

## **Planning Statement**

**Change of use of stables and workshop to provide 1no. 4 bed dwelling.**

**For: John Sugars and Carrie-Anne Brackstone**

**Land at OS Field 04201, Village Street, Keldholme.**

**Document:**

Planning Statement

**Site:**

Land at OS Field 04201, Village Street,  
Keldholme.

**Project:**

Change of use of stables and workshop to  
provide 1no. 4 bed dwelling.

**Applicants:**

John Sugars and Carrie-Anne Brackstone

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## 1.0 Introduction

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- 1.1 This planning statement relates to a proposal to convert a stone-built workshop and stable building lying in a paddock at OS field 04201, Keldholme, to provide a 4 bedroom dwelling.
- 1.2 The application is a revised submission, following on from an earlier proposal that was withdrawn.
- 1.3 The re-submission involves essentially the same scheme being presented but with a fulsome explanation of the personal circumstances of the family and a more detailed analysis of the relevant policy framework pertaining to the submission.
- 1.4 The application also includes cross reference to relevant appeals which have provided clarification on how particular phrases used in Central Government Guidance should be interpreted - included to help members and officers appreciate the correct approach to determination.
- 1.5 For the purposes of clarity and avoidance of doubt, the revised scheme differs from the original scheme only in relation to the proposed car parking which has been placed closer to the existing dwelling to reduce the amount of travel for the applicants 5 year old daughter, Ruby who is registered disabled. The statement sets out more of Ruby's particular background and needs in the following section.
- 1.6 The revised application also makes it clear that the proposed scheme of conversion will have its foul drainage treated by a BioDisc Package Treatment Plant discharging into the watercourse on site.
- 1.7 This statement outlines the relevant local policies pertinent to the determination of the proposals, identifies relevant Central Government Guidance relating to the conversion of buildings in the countryside, provides clarification on how such policies and advice should be interpreted by means of relevant appeal clarification, as well as setting out the case law on how personal circumstances can be taken into account in decision making by Councils.
- 1.8 The statement provides a clear route to enable the application to be approved.

## 2.0 The Application Site and Surrounding Area

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- 2.1 The application site extends to approximately 700m<sup>2</sup>, being the footprint and immediate area around a stone-built workshop and associated stables and tack room erected pursuant to two separate planning permissions previously granted by the Council and detailed in the Planning History section of this report.
- 2.2 To the north of the application site and separated by a substantial 2m high close boarded fence lies a substantial domestic garage and outbuilding relating to the property known as Highfield. It is constructed out of stone and render under a pantile roof, with the stone bed and coursing matching that of the application buildings.
- 2.3 To the immediate north east lies an existing stable complex, built out of similarly matching stone under a clay pantile roof, having a grass paddock around its western and southern elevations.
- 2.4 Approximately 125m to the north of the application site is a public footpath, running across the fields on an east/west axis. This provides distant and oblique views of the site, but other existing outbuildings and the combined mass and orientation of the subject buildings themselves prevent views of the proposed curtilage and existing access. Two photographs from the extreme east and western ends of the footpath, confirm the limited views across open countryside towards the site.
- 2.5 A shallow watercourse runs along the northern boundary of the site and together with the fence separates the application site from the land to the north.
- 2.6 To the east lies a large paddock, rising gently towards the east and currently used for the grazing of sheep. The field also wraps around the southern elevation of the application buildings.
- 2.7 There are domestic gardens lying approximately 35m to the south of the application buildings, separated by an intervening area of paddock, which extend into the field by approximately the same depth as the application buildings.
- 2.8 To the west lies a ribbon of residential development consisting of a series of individual properties being mainly dormer bungalows. There are two such properties immediately due west of the application buildings and access.
- 2.9 A field access also provides vehicular access to the first property, with the access leading into the field in which the application buildings are located. The property immediately adjacent to the application buildings has its own frontage access onto the main road through the village with the majority of its domestic garden, being at the front (west) of the plot.
- 2.10 The northern of the two properties 'Springfield' has a 1.8 m high close boarded fence along its eastern boundary, with a substantial evergreen hedge inside the fence line.
- 2.11 The southern bungalow 'Lytel Garth', has a lower fence along its eastern boundary, but has its garage located on against the same boundary.

