

Planning Inspectorate Reference:
Local Planning Authority Reference:

APP/W9500/W/17/3185209
NYM/2017/0254/FL

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Mr B Little

Against: Refusal of planning permission for the construction of 1 no. open market dwelling with existing access

Location: Land adjacent to 4 Echo Hill, Sleights

Statement by Local Planning Authority For Written Representations Appeal

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Jill Bastow, BA Hons, BPI, MRTPI
For North York Moors National Park Authority
December 2017

1.0 Introduction

- 1.1 This statement refers to the refusal of planning permission for the construction of a single dwelling on land adjacent to 4 Echo Hill, Sleights by the North York Moors National Park Authority (NPA) as the Local Planning Authority (LPA). The decision notice was dated 3 July 2017 and a copy was included with the NPA's appeal questionnaire.

2.0 Appeal Site and the Surrounding Area

- 2.1 The appeal site comprises the side garden laid out to lawn and shrubs to a semi-detached property built of local sandstone under a pantile roof located within a small row of six houses occupying an elevated position to the north east of the village of Sleights and to the south of the railway line and the River Esk. The row of houses are separated from the main built up body of the village of Sleights by the cricket ground and the fields to Lowdale Farm. Vehicular access is via an unadopted single track of which serves as the vehicular access to approx.8 properties, 2 farms and the cricket club.
- 2.2 None of the properties at Echo Hill are designated heritage assets and the appeal site does not lie within a conservation area.

3.0 Relevant Site History

- 3.1 Planning permission was previously refused in 2006 for the erection of a dwelling in the side garden of 4 Echo Hill. A copy of the location plan and decision notice is attached at Appendix A. That application was considered under Policies H3, H4 and T7 of the previous Local Plan and was refused for the following reasons:

1. The site lies outside the settlement of Sleights/Lowdale and does not constitute an infill plot within the built up area of a settlement. If permitted this development would consolidate this pocket of sporadic development in the countryside to the detriment of the character of the environment and landscape of the North York Moors National Park. As such the proposal is contrary to Policy H3 of the North York Moors Local Plan which states that development will only be permitted on infill plots or larger sites within the existing built up areas of (inter alia) Sleights/Lowdale.

2. The proposed development will generate additional traffic on the unadopted access road at Lowdale which is wholly inadequate in terms of construction, design and layout to cater for increased vehicular movements. The proposal is therefore contrary to Policy T7 of the North York Moors Local Plan which states that the proposed developments either individually or cumulatively must be of a scale which the adjacent road network has the capacity to serve without detriment to highway safety or to the environmental characteristics of the locality.

- 3.2 Pre-application advice in relation to the erection of a dwelling on the side garden to 4 Echo Hill was sought by the appellant's agent in May 2016 and a copy of the NPA's response is attached at Appendix B. This planning history illustrates the consistent approach the NPA has taken in response to development proposals for the appeal site.

4.0 Proposed Development and the Decision

- 4.1 The application to which this appeal relates was received by the NPA on 5 April 2017 and was validated on the 8 May 2017. The development description was given as 'Construction of 1 no. open market dwelling with existing access'. No objection to this development description was raised by the appellant.
- 4.2 The proposal as determined by the NPA was for the erection of a detached two-storey, four-bedroomed dwelling to be constructed in local stone under a clay pantile roof. The principle elevation of the proposed dwelling would face south-west as with the adjacent properties with vehicular access provided from Echo Hill to the rear of the site where at present there is a garage.
- 4.3 The application was submitted with the following accompanying documents:
Planning Supporting Statement & Design and Access Statement.
- 4.4 No objections to the application were received from the Parish Council, Highway Authority, Yorkshire Water Services Ltd and Scarborough Borough Council Environmental Health although the Parish Council did request the retention of the mature trees on the site and that careful consideration be given to the height of the proposed dwelling to ensure it would be in keeping with the adjacent properties. Copies of these responses were included with NPA questionnaire.
- 4.5 One letter was received from the residents of a nearby property expressing some concerns with the proposed development with particular regard to the increase in vehicle movements along the access road which would cause more damage to the track. A copy of this letter was included with NPA questionnaire.
- 4.6 The application was determined under delegated powers and the refusal notice was issued on 3 July 2017 with the following reason for refusal:
1. *The site is not considered to form a small infill gap within a continuously built up frontage in the main built up area of Sleights, and consequently constitutes housing development in the open countryside for which there is no proven essential need. If permitted the proposal would consolidate this pocket of sporadic development in the countryside and would give the locality a much more built up, urban appearance which would be harmful to the character and appearance of the landscape of this part of the National Park. As such the proposal is contrary to Core Policies A and J of the Core Strategy and Development Policies Document and the National Planning Policy Framework which seek to confine new housing development to the main built up areas of the settlements of the National Park and restrict new housing in the open*

countryside unless there are special circumstances. No such circumstances exist in this case.

5.0 Planning Policy and Guidance

5.1 This section covers both the statutory Development Plan and the general implications of the location of the appeal site within a National Park.

5.2 At the time of decision, the Development Plan for the area formally consisted of the **North York Moors Core Strategy and Development Plan Document (CSDPD)** which was adopted by the NPA on 13 November 2008. (The Development Plan also consists of the Whitby Business Park Area Action Plan (2014) and the Helmsley Local Plan (2015), though these do not contain policies relevant to this appeal). The most relevant policies in the determination of this appeal are considered to be:

- **Core Policy A Delivering National Park Purposes and Sustainable Development**
- **Core Policy B Spatial Strategy**
- **Core Policy J Housing**
- **Development Policy 3 Design**

Core Policy A seeks to further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park's special qualities. Amongst other things it states that priority will be given to: providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape of the Park; conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas; and enabling the provision of a choice of housing that will meet the needs of local communities in terms of type, tenure and affordability.

