



# The Planning Inspectorate

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Miss F A Ward (The National Park Officer)  
N Yorks Moors N P Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York,  
YO6 5BP

Your Ref: NYM4/034/0161A/PA  
Our Ref: APP/W9500/A/01/1071879  
Date: 11 December 2001

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Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR J PAGE  
SITE AT SPRING HOUSE, LITTLEBECK LANE, SLEIGHTS, N YORKS**

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

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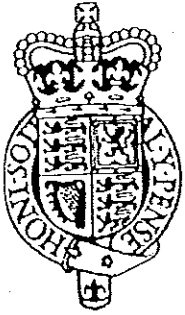
E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

Mr Tim Mather

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# Appeal Decision

The Planning Inspectorate  
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Site visit made on 28 November 2001

by Denis F McCoy ARIBA FRTPI DipArch (Oxford)

an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

Date 11 DEC 2001

Appeal: APP/W9500/A/01/1071879

Spring House, Hobbin Head, Littlebeck Lane, Sleights, Nr Whitby, N Yorkshire

- 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 J Page against the North York Moors National Park Authority.
- The application (ref NYM4/034/0161A/PA) dated 30 January 2001 was refused by notice dated 22 May 2001.
- The development proposed is described as "retention of single storey extension on north elevation to dwelling, alterations to garage front and roof, extension to south side of garage, summer house, 2 no monkey houses and cage, garden curtilage (retrospective) and two relocated domestic dog kennels in rear garden adjacent to monkey houses".

Summary of Decision: the appeal is allowed and planning permission granted, subject to the conditions set out in the Formal Decision below.

12 DEC 2001  
AKD  
ASD

## Preliminary Points

1. The appeal property is a smallholding on a hillside rising steeply from Littlebeck Lane to a main road, the A169. There is a parking layby off that road with panoramic views towards the coast. A line of electric pylons passes between it and the house and there is a public footpath linking a point near the layby to the Lane just at Spring House. Subsequent to the decision giving rise to this appeal planning permission has been granted for the extension to the north of the building, and for the enlargement of its former curtilage (subject to a condition severely restricting permitted development rights there). These two elements of the appeal proposal are, as a result, not matters for me to deal with. To the extent that the rest of the development was already in place at the time of my visit I shall deal with the appeal as though arising from an application made under section 73A of the Act for its retention.
2. The appellant and his wife are retiring from a kennels and cattery business to the smallholding. They own several dogs themselves - and Yorkshire terriers are bred as a hobby. Mr Page has long had links with the RSPCA and this in part explains his having acquired a number of maltreated or unwanted monkeys which he wishes to bring to the property to see out their days. It is confirmed that there is no question of establishing any sort of visitor attraction or other business at the site. The Environmental Health Officer has drawn attention to the licence required under the Dangerous Wild Animals Act but has not objected to the scheme.

### Main Issue

3. I consider that the main issue in this appeal is the impact of the works upon visual amenity in the locality.

### The Development Plan

4. Section 54A of the Act requires that this appeal is determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the relevant policies are found in the North Yorkshire Structure Plan (NYSP) and in the North York Moors Local Plan. The authority draw attention to the objectives of National Park designation and to the priority which NYSP policy E1 gives to the conservation of its landscape and general amenity. Their decision in this case is founded on Local Plan policies G2 and EC14. The former aims to ensure that developments help to preserve and enhance the natural and built environment of the Park. The other expects proposals to reflect design principles traditional to the area - and normally requires the use of traditional materials. I am referred also to a number of emerging policies whose aims, so far as this appeal is concerned, are not materially different from those noted above.

### Reasons

5. The building at the appeal site is a much altered one and a half storey cottage under a pantiled roof. Though architecturally undistinguished its form and materials ensure it relates harmoniously to the surroundings, as do a number of other stone cottages forming a sporadic ribbon of development along Littlebeck Lane. Most of these have additions at the side, providing sunrooms or garages, and there are a number of animal shelters and sheds nearby, none of which have a particularly attractive or traditional appearance. All these features however are part of the local scene and have to be borne in mind in evaluating the impact of the appeal proposals.
6. I turn first to the changes made to the house itself. Those which the authority find objectionable are the formation of a roof terrace on top of what was previously a lean-to garage and the construction beside it of a timber-framed extension accommodating indoor kennels. This is to be clad with stained boarding and has a shallow lean-to roof which as was pointed out during my visit could be covered with pantiles. The kennels open into simple caged runs projecting away from the cottage roughly parallel to the road. These extend to the line of the public footpath, and could not be said to be intrinsically attractive. However I saw that the runs are not prominent when seen from the road. To my eye they are a domestic feature sufficiently small in scale not to appear so out of place in the local scene as would justify withholding planning permission.
7. The authority see the roof terrace with its timber balustrading as an alien feature, in keeping neither with the property nor with the locality. Mindful of what is said about Mrs Page's potentially deteriorating medical condition they acknowledge the personal benefits which it could bring for her, but believe quite correctly that that is a consideration which would not outweigh serious policy harm. But the point is whether the feature is so harmful as they believe and I have to say I consider it is not. Though I saw no other balconies or roof terraces in Littlebeck

Lane I did see a variety of additions to other houses and cottages whose subsidiary scale makes them quite innocuous despite some not being intrinsically attractive. The alterations to the garage at Spring House, and the addition of the kennels, seem to me similarly subservient and inoffensive elements of the building and I am not persuaded that these features conflict with the aims of the development plan.