- 2.12 Within 250m of the site, on the A170 to the south, the East Yorkshire bus route crosses the southern edge of the moors, connecting the village with Kirbymoorside and Helmsley to the west and Pickering and Scarborough to the east. It is, for the most part an hourly and convenient service. There are stops in both directions close to the site.

## 3.0 Background

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- 3.1 Under most situations the personal circumstances of an applicant do not form a material consideration and Central Government guidance on the use of planning conditions frowns upon the use of personal conditions. However, where an applicant's personal circumstances involve severe physical disability, and the proposed development involves works to help address those needs, they may be taken into account in the planning balance.
- 3.2 Later parts of this statement address the relevant case law and precedent for this position.
- 3.3 The applicants have a 5-year-old daughter, Ruby who was borne with Cohens Syndrome, a very rare genetic condition, not diagnosed until she was 2.5 years old and with less than 1,000 cases worldwide. Her condition involves a range of concerns including;
- Microcephaly (a small head and brain)
  - Hypermobility/Joint laxity (compromising her mobility)
  - Hypotonia (low muscle tone, compromising both gross motor and fine motor skills)
  - Intellectual Disability (she has a development age of roughly 18 months)
  - Global Development Delay (delay in all areas - social, emotional, communication, motor)
  - Neutropenia (making her extremely vulnerable to infections)
  - Retinol Dystrophy (her sight is gradually deteriorating, and she will lose her sight in the near future.)
- 3.4 She has secondary challenges arising from being on the Autism Spectrum, and Ruby is on the extremely vulnerable register for Covid-19. As a result of this, she has been shielding for most of this year. In the past, Ruby has been hospitalised several times; a cold often results in respiratory problems and her developing pneumonia.
- 3.5 Ruby receives HIGH mobility Disability Living Allowance and HIGH for care Disability Living Allowance. She has NHS input from Physiotherapy, Occupational Therapy and Speech and Language Therapy.
- 3.6 Ruby only learned to walk aged 4 after intensive therapy. She is still very unsteady on her feet due to her muscle tone and hypermobility. She trips and falls approximately 80 to 100 times a day and cannot walk further than 50-100 metres holding hands. For any travelling outside of the household, she uses a wheelchair.
- 3.7 Ruby suffers from Retinol Dystrophy which affects her sight and her mobility. She is under Moorfields Hospital in London and wears glasses. Her condition affects her 3D perception making going up and down stairs very difficult for her. Most children with Cohens never learn to use stairs. Currently, the family carry Ruby up and downstairs to the toilet and bedroom several times a day. She also needs to be lifted in and out of the bath and car.
- 3.8 Ruby is non-verbal and has poor sensory-processing. She is frightened by loud noises and will go into panic mode when faced with anything unknown, in particular loud noises. Ruby has no concept of danger and cannot be left in a room unsupervised for



fear of injuring herself and in particular putting objects in her mouth. She needs a safe, quiet place to feel settled and regulated emotionally.

- 3.9 Ruby currently attends Sinnington Primary and has attended their nursery since she was 2/3 years old and is part of the school family. A letter confirming this point is attached at Appendix B. Ruby is graded band 7 on her EHCP and would qualify for a place in special school but the family want to keep her amongst her community and peers for as long as possible. Ruby will never achieve independent living; her geneticist said it was unlikely that she will ever be able to make a cup of tea.
- 3.10 A letter confirming the above observations, and supporting this particular application has been received from Ruby's consultant geneticist, Dr Chandler and is attached at Appendix C(i). This has also been corroborated by her consulting paediatrician, whose letter is also attached at C(ii).
- 3.11 Ruby's situation is well known locally, having been widely reported in the Local Press and a number of community clubs and groups active in the area have held special fundraising events to try to support her and her family. Appendix D contains a number of examples of this type of activity.
- 3.12 In addition to Ruby's situation, it will be appreciated that her father, John Sugars has lived in Rosedale and Pickering since birth (43 years). He is self-employed, working in the area. He also works for the Salvation Army in the area as a charity collector dealing with their clothing banks. In addition, John has a long-standing association with Kirkbymoorside Golf Club as detailed in the letter attached at Appendix E.
- 3.13 Ruby's mother, a former BBC Scriptwriter, is a current district councillor and heads up the Covid 19 volunteer network for Pickering, as well as founding and supporting the Food in School Holiday project. She has been forced to give up her profession to care full time for Ruby, with the support of Ruby's grandparents, one set being based in Pickering and the other set in Rosedale, highlighting the strong local connections of the whole family.

