boundary runs along the Ha Ha which has been retained at the bottom of the formal garden. Therefore the ha ha which has been removed as part of this application had no protection and therefore it is difficult to insist that this is reinstated.

In this instance the additional land to be used as garden area is not particularly visible from outwith the site at close proximity nor is it prominent across the valley in long distance views. Due to the contouring of the land which has taken place no boundary fences are proposed to be erected as part of this application.

The retrospective levelling works and extension of the domestic curtilage are not prominent across the valley and will not have any adverse landscape impact. The proposed extension of the domestic curtilage is therefore considered to be acceptable in landscape terms to approve the works under Development Policy 20 of the NYM Local Development Framework.

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At the site visit the applicant stated that they had held a wedding in a marquee on the land the weekend before. An informative has been placed on the application to bring it to the applicant's attention that now that the land is classed as domestic curtilage, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows temporary uses of land does not apply as the land is considered to be within the curtilage of a building. Whilst there is a significant number of bed spaces on site for holiday accommodation, the authority would have concerns about running a wedding business from the site, due to the poor visibility at the access to the main road.

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.