Core Policy B states that the overarching strategy to meet the needs of people in the National Park is based upon improving the sustainability of local communities by supporting, improving and consolidating existing services and facilities; providing additional housing and employment opportunities within settlements; and enabling alternative modes of travel to the private car in accordance with the settlement hierarchy. Sleights is identified in the Settlement Hierarchy as a Service Village where open market and affordable housing is supported.

Core Policy J seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units within the main built up area of the Local Service Centre of Helmsley and the Service Villages, such as Sleights. Sites of less than 0.1 hectare must meet the definition of a small infill gap. This is defined in the supporting text to the policy 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 states that in order to maintain and enhance the distinctive character of the National Park, development will only be permitted where, amongst other criteria, the siting, orientation, layout and density preserves or enhances views into and out of the site and spaces about and between buildings; a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular; and the scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings.

Copies of these policies and their supporting text were sent with the NPA's appeal questionnaire.

- 5.3 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 but is a material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The North York Moors Core Strategy and Development Policies Document (CSDPD) was adopted on 11th November 2008 under the provisions of the 2004 Act and for the purposes of housing policies is considered not to conflict with national policies in the NPPF (this has been concluded in previous appeal decisions by PINS) is therefore up-to-date and should be the starting point for any decision making in the North York Moors National Park.
- 5.4 The Government's commitment to the protection of National Park's is clearly set out in the NPPF. **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. It goes on to advise that the conservation of cultural heritage is an important consideration and should be given great weight in National Parks.
- 5.5 Furthermore whilst at the heart of the NPPF is a presumption in favour of sustainable development, **footnote 9** confirms that development should be restricted within a National Park. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks.
- 5.6 At paragraph 55 the NPPF refers to promoting sustainable development in rural areas and advises that housing should be located where it will enhance or maintain the vitality or rural communities. It goes on to advise that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work; where such

development would represent the optimal viable use of a heritage asset; where the development would re-use redundant buildings and lead to an enhancement to the immediate area; or the exceptional quality or innovative nature of the design of the dwelling.

- 5.7 The **North York Moors National Park** was formally designated in 1952 under the National Parks and Access to the Countryside Act 1949. The two key purposes are *to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public*. When it appears that there is conflict between these purposes the 'Sandford principle' confirms that greater weight should be given to the first purpose, the conservation of the landscape (English National Parks and the Broads Circular 2010), 'Environment Act 1995, part III: 'National Parks' DoE, 11 September 1996.

6.0 Local Planning Authority's Case

- 6.1 The NPA considers the main issues raised by the appeal are:
- whether the site fulfils the definition of an infill plot lying within the main built up area of Sleights, and
 - if not, whether there are any special circumstances which would justify development in the open countryside.
- 6.2 Whilst the NPA recognises that the appeal site does form a small gap within a row of six houses, this row of isolated properties occupies an elevated position divorced from the main built up area of Sleights. It is some 150 metres from the edge of the village and separated by the fields of Lowdale Farm and the cricket ground. Whilst there are properties to either side of the appeal site, there is no development to the front (south-east) or rear (north-east). Consequently the NPA concludes that the site cannot be reasonably considered to be a small gap within a continuously built up frontage in the main built up area of the settlement for the purposes of satisfying Core Policy J of the CSDPD. Core Policy J is unequivocal as regards the location of open market housing which must be within the main built up area of the Service Villages, of which Sleights is one. The scattering of properties at Echo Hill has always been, and continues to be, regarded by the NPA as lying out with the main built up confines of Sleights and therefore in open countryside where local and national planning policy with regard to new housing is much more restrictive.
- 6.3 This approach has also been confirmed in previous planning appeal decisions at Echo Hill. In 1984 in dealing with an appeal against the refusal of outline planning permission for the erection of a dwellinghouse on land at Echo Hill (PINS ref: T/APP/P2731/A/84/017686/P3, NPA ref: NYM4/34/235/PA) the Planning Inspector stated that "the boundary of the village (Sleights) appears to me to be formed by the beck and the proposed development seems to be better described as an extension to the row of houses at Echo Hill which are separated from the nearest buildings in the village by over 100 metres". He went on to comment that the Local Plan housing

policies at that time "allow for new building only by infilling in existing villages" and that the proposal was "not ... either infilling or in a village". A copy of the location plan, decision notice and appeal decision letter is attached at Appendix C.

- 6.4 Then in 2004 in dealing with an appeal against the refusal of planning permission for the erection of a craft workshop for B1 purposes at 6 Echo Hill (PINS ref: APP/W9500/A/04/1138335 NPA ref: NYM/2003/0690/FL) the Inspector stated: "there is no dispute that Echo Hill is outside the village of Sleights. From the evidence and my site inspection, I am also satisfied that Echo Hill is not on the edge of the village." A copy of the location plan, decision notice and appeal decision letter is attached at Appendix D.
- 6.5 Whilst the NPA acknowledges that the appeal proposal would not result in isolated housing development, the appeal site does nevertheless lie in the open countryside around Sleights and in such cases, new build dwellings have to be justified to serve the essential long term needs of persons working in agriculture, forestry or other essential land management activities. This applies equally to all areas of open countryside, even where there are already a few scattered dwellings. As no justification has been submitted to demonstrate an essential need for the accommodation for agriculture, forestry or other essential land management activities, the proposal again conflicts with Core Policy J of the CSDPD.
- 6.6 Notwithstanding the fact that the appeal site lies out with the main built up area of Sleights, it is also important to recognise the amenity value of open spaces or gaps between properties and Core Policy J advises that not every gap will be appropriate for development. The appeal site forms an attractive side garden area which helps this pocket of sporadic development at Echo Hill to play a transitional role between the main built up area of Sleights and the surrounding countryside. If such gaps were consolidated it would give the locality a much more built up, urban appearance which would be harmful to the character and appearance of the landscape of this part of the National Park. To that end the appeal site is considered to make a positive contribution to the special qualities of the landscape of the National Park which both local and national planning policies seek to protect for its own sake and for the enjoyment of future generations.

