

# North York Moors National Park Authority

Borough: Scarborough Borough Council  
Parish: Sneaton

Application No. NYM/2016/0760/FL

**Proposal:** alterations to existing stable to enable use as a garage

**Location:** Oakley Garth, Sneaton Lane, Ruswarp

**Decision Date:** 12 December 2016

## Consultations

**Parish -**

**Highways -** The Lane leading from the publicly maintainable highway at the bottom of Oakley Bank to the application site is outside the applicants control and is a public footway but I would expect that the properties accessed from this lane will have a right of access for vehicles. The current use of the plot does not necessitate a vehicular right of access but the proposed use does. Therefore, the applicant should provide evidence that they do have this permission. Recommend condition.

**Site Notice Expiry Date -** 01 December 2016.

## Director of Planning's Recommendation

**Approval** subject to the following conditions:

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3.	HWAY00	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.

## Reason for Conditions

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	HWAY06	In accordance with NYM Development Policy 23 and in the interests of highway safety.

*M. Sawley*  
7 December 2016



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**Background**

Oakley Garth is a detached property located at the foot of Oakley Bank at the south-western limit of Ruswarp. The property is accessed off the main road, along an unmetalled track that leads down to the railway and Buskey Beck. The lane is a designated public footpath but is also used by resident's vehicles, as there are a number of the properties on the opposite side of the lane.

Oakley Garth is the only property on the south side of the lane and enjoys a large garden extending to the west with a lane frontage. Planning permission was granted in 2001 for the construction of a two-bay timber stable block located at the western end of the garden, of typical design constructed of horizontal timber with a natural finish. The stable was subsequently completed and remains on site in good condition, orientated with the gable facing the lane.

This application seeks full planning permission for alterations to the stable block, consisting of the insertion of an up-and-over style door in the north gable elevation and personnel door on the south gable elevation to facilitate the use of the building as a garage. The applicant is proposing to clad the new door using the original shiplap boarding so as to minimise the impact of the development on the external appearance of the building.

**Main Issues**

The relevant policies of the NYM Core Strategy and Development Policy to consider with this application are Development Policy 3 (Design) and Development Policy 19 (Householder Development).

DP3 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 details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; 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.

DP19 states that proposals for extensions or alterations to dwellings, or other development within the domestic curtilage will only be supported where the scale, height, form, position and design does not detract from the character of the original dwelling and its setting; the development does not adversely affect the amenities of neighbouring occupiers, or that of the existing dwelling.

The original planning approval restricted the use of the stables for only domestic horses owned for leisure purposes by the occupiers of Oakley Garth. Consequently, this application also seeks to vary or remove that particular condition enabling the use of the stables as private garaging.

The proposed alterations are relatively smallscale and by re-using the original cladding to face the new garage door, the proposed works will have minimal impact upon the character of the host building (and therefore the wider area).

The highway Authority has no objection in principle but has requested the provision of evidence to demonstrate that the applicant has vehicular right of access over the lane leading from Oakley Bank and a condition is recommended.

*H. Sainsbury*  
7 December 2016

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The applicant has responded to the Highway Officer's recommendation stating that unfortunately he does not have any evidence of right of access (and it is unlikely that any of the other residents will have either). He is aware that the lane is a public footpath but using local knowledge, he is of the understanding that it has been used by vehicles probably in excess of 100 years. The applicant has advised that Yorkshire Water attempted to trace the owner of the lane but drew a blank. Yorkshire Water subsequently surfaced the lane as a gesture of good will after carrying out a substantial amount of work at the Esk Intake but confirmed it was a 'one-off' and they would not accept any responsibility for the lane. In reply to the Highway Authority recommended condition relating to access to the highway, the applicant has provided written confirmation that the access from the proposed garage via the lane to the adopted highway will be the same as I and my neighbours already use.

The above information has been shared with the Highway Authority but no further response has been received. Consequently, the recommendation has been prepared inclusive of the recommended condition, which can later be removed or discharged as necessary.

The use of the stable as a garage may well give rise to a small increase of vehicular activity but this is not anticipated to escalate to an unacceptable level given the small capacity of the structure. As a stable block, it would be reasonable to anticipate occasional vehicular visits for deliveries of feed and bedding and/or with a horsebox for transporting the horses or ponies.

For clarification, this permission permits the proposed alterations to the building and its use as a garage and would sit alongside, (rather than replace) the original permission ref. NYM4/031/0027B/PA relating to the construction of the stable. Therefore, the remaining and relevant conditions attached to that earlier permission are still valid i.e. protection of trees and hedges, exterior treatment and colour and foul drainage.

No other comments have been received and in view of the smallscale nature of the works which are considered unlikely to adversely affect the character of the host building or wider area, approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

*H Savers*  
*7 December 2016*