### **Relevant Planning History and Background**

- 3.14 Historically the site of the buildings was occupied by a series of dilapidated and poor buildings, as evinced by early imagery visible on Google Earth. The site of the workshop supported a half-round corrugated sheet poultry house, that was used as a workshop for the (then) owner of Highfields.
- 3.15 The stables site was occupied by what might loosely be termed a field shelter.
- 3.16 Both the poultry shed/workshop and the field shelter were replaced by the present two structures approved under reference numbers 05/01314/FUL and 06/00441/FUL respectively.
- 3.17 The buildings were erected in full accordance with the approved plans with samples of the stone used in construction agreed with the Local Planning Authority after the construction of sample panels on site.
- 3.18 The workshop was brought into use for storage purposes, but the stables were not commissioned with horses. It is understood that the applicants, in building them had intended to become involved in the use of horses as part of therapy for those with



disability and for various reasons, including restrictive planning conditions, the business model never progressed, and the stables were unoccupied.

- 3.19 More recently, the owner of the buildings also sold his property in the village, known as Highfield, and moved out of the area, now being a resident of Harrogate District. Highfield has its own alternate outbuildings.
- 3.20 Thus, it will be appreciated that the original owner of the buildings no longer has a long-term interest in either the buildings or field and has agreed to sell the buildings to the applicants, conditional upon planning permission being granted for the use the subject of this application.

## 4.0 Proposed Development

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- 4.1 The proposed scheme of conversion seeks to provide a four-bedroom unit, with two bedrooms and an en-suite being provided within the roof space, and two bedrooms being provided on the ground floor.
- 4.2 One of the ground floor bedrooms would be for Ruby, with a purpose designed wet room leading directly off it to help with her care and support. The second bedroom would allow her carers to be close by at all times to support her when she wakes in the night.
- 4.3 On the southern elevation gable end, a large folding door would allow a significant amount of sun light to enter the living space, enhanced light levels being important for Ruby's vision.
- 4.4 On the ground floor the combined kitchen/living/dining area is all open plan, allowing supervision of Ruby at all times and is arranged to be as open plan as possible for ease of her movement.
- 4.5 All doorways are wider than standard doors, to allow for greater wheelchair access.
- 4.6 Externally, only limited changes to the external appearance are proposed. All windows are proposed to be painted timber, with two of the stable doorways becoming recessed windows. One small new window is proposed in the west and north elevations. On the east elevation an existing window is to be reduced in size, whilst bi-fold doors are proposed on the southern elevation.
- 4.7 On the roof, the four existing skylights are retained but repositioned slightly to align with internal room functions and a new matt black twin wall flue is to be inserted into the western roof slope for a log burner. The LPA will appreciate that matt black systems of this nature are supported by Historic England in relation to the conversion of barns that are also heritage assets.
- 4.8 In terms of external space, the present buildings are surrounded by a stock proof fence to keep off sheep grazing in the field and this boundary would also form the proposed curtilage.
- 4.9 Three car parking spaces are proposed with a turning area close to the southern entrance and this aspect of the present proposals differs from the previous submission. The reason for adjusting the car parking position is in recognition of Ruby's reduced mobility and travelling distance. A new stockproof post and rail fence would be erected alongside the drive.
- 4.10 The package treatment plant serving the development would be located in the grass paddock to the east of the building, discharging into the watercourse that is present running along the northern edge of the field boundary.

- 4.11 It is appreciated that the LPA have expressed a concern about the potential proliferation of what they termed 'domestic paraphernalia' on the site and it is accepted that this can be a legitimate concern in some instances. It can however be significantly controlled by the use of a legal agreement, limiting the activities and objects that can be installed on a site.
- 4.12 Domestic paraphernalia is normally intended to encompass items such as washing lines, children's fixed play equipment, outdoor domestic furniture such as seats, benches and BBQs, compost areas, garden structures such as pergolas, decking, patios, garden lighting, garden ornaments, containers and ornamental planting.
- 4.13 It is proposed that a unilateral agreement under the Planning Act is offered up restricting the occurrence of these items within the relevant parts of the proposed curtilage. This is commented upon further in a later part of this statement.