7.0 Conclusion

- 7.1 In conclusion the NPA maintains its opinion that the appeal site does not form a small infill gap within a continuously built up frontage in the main built up area of Sleights, and consequently constitutes housing development in the open countryside for which there is no proven essential need. If permitted the proposal would consolidate this pocket of sporadic development in the countryside and would give the locality a much more built up, urban appearance which would be harmful to the character and appearance of the landscape of this part of the National Park and contrary to the adopted policies of the CSDPD and Government's planning policies contained in the

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NPPF which aim to protect the National Park from inappropriate development.

- 7.2 The NPA concludes that the appeal proposal therefore conflicts with the requirements of the adopted policies of the CSDPD and Government's planning policies contained in the NPPF. The NPPF advises that development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise. The NPA maintains that there are no compelling reasons to justify an exception to the adopted policies of the CSDPD which seek to confine new housing development to the main built up areas of the settlements of the National Park and restrict new housing in the open countryside unless there are special circumstances. No such circumstances exist in this case.
- 7.3 Therefore, the NPA respectfully requests that the Inspector dismisses the appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the NPA would wish to see imposed are attached at Appendix E.

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APPENDIX A – Copy of decision notice NYM/2006/0861/OU

TOWN AND COUNTRY PLANNING ACT, 1990
NORTH YORK MOORS NATIONAL PARK AUTHORITY

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT

To Mr and Mrs Little
C/o BHD Partnership
Airy Hill Manor
Whitby
North Yorkshire
YO21 1QB

The above named Authority being the Planning Authority for the purposes of your application registered 25 October 2006, in respect of **outline application for the erection of a detached dwelling at 4 Echo Hill, Sleights**, have considered your said application and have **refused** permission for the proposed development for the following reasons(s):

1. The site lies outside the settlement of Sleights/Iburndale and does not constitute an infill plot within the built up area of a settlement. If permitted this development would consolidate this pocket of sporadic development in the countryside to the detriment of the character of the environment and landscape of the North York Moors National Park. As such the proposal is contrary to Policy H3 of the North York Moors Local Plan which states that development will only be permitted on infill plots or larger sites within the existing built up areas of (inter alia) Sleights/Iburndale.
2. The proposed development will generate additional traffic on the unadopted access road at Lowdale which is wholly inadequate in terms of construction, design and layout to cater for increased vehicular movements. The proposal is therefore contrary to Policy T7 of the North York Moors Local Plan which states that the proposed developments either individually or cumulatively must be of a scale which the adjacent road network has the capacity to serve without detriment to highway safety or to the environmental characteristics of the locality.

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

Date: 18 DEC 2006

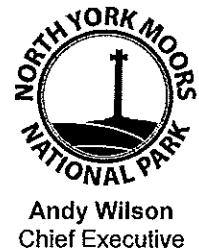
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APPENDIX B – Copy of pre-application advice in relation to this appeal proposal

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
Tel: 01439 772700
Email: general@northyorkmoors.org.uk
Planning enquiries: planning@northyorkmoors.org.uk
www.northyorkmoors.org.uk



Geoff Hodgson
28 Market Place
Guisborough
TS14 6HF

Your ref:
Our ref: NYM\2016\ENQ\12249
Date: 16 May 2016

Dear Mr Hodgson

Pre-application advice for proposed dwelling at 4 Echo Hill, Sleights

Thank you for your enquiry received 03 May 2016.

The site to which you refer is located within a group of houses west of the settlement of Sleights. This area forms an elevated pocket of development distinct and separate from the main settlement of Sleights.

As you state in your email, planning permission was refused in 2006 for the erection of a dwelling in the side garden of no. 4 Echo Hill. That application was considered under Local Plan Policies H3, H4 and T7 of the previous Local Plan and was refused for the following reasons:

1. The site lies outside the settlement of Sleights/Iburndale and does not constitute an infill plot within the built up area of a settlement. If permitted this development would consolidate this pocket of sporadic development in the countryside to the detriment of the character of the environment and landscape of the North York Moors National Park. As such the proposal is contrary to Policy H3 of the North York Moors Local Plan which states that development will only be permitted on infill plots or larger sites within the existing built up areas of (inter alia) Sleights/Iburndale.
2. The proposed development will generate additional traffic on the unadopted access road at Lowdale which is wholly inadequate in terms of construction, design and layout to cater for increased vehicular movements. The proposal is therefore contrary to Policy T7 of the North York Moors Local Plan which states that the proposed developments either individually or cumulatively must be of a scale which the adjacent road network has the capacity to serve without detriment to highway safety or to the environmental characteristics of the locality.

Continued...



The main issues were considered to be whether the site came within the definition of an infill plot within a larger settlement or if not whether there were any special circumstance which would justify development in the open countryside. A further consideration was whether satisfactory access could be gained to the site.