8. Then there are the other items and enclosures to be considered. Given the description of them I can understand the apprehension that they might easily give rise to a shanty town atmosphere. But the particular circumstances of the site, with its shrubs and hedgerows, would I believe enable this to be avoided. A grove of conifers just behind the dwelling provides a wholly unobtrusive setting for the two monkey houses - which are no more than small garden sheds. They (like the dog kennels being positioned there) are for all practical purposes unseen by passers-by and have no material landscape impact. The timber summerhouse is more visible and is set a little apart from the other features, near to a pond in the extended curtilage. It, like the monkey houses, is stained quite a dark brown and to my eye is a feature typical of numerous gardens throughout the country and I can see no objection to its remaining in place.
9. The light timber framework of the cage associated with the monkey houses is shown on the drawings as being about 3.3m high, 7m wide and 12m long. It stands outside the domestic curtilage, just beside the conifers referred to above. Though the authority describe the property as being in a prominent open countryside location the topography of the immediate surroundings is such that this spot cannot be seen from the layby above. I found it difficult to see even the upper parts of the framework from Littlebeck Lane, and clearly summer foliage would block the few viewpoints I found.
10. It is users of the public footpath who would be most affected by seeing the outbuildings and enclosures - and the authority consider their enjoyment of this part of the National Park would suffer unacceptably. Their views of the monkey cage would be from a limited number of points and from none would it be especially prominent. The runs attached to the kennel structure at the house struck me as quite a workaday feature not out of keeping with the character and appearance of a smallholding, and if the footpath is diverted as sought by the appellant they would be less visible to walkers. I regard the landscape impact of the enclosures as neutral in the context of Littlebeck Lane. The authority acknowledge that policy G2 does not preclude the erection of domestic structures for pet animals so long as they do not harm the environment of the Park. In my judgement this is such an instance and I am drawn to the conclusion that permission should not be withheld.

#### Conditions

11. The authority suggest that any permission granted should be subject to a number of conditions. I agree that the highway characteristics of Littlebeck Lane make it undesirable that there should be any commercial activity at the appeal site. I accept also that in the interests of visual amenity the appellant's landscape intentions for his property should be subject to further approval - and his scope for affecting the public footpath constrained as suggested. Since the monkey cage is not intended to be permanent - and mindful of the novelty of the use - I

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consider continuing control over it is justified. Having seen the modest extent of the facilities provided for them I accept that the suggested limitation on the numbers of animals to be kept there, which the appellant has not commented on, should be imposed for the reason given by the authority. Completion of the measures suggested to improve the appearance of the kennel structure is also necessary.

### Conclusion

12. For the reasons given above and having regard to all other matters raised I conclude, on balance, that the appeal should succeed and I shall exercise the powers transferred to me accordingly.

### Formal Decision

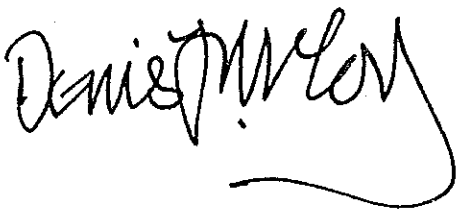
13. The appeal is allowed and planning permission granted for the retention of alterations to the garage front and roof; of a summer house; of two monkey houses and a cage; and of two domestic dog kennels in the rear garden adjacent to the monkey houses at Spring House, Hobbin Head, Littlebeck Lane, Sleights, Nr Whitby in accordance with the terms of the application No NYM4/034/0161A/PA dated 30 January 2001, and the plans submitted therewith, subject to the following conditions:
  - (1) Within six months of the date of this permission, the lean-to animal storage building shall be clad in vertical boarded timber stained dark brown, and its roof covered with pantiles.
  - (2) This permission only permits the retention of the various structures detailed on the submitted plans for the accommodation of animals for domestic purposes ancillary to the residential occupation of Spring House and not for the keeping of animals for any commercial or leisure attraction purposes. There shall be no access to or viewing of these animals by the public and at no time shall the animals kept on this site be used for any form of public display or performance in any location.
  - (3) No animals other than those owned by the occupier for the time being of the property known as Spring House shall be kept or accommodated in any part of the buildings and enclosures hereby permitted.
  - (4) The permission hereby granted to retain the monkey cage is only valid for five years from the date of this permission. The monkey cage shall be removed from the site before this period expires unless the prior written consent of the local planning authority has been obtained.
  - (5) There shall be no fencing of nor surfacing of the public right of way without the prior written consent of the local planning authority.
  - (6) This permission only permits a maximum of 14 dogs, 12 cats and 8 monkeys to be kept anywhere on the application site.
  - (7) No further development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all

existing trees and hedgerows on the land, and details of those to be retained, together with measures for their continuing protection following completion of the development.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the cages and kennels, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

#### Information

14. Attention is drawn to the fact that an applicant for any approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
15. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
16. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.
17. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within six weeks from the date of this decision.



INSPECTOR