## 5.0 Relevant Planning Policy & Guidance

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### Introduction

- 5.1 The statutory Development Plan is the starting point for decision making and is indicated to be of paramount importance under the Town and Country Planning Act 1990, as reaffirmed by the Planning and the Compulsory Purchase Act 2004. The Development Plan comprises adopted elements of the Local Development Framework (LDF); and/or 'saved' Local Plan policies.
- 5.2 Applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Central government guidance, particularly where it post-dates older Development Plans, can also be particularly relevant.
- 5.3 The Development Plan for the area comprises:
- the Ryedale Local Plan Strategy (2013),
  - the Local Plan Sites Document (2019)
  - Saved (Green Belt) Policies in the Yorkshire and Humberside Regional Spatial Strategy & partial Revocation Order 2013.
- 5.4 It is accepted that only the first document is of relevance to the determination of this application.
- 5.5 Section 143 of the Localism Act also requires the Local Planning Authority to take local finance considerations into account where they exist.
- 5.6 The Planning Authority shall therefore have regard to:
- The provisions of the Development Plan outlined above, so far as material to the appeal;
  - Any local finance considerations, so far as material to the appeal, and;
  - Any other material considerations.
- 5.7 Government planning policy relevant to the consideration of this proposal is set out in the revised National Planning Policy Framework. The revised National Planning Policy Framework (the Revised Framework) sets out the national requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. Although not a statutory component of the Development Plan, the Revised Framework is the most significant of material considerations and significant weight is therefore to be given to this policy document. Relevant extracts will be considered below.
- 5.8 The Planning Practice Guidance suite, a web-based information resource, was launched in March 2014 and replaced all previous planning guidance. This new resource provides up to date guidance and supporting information that expands upon national planning policy set out in the National Planning Policy Framework. Relevant extracts will be considered below.

## Local Policies

- 5.9 The following policies in the Ryedale Local Plan Strategy, adopted in 2013 are relevant to the determination of the appeal:
- 5.10 Policy SP1 (General Location of Development and Settlement Hierarchy) seeks to guide development to the main urban centres and larger towns and villages. In relation to smaller villages, hamlets and the open countryside the policy supports development “which is necessary to support a sustainable, vibrant and healthy rural economy and communities,”
- 5.11 Policy SP2 (Delivery and Distribution of New Housing) is a hierarchical based policy that sets out what forms of housing will be permitted in certain situations. In relation to the open countryside it permits the “Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting” and goes on to note that such properties will be subject to a for Local Needs Occupancy.
- 5.12 Policy SP13 (Landscapes) seeks to protect the districts landscapes. It includes the local landscape designation of “The Fringe of the Moors Area of High Landscape Value” which the plan seeks to protect from loss or degradation.
- 5.13 Policy SP16 (Design) is, as its name suggests, a policy that seeks to promote locally distinctive design, and the use of traditional materials found and used in the area. In relation to the re-use of existing buildings, three specific criteria are proposed;
- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character
  - Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building.
  - Appropriate materials and traditional construction methods and techniques are used
- 5.14 Policy SP20 (Generic Development Management) provides a series of four thematic headings covering Character, Amenity and Safety; Design, Access parking and Servicing which the Council will use when assessing new development proposals.
- 5.15 Policy SP21 (Local Occupancy Restrictions) addresses the imposition of occupancy conditions and sets out the circumstances in which the LPA will apply occupancy conditions relating to Local Needs. The relevant criteria are:
- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
  - Do not live in the parish but have a long-standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
  - Are taking up full-time permanent employment in an already established business which has been located within the parish, or
  - adjoining parish, for at least the previous three years; or

- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

5.16 The full text of all the policies is set out at Appendix F.

## National Policies

5.17 The Revised Framework sets out the Government's planning policies for England and advises how these are expected to be applied. It sets out the national requirements for the planning system, but only to the extent that it is relevant, proportionate and necessary to do so.

## The Presumption in favour of sustainable development

5.18 Chapter 2 of the Framework sets out the broad objectives of sustainable development, noting in para 8 the three interlinked strands of social, economic and environmental objectives that make up sustainability as a concept.