In terms of the principle of development, Policy H3 was explicit as regards the location of new dwellings. This has been carried through into the Local Development Plan which was adopted in 2008. Core Policy J states new dwellings must be within the settlement of Sleights and Echo Hill continues to be considered to be outside of that settlement. This has also been confirmed at previous Planning Appeals where a Planning Inspector stated that:

"There is no dispute that Echo Hill is outside the settlement of Sleights/Iburndale Lane. From the evidence and my site inspection, I am also satisfied that Echo Hill is not on the edge of the village."

In view of the above, the site is considered to be in the countryside and in such cases, new build dwellings have to be justified to serve the long term needs of persons working in agriculture or forestry. It is both National and Local Planning policy to protect the landscape of the National Park for its own sake and for the enjoyment of future generations; the landscape includes its settlements and hamlets. This pocket of sporadic development in the countryside contains gaps but if these gaps were consolidated it would give the locality a much more urban appearance which would be harmful to the character and appearance of the area.

In addition, the access to the site was considered by the Highway Authority to be unsuitable for further development and considered any intensification of its use would be likely to lead to conditions prejudicial to highway safety. In my opinion, this Highway objection would still remain.

In view of the above I would advise you that there has been no change in circumstances since the previous refusal of planning permission to warrant a different decision being reached now.

Yours sincerely



Mrs Hilary Saunders
Planning Team Leader
Development Management

e-mail: h.saunders@northyorkmoors.org.uk

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APPENDIX C – Copy of location plan, decision notice and appeal decision
NYM/4/34/0235/PA

Department of the Environment and
Department of Transport

Common Services

Room 141 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 950

Switchboard 0272-218811

GTN 2074

North Yorkshire County Council
Chief Executive's Dept.

Rec'd. - 1 NOV 1984

Attn:

Date:

C A T Coates Esq
3 Mill Lane
Iburndale
Sleights
.....
22 5DU

Your reference

Our reference

T/APP/P2731/A/84/017686/P3

Date

31 OCT 84

COUNTY OF NORTH YORKS
NORTH YORK MOORS DEPT.

- 5 NOV 1984

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- NYM4/34/235/PA

- I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the North York Moors National Park Committee of the North Yorkshire County Council to refuse outline planning permission for the erection of a dwellinghouse at Echo Hill, Lowdale, Sleights. I have considered the written representations made by you, the National Park Authority and the parish council. I inspected the site on 17 September 1984.
- From my inspection of the site and its surroundings and from the written representations it is my opinion that the main issues in this case are 1. whether the proposed development is acceptable having regard to its location relative to the built up area and the policies regarding residential development in the National Park, and 2. whether a satisfactory access can be gained to the site.
- The site on which you propose to build a dwelling is part of a largely untended area of small trees and scrub and a small area of pasture. The land as a whole slopes gently up from the track known as Echo Hill to the railway. The track gives access to a farm, the football and cricket club and 6 or 7 houses situated alongside the railway line. To the west the land is bounded by the Iburndale Beck, and to the east there is an orchard. You consider that the site falls within the village limits and that the proposed dwelling would be purely infill. I do not accept these arguments, since the boundary of the village appears to me to be formed by the beck, and the proposed development seems to be better described as an extension to the row of houses at Echo Hill, which are separated from the nearest building in the village by over 100 m.
- The National Park Committee consider that the development would be contrary to Housing Policies 4 and 6 of the North York Moors Local Plan, an informal non-statutory plan. These policies allow for new building only by infilling in existing villages, and since your proposal is not in my opinion either infilling or in a village I agree with them. However I do not agree with them that Housing Policy 4 in its application to your proposal reiterates Policy H5 of the North Yorkshire Structure Plan, which is part of the Development Plan for the area. Policy H5 refers to 'isolated residential development which is not related to an existing settlement' and I do not think that your proposal can be described as such, since it is very close to a large village. Nevertheless national policy statements also apply, and I consider that the local plan policies quoted accord with the general principles expressed in Development Control Policy Note 4, published by the Department of the Environment which states that 'In the open country new houses will

not normally be permitted unless there is a special need in the particular case, for instance a farm worker who must live on the spot. This will apply equally to areas where there are already a few scattered buildings'.

5. The Policy Note does allow exceptions and I have considered the possibility that your proposed development may satisfy the policies by virtue of your proposals for a market garden. You have not given me any evidence that your proposals are viable or that they need the full time presence which might justify a dwelling on the site. Even if you had already established a market garden there seems to be no real reason why it should not be managed from a house in Sleights. I appreciate that you have difficulty in controlling the activities of trespassers on the site, but it did not appear to me that there was any recent damage, and the tipping which took place some time ago would be unlikely to be repeated if the land were actively under cultivation, and the fences were repaired.

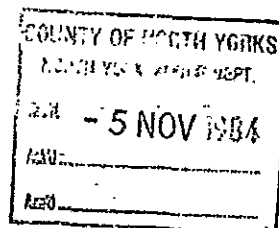
6. With regard to the second issue, it is not clear where the access to the proposed dwelling would be made, but it seems to me that it would be possible to widen the track fronting land in your ownership to meet the highway authority's objection on those grounds, and access to the dwelling could be made through the land between it and the road. However Echo Hill leads onto a network of unadopted, largely unsurfaced roads in the lower part of Sleights which appear to me to be wholly inadequate to cater for any increase in traffic. I therefore consider this to be another reason for rejecting.

7. I have taken into account all other matters raised in the written representations but I do not find anything to alter my conclusions on the planning aspects of this appeal.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Sir
Your obedient servant

David Ward
DAVID WARD BSc(Hons) CEng MICE FIHT
Inspector



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APPENDIX D - Copy of location plan, decision notice and appeal decision
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TOWN AND COUNTRY PLANNING ACT, 1971
NORTH YORKSHIRE COUNTY COUNCIL
NORTH YORK MOORS NATIONAL PARK COMMITTEE

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT

To: Mr. C.A.T. Coates;

3 Mill Lane,

Iburndale, Sleights,
WHITBY, North Yorkshire.

The above-named Council being the Planning Authority for the purposes of your ^{outline} application dated the 28th March, 1984, in respect of proposed Development for the purposes of erection of single dwellinghouse at Echo Hill, Lowdale, Sleights

have considered your said application and have refused permission for the proposed Development for the following reasons:

1. This site is outside the limits of a recognised settlement and approval of this development would be contrary to policy H5 of the North Yorkshire County Council Structure Plan which became operative on December 26th, 1980 and policy H6 of the North York Moors Local Plan approved by the National Park Committee in October 1980 which states that residential development in open countryside, outside the limits of existing villages, will only be permitted if it is proved to be essential to the needs of local agriculture or forestry or if other special circumstances exist. In this case the local planning authority does not consider that there are any circumstances which warrant a departure from this policy.
2. This proposal constitutes sporadic residential development outside the limits of an existing settlement and would be seriously detrimental to the visual character of the North York Moors National Park which the local planning authority has a statutory duty to enhance and conserve.
3. If approved this application could encourage other similar applications which would, by virtue of precedent, be more difficult to refuse so leading to a decline in the landscape character and visual amenity of the North York Moors National Park.
4. The unadopted roads giving access to the site are of inadequate width, layout and construction to satisfactorily provide for additional residential use.
5. There will be more than three properties having principle means of access onto an unadopted street which is of insufficient width for it to be laid out to a standard suitable for its adoption as a highway maintainable at public expense.

Date: 11 MAY 1984

H. J. Evans
Chief Executive & Clerk of the County Council

NOTE:-

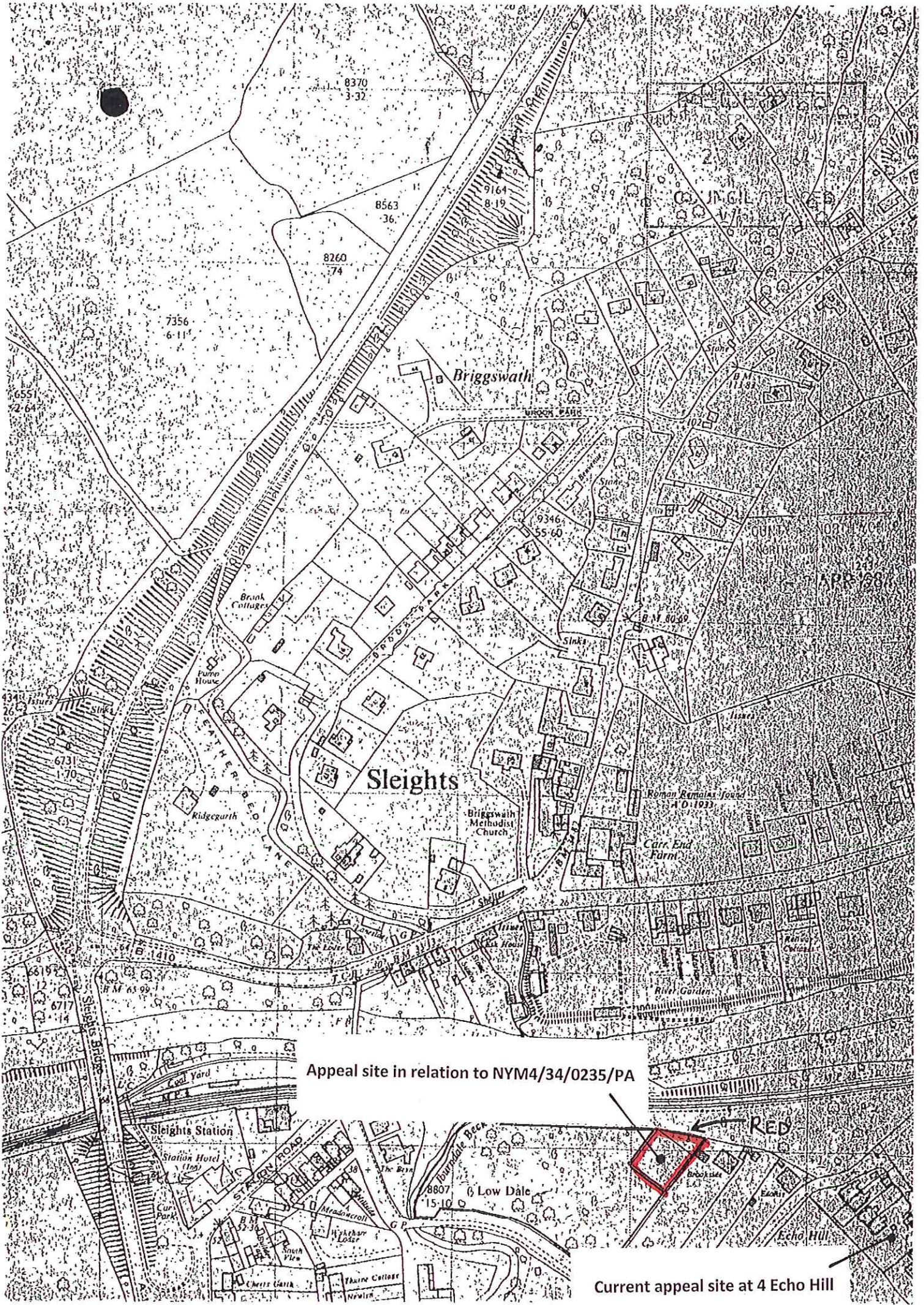
No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.
- (3) In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