5.19 The presumption in favour of sustainable development is established at paragraph 10 and elaborated on more clearly in Paragraph 11.

5.20 Para 12 clarifies the relationship between sustainable development principles and up to date local plans, noting that the later would normally take precedence. It is also clarified in para 12 that;

*Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

5.21 Para 55 of the Framework sets out the correct approach to be taken to the imposition of conditions, noting the tests of

- Necessity
- Relevance to Planning
- Precision
- Enforceability
- Relevance to Development
- Reasonableness

5.22 Para 56 similarly sets out the legal tests for the use of planning obligations.

5.23 Para 79, addressing rural housing, sets out the exceptional circumstances relating to the provision of housing in the open countryside, including criteria (c) which states:

*“the development would re-use redundant or disused buildings and enhance its immediate setting;”*

- 5.24 Para 103 of the Revised Framework notes that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”

### Practice Guidance

- 5.25 On 6 March 2014, the Government launched the Planning Practice Guidance suite, a web-based information resource in replacement for all previous planning guidance, which was cancelled in tandem with the launch of the new guidance. This new resource provides up-to-date guidance and supporting information that expands upon national planning policy set out in the National Planning Policy Framework.
- 5.26 The guidance sets out in more details how the 6 tests set out in para 55 of the Framework will be implemented.
- 5.27 The guidance also notes the extent to which an LPA needs to consider the best interests of a child<sup>1</sup>. It is recognised that this is a material consideration but has to be balanced against any other potential adverse impacts on the environment or the wider community.

### Other matters

- 5.28 The personal circumstances of an applicant are capable of being material considerations and this has been well established in case law.<sup>2</sup> Lord Scarman noted;-

*'Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our development the human factor ... It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance.'*

*'The test, therefore, of what is a material "consideration" in the preparation of plans or in the control of development ... is whether it serves a planning purpose ... And a planning purpose is one which relates to the character of the use of land.'* (Lord Scarman)

- 5.29 Similar sentiments were also expressed more recently in South Bucks<sup>3</sup>.

### Planning Appeals

- 5.30 It is a fundamental tenet of the planning system, supported by case law that every planning application should be determined on its individual planning merits. Accordingly planning appeals would not normally be of significant relevance to the

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<sup>1</sup> Paragraph: 028 Reference ID: 21b-028-20150901

<sup>2</sup> Great Portland Estates plc v. Westminster City Council 1984

<sup>3</sup> South Bucks District Council and another Porter, House of Lords 2004

consideration of an individual proposal, unless they related to the same site or highlighted the manner in which a particular policy or strategy should be interpreted. Having regard to this, the applicants would wish to draw the attention of the LPA to the following appeals.

#### Conversion of former stable block. Long Newton, Stockton on Tees.<sup>4</sup> (Part 1)

- 5.31 In this case, which related to the retrospective conversion of a stable block, the Inspector commented upon how the term ‘enhancement’ taken from the National Planning Policy Framework should be interpreted. His wording provides helpful clarification on what may be thought of as an obscure but nevertheless important point. He stated:

*“I consider that an enhancement in the terms of Framework paragraph 55 would not necessarily be restricted to the improvement of character and quality of an area required by Framework paragraph 64 as it could relate to the condition, maintenance and management of land and buildings from a disused or redundant state. As such my findings in relation to character and appearance of the site do not lead me to consider that the conversion of the building itself necessarily fails the requirements of paragraph 55 of the Framework. In the same manner, such enhancement would not necessarily achieve an improvement in character and quality and consequently my findings in this respect do not alter those I have made on character and appearance above.” (Our emphasis)*

- 5.32 The Inspector did however go on to refuse the proposals because of concerns over ‘domestic paraphernalia, which gave rise to a second appeal relating to the same subject building, but supported by a Unilateral Undertaking which restricted the placement of domestic paraphernalia, defined in the agreement, on those parts of the site that were visually prominent.