Note:-If an aggrieved applicant wishes to exercise his right of appeal as above mentioned, he should do so on the appropriate form obtainable from:-

The Secretary of State,
Department of the Environment,
Tollgate House,
Houlton Street,
Bristol BS2 9DJ



8370
3-32

8563
36

8260
74

7356
6-11

Briggswath

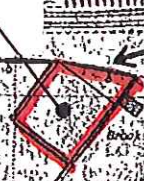
Sleights

Briggswath Methodist Church

Roman Remains found A.D. 1933

Carr End Farm

Appeal site in relation to NYM4/34/0235/PA



RED

Sleights Station

Station Hotel (189)

Low Dale

Current appeal site at 4 Echo Hill



Appeal Decision

Site visit made on 4th May 2004

by Sean Slack BA LLB DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
408 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
✉ mail.enquiries@planning-
inspectorate.gsi.gov.uk

NYMNP/

14 MAY 2004

Date

13 MAY 2004

Appeal Ref: APP/W9500/A/04/1138335

"Caedmon" 6 Echo Hill, Sleights, Whitby, North Yorkshire YO22 5AE

- 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 S Leadley and Mrs D Leadley against the decision of North York Moors National Park.
- The application (Ref NYM/2003/0690/FL), dated 16th September 2003, was refused by notice dated 19th November 2003.
- The development is a revised proposal for the erection of a single storey extension to existing garage to provide space for hand weaving nets and parking, addition of conservatory to rear of dwelling.

Summary of Decision: The appeal in respect of the proposed conservatory is allowed as set out in the formal decision. The appeal in connection with the proposed hand weaving craft workshop is dismissed

Procedural matters

1. This appeal follows the refusal of an earlier proposal described as "the erection of a single storey workshop for manufacturing hand-woven fishing nets and addition of conservatory to rear wall of dwelling" The application subject to appeal is in essence the same proposal albeit with a modified siting and an increase in floorspace from 81 square metres to 116 square metres. The earlier application indicated industrial floorspace of 75 square metres. The present application states that no industrial floorspace is proposed but suggests a new floorspace defined as "craftwork" amounting to 88 square metres. My view is that the proposed use would be a light industrial use falling within the business class B1 as set out in Part B to the Town and Country Planning (Use Classes) Order 1987. I also consider the description of the proposal as an extension to an existing garage to be misleading as the garage constitutes a small element in the overall development. I have considered the appeal as a proposal for the erection of a craft workshop for Class B1 purposes.
2. The National Park Authority in refusing planning permission make no reference to the proposed conservatory. I am satisfied that that development is not open to objection. My assessment of the appeal relates only to the proposed craft workshop.

Planning Policy

3. The development plan is the North Yorkshire 3rd Alteration 1995 and the North York Moors Local Plan adopted in May 2003. Local Plan policy E1 permits the erection of new buildings in connection with small scale economic development falling within Use Class B1 or B2 in locations in or on the edge of villages subject to 2 criteria being satisfied. These are that other suitable accommodation is not already available in the immediate area and secondly that the proposal conforms with the provisions of policy GP3. That policy applies where the proposal accords with other relevant policies of the local plan and seeks to ensure

that new development of a high standard which respects or enhances the character and special quality of the landscape. The policy also requires that new development should have satisfactory road access and does not result in undue demand for services. The Authority have also referred to policy E6 which permits proposals for home based employment subject to the requirements of policy GP3 being met. I have also had regard to national policy guidance in PPG7 which encourages the diversification of the rural economy subject to the guiding principle that development should both benefit economic activity and maintain or enhance the environment.

The main issue

4. The main issue is whether the proposal is suitably located for small scale economic development having regard to the aims of national and local policies to protect the landscape of the national park whilst facilitating employment opportunities through diversification of the local economy.

Reasons

5. In considering the appeal I am aware of the statutory requirement under Section 54A of the 1990 Act (as amended) that determinations on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
6. Policy E1 is unequivocal as regards the location of new business class development. It must be in or on the edge of a village. There is no dispute that Echo Hill is outside the village of Sleights. From the evidence and my site inspection, I am also satisfied that Echo Hill is not on the edge of the village. The Authority describe the location of the appeal site as being within a small cluster of dwellings in the countryside to the east of Sleights Village. The appellants' agent describes the location of Echo Hill as in an area lying to the north and east of the village of Sleights. The same agent in a valuation report of June 2002 in connection with No.5 Echo Hill, described the location as a semi rural setting with open land lying between the villages of Sleights and Ruswarp. The submitted location plan also clearly shows Echo Hill some distance across open fields from the built up area of the village. On this basis I find the Authority to have mis-applied policy E1 as the site is clearly not on the edge of the village and the appeal proposal must fall outside that policy. Paragraph 7.10 to the policy permits a possible exception outside villages only in the case of agricultural diversification where there are no suitable buildings available for conversion and where the development will be linked to the agricultural enterprise.
7. In view of my conclusion that policy E1 does not apply, I have given careful consideration to the nature of the proposed development and the appellants' personal circumstances which have been put forward in support of the appeal.
8. A number of reasons have been put forward in support of the development. The development would enable the Mr Leadley, who is disabled, and his wife to work from home with only one extra person employed from outside. The business trading as Caedmon Nets is a traditional craft industry with no machinery, noise, smell, chemicals or hazardous waste. It should be described as a craft oriented cottage industry rather than a manufacturer in the industrial sense. Traffic movements would be no more than 3 courier vans each week and vehicles would not use Echo Hill as access would be gained through the track along the field to the south west. The decline of the fishing industry has meant that new products such as sports nets, children's' play nets and covers are now produced. It is also pointed out

that there are other businesses in Echo Hill such as bed and breakfast uses and holiday cottages. It is acknowledged that Mr Leadley's disability does not inhibit his work activities at present but he is concerned that it could be a problem in the future.