#### Conversion of former stable block. Long Newton, Stockton on Tees.<sup>5</sup> (Part 2)

- 5.33 Following on from the above case, a second application was lodged, identical to the first which was supported by the use of a Unilateral Undertaking (UU) relating to domestic paraphernalia. The second (different) Inspector found that this resolved the previous concerns, stating;

*“From my visit and the information before me, I am satisfied that adherence to the restrictions set out in the UU would safeguard the surroundings of the building from harmful domestic encroachment. It is also apparent that the restrictions would still allow for some limited and discreet domestic use of external parts of the property immediately to the side of the dwelling, for example for the drying of laundry during finer weather. Although constraining, it seems to me that the UU would not excessively restrict the recreational use of the property, whilst ensuring that any remaining visible parts of the site would not appear at odds with the character of its surroundings.*

*Despite the Council’s representations, I cannot envisage a particular difficulty with being able to detect a breach of this obligation, were there to be one, given the*

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<sup>4</sup> APP/H0738/W/17/3187728

<sup>5</sup> APP/H0738/W/18/3206787

*visibility of the site from the north-west. I am not therefore persuaded that this would present a problem in principle, in terms of enforcing this element of the planning obligation. In arriving at this view I have also taken into consideration that the planning application site boundary is commensurate with the north-west extension of the 'restricted area' as set out in the UU. Therefore were there to be any domestic related encroachment beyond this line in the future, it would be for the Council to consider whether further enforcement action would be expedient."*

- 5.34 The Inspector went on to note that the UU met the tests in para 56 of the Revised Framework, as well as the requirements of Regulation 122 of the CIL Regulations, and was a material consideration and carried weight in the appeal decision.

#### **New Dwelling in Green Belt, Kidderminster<sup>6</sup>**

- 5.35 In considering a new dwelling proposed within the Green Belt in Kidderminster, an Inspector noted that the applicant was affected by a progressive and rare form of medical condition, requiring the appellant to resort to a wheelchair. He stated;

*"However, in this case, the substantial weight given to the harm arising from inappropriate development and its effect on Green Belt openness, and the weight afforded to the access of future occupants to shops and services, and to the conflict with NP policies are clearly outweighed by the considerable weight afforded to the medical circumstances of the appellant and the weight afforded to the benefits cited in association with the development. This amounts to the very special circumstances necessary to justify the proposal."*

- 5.36 The bar for building a new house in the Green Belt has been set at a high level for a considerable period of time but the appeal highlights that it can be set aside by special personal circumstances. The LPA will appreciate that the bar on converting an existing building in the open countryside is set considerably lower than development in the Green Belt.

#### **Change of Use of Holiday Cottage to dwelling, Somerset<sup>7</sup>**

- 5.37 A similar finding of personal medical conditions being significant material considerations occurred when an Inspector considered the planning merits of allowing a holiday cottage to be used for general needs housing for a family with significant ties to an area and with severe physical mobility problems. In this case the personal circumstances of the appellants were sufficient to set aside the policies of the Development Plan. The Inspector stated;

**. I conclude on the main issue that although the development would not accord with established planning policies that are aimed at securing sustainable rural development, the personal/family circumstances of the Blanch family are an important material consideration that indicate the appeal should not be determined in accordance with the development plan.**

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<sup>6</sup> APP/R1845/W/17/3179604

<sup>7</sup> APP/D3315/A/10/2120429

## 6.0 Material Planning Considerations

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### Introduction

6.1 The proposed development has been assessed against National and Local Planning policy, guidance and other material planning considerations. It is considered that the key planning issues relevant to the consideration and determination of the subject planning application:

- Principle of the development;
- Landscape impacts;
- Impact upon the amenity of adjacent residents;
- Weight to be given to personal circumstances;
- Other matters.

### Principle of Development

6.2 The key development plan policy against which the principle of the proposal falls to be assessed is Policy SP2 of the Ryedale Local Plan Strategy. This policy takes its origins from Para 55 of the Revised Framework and the two approaches are identical in practical terms.

6.3 Accordingly, it is necessary to consider firstly, whether the buildings are redundant or disused; secondly, whether the proposal relates to a traditional rural building and finally whether it would lead to an enhancement to the immediate setting.

6.4 In terms of the first criteria, it will be appreciated that the buildings were constructed around 14 years ago by the then occupant of the nearby property of Highfield. The workshop was used for occasional domestic storage but the planned disabled riding centre envisaged for the stables never took off as noted earlier.

6.5 The original owner of Highfield is no longer resident in the district and has no proposed alternative use for the buildings which were built partly to replace previous unsightly buildings and partly for a speculative venture that never matured.