Conclusions

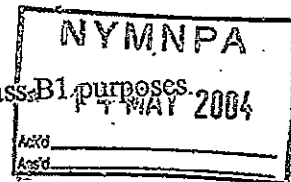
9. My conclusion on the representations is that there are no compelling reasons to justify an exception to policies of the recently adopted local plan which aim to protect the national park from inessential development. Apart from considerations of the appellants' personal convenience, there is no evidence that it is necessary to operate a craft workshop on the appeal site or that other suitable accommodation is not already available in the immediate area. In my view, the proposal would result in the erection of a substantial building in the countryside, unrelated to the needs of agriculture and having regard to its hilltop location would be a conspicuous feature in the landscape. It would also be out of scale and character with the adjacent dwellings in conflict with the aims of the adopted policy GP3.
10. I have considered all other matters raised in the representations including the views of local residents both for and against the proposal and note the support for the development from the Whitby and District Disablement Action Group. I also note that the recommendation of the Planning Officer was to grant permission subject to conditions, including a personal permission and a condition restricting the use to the manufacture of nets. I am aware of the advice in Circular 11/95 that a personal permission will scarcely ever be justified for the erection of a permanent building. I consider that such conditions would not overcome the objection in principal to development outside the village boundary in a specially protected area.

Formal decision

11. For the reasons given above, I hereby determine the appeal as follows;

I allow the appeal in part and grant planning permission for erection of a conservatory at rear of "Caedmon" 6 Echo Hill, Sleights, YO22 5AE in accordance with the application ref: NYM/223/0690/FL dated 16th September 2003 and the plans submitted therewith subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.

I dismiss the appeal in respect of the proposed craft workshop for Class B1 purposes.



Sean Slack
Inspector

TOWN AND COUNTRY PLANNING ACT, 1990
NORTH YORK MOORS NATIONAL PARK AUTHORITY

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT

To Mr S & D Mrs Leadley
c/o Bell Snoxell Associates
Barclays Bank House
Baxtergate
Whitby
YO21 1BW

COPY

The above named Authority being the Planning Authority for the purposes of your application dated 17 September 2003, in respect of single storey extension to garage to accommodate handweaving net business and erection of conservatory at Caedmon, 6 Echo Hill, Sleights, Whitby have considered your said application and have refused permission for the proposed development for the following reasons(s):

1. The proposed building, by virtue of its siting and scale, would result in an over development of the site which would be detrimental to the character of the area in particular in terms of its appearance in the wider landscape. The proposal would therefore be contrary to policy GP1 and GP3 of the revised deposit North York Moors Local Plan which requires that new development does not adversely affect the special qualities and character of the North York Moors National Park and respects the special qualities of the locality and wider landscape and to policy E6 which requires that proposals for homeworking comply with the terms of policy GP3 and H8.
2. The proposal by virtue of the type and level of activity it would generate would be likely to detrimentally affect the amenities enjoyed by nearby residents and so be contrary to policies GP3 of the revised deposit North York Moors Local Plan.

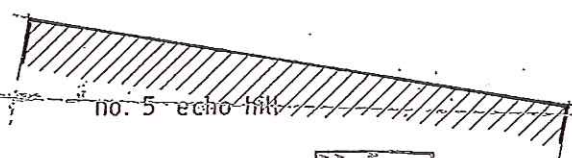
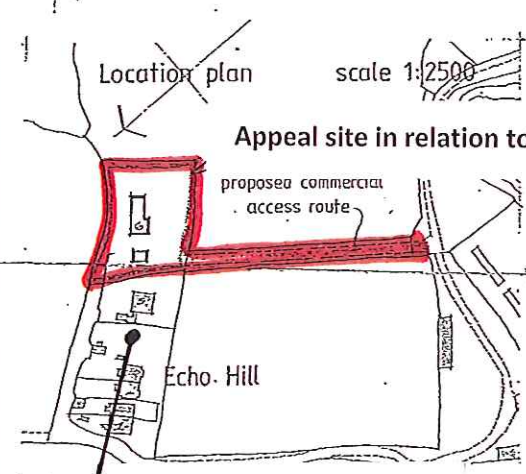
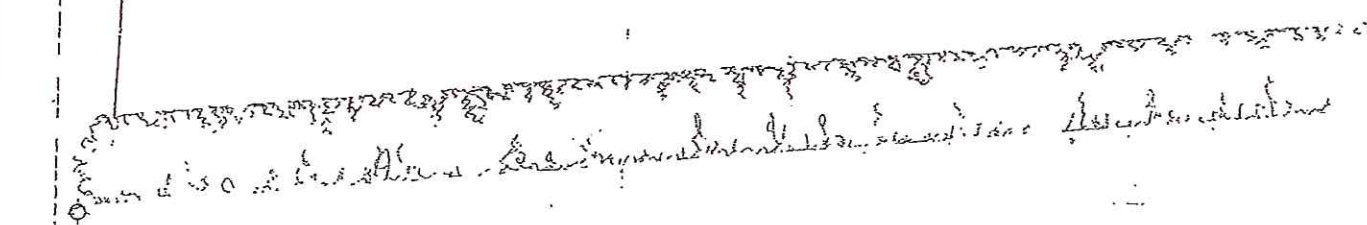
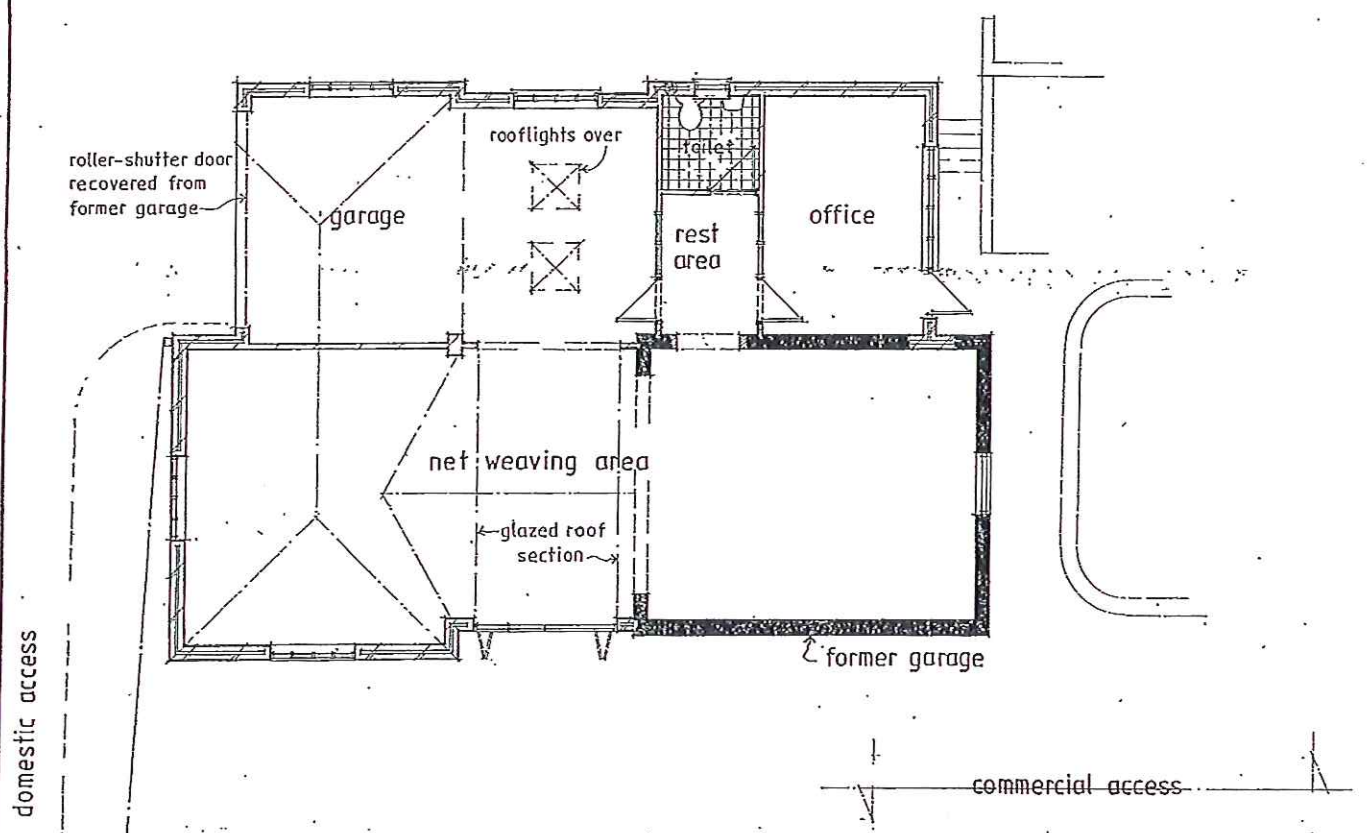
COPY

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

119 NOV 2003
Date

Caedmon house - no. 6 echo hill



NYM/PA
17 SEP 2003

Current appeal site at 4 Echo Hill

Project : Proposed erection of workshop
 Location : Caedmon House, 6 Echo Hill, Sleights, Whitby
 Clients : Mr S & Mrs D Leadley
 Title : Proposed floor plans

BELL-SNOXELL ASSOCIATES	
Chartered Surveyor, Architectural & Planning Consultants Barclays Bank House, Baxtergate, Whitby, N. Yorks YO21 1BW Tel. 01947 820262 E-mail- info@snoxell.demon.co.uk	
Date: Aug '03	Scale: 1:100
Drawn By: J/K.C.G.	Drawing No: 401617A



NYM/2003/0690/FL & A.S.

Planning Inspectorate Reference:
Local Planning Authority Reference:

APP/W9500/W/17/3185209
NYM/2017/0254/FL

APPENDIX E – List of Suggested Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site Location Plan		5 April 2017
Proposed Plans and Elevations	16/109/01	5 April 2017
Site Details	16/109/02	5 April 2017

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 40 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. No work shall commence on the excavation works for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained until the development hereby approved has been completed.
5. The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. No work shall commence on the installation of any windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional

details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

8. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. No work shall commence to clear the site in preparation for the development hereby permitted until details of a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the dwelling, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
11. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hardsurfacing and boundary treatment to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.