6.6 The buildings are now isolated in terms of their location and functional arrangements, being unsuited to any alternative modern farming use, and their current owner is not resident in the district. They are empty of all goods and chattels and manifestly disused.

6.7 In terms of the second strand - whether the buildings are 'traditional' it will be appreciated that the design and appearance of the buildings was sanctioned by the LPA who approved their construction - indeed at the time of being built, they were considered to be a significant improvement over the buildings that then occupied the site.

- 6.8 The buildings are of a substantial and permanent construction, being built of stone approved by the LPA after a standard panel was formed on site and clay pantile, also approved by the LPA. They are typical of many small-scale outbuildings and stable complexes that are found in countryside locations - indeed the pattern and layout is a classic traditional equestrian form.
- 6.9 The buildings have a traditional character and appearance, notwithstanding that appearance is not of a distinctly agricultural character. However, neither Policy SP2 of the Local Plan or Para 79 of the Revised Framework require the building to be of an agricultural character - indeed para 79 makes no requirement for them to be traditional in appearance, simply redundant or disused!
- 6.10 It is clear that the second policy strand is satisfied.
- 6.11 The final 'in-principle' strand relates to whether the proposed scheme would lead to an enhancement of the setting of the building. It will be appreciated that the buildings are empty and disused. It is evident from the site photographs that the stable doors are starting to rot, as evinced by the dark staining in the imagery.
- 6.12 As the first Inspector in the Stockton case made clear, enhancement can relate to the condition, maintenance and management of land and buildings from a disused or redundant state, and that is manifestly the case in this instance.
- 6.13 Moreover, the proposal is a sympathetic scheme - even reducing the size of one of the windows in the existing building in one instance, to better improve the external appearance of the building.
- 6.14 It would be fundamentally perverse to suggest that the buildings should remain empty, unused and uncared for until their physical condition deteriorates, which would inevitably be the case if they do not have a positive new use. The scheme would manifestly lead to an enhancement of the buildings and their setting in a manner previously sanctioned and accepted by the Planning Inspectorate.
- 6.15 Accordingly, it is the case that the proposals comply with the objectives of Para 79 of the Revised Framework, as well as the policy objectives of SP2 which of course was based around the original Framework's wording.

### Landscape Impacts

- 6.16 It is a well-established legal principle that no third party has any right to a view across third party land, and thus any comments from local residents concerned with a loss of view must be set aside as immaterial.
- 6.17 It is however accepted that the wider public have a right to an unspoilt landscape and thus it is legitimate and necessary to consider public views across the landscape and Policy SP13 in the Local Plan gives force to that right. There are no views of the application site from the adjacent public highway, the application site being located behind existing residential development.

- 6.18 The access to the site is already in place and presently serves both an existing dwelling and the fields amongst which the application buildings are located, so there are no additional impacts arising from the proposed conversion, other than a potential marginal intensification of use which would be so small scale as to be de-minimis. There were no highway objections to the use of the present access which actually predates the present residential development.
- 6.19 The nearest public vantage point of the application site is obtained from the public footpath some 125m+ to the north of the site. As the photographic evidence below shows, views from this footpath towards the site are distant, and consist, at best of an ability to view the mass and outline of the present buildings. That constant does not change whether this application is approved or otherwise.



Source - Google Earth



**Image 1 - taken from start of public footpath to the north of the site - application site is invisible, screened by existing trees and hedges.**

**Arrow indicates approximate position of buildings.**



**Image 2 - also taken from same public footpath, approximately 150m to east of public highway. Viewing point has partial glimpse of application site roof only.**

**Arrow indicates approximate position of buildings.**

- 6.20 Officers had expressed concern over the potential impacts of what they termed ‘domestic paraphernalia’ on the character of the landscape. This is commonly interpreted to refer to matters such as parked cars, washing lines, garden furniture etc and it is accepted that the basis of the concern is legitimate.
- 6.21 However, in respect of this concern it will be appreciated that the proposed domestic curtilage is small and proposed to the south of the building, along the access to the site. It is invisible from any public vantage point as the photographic evidence shows. Photographs taken from the nearest footpath looking south towards the application site cannot capture any of the proposed curtilage, proving that the previous officer concerns were theoretical in their nature.
- 6.22 The application site does not include extensive tracts of grazing land to the east of the buildings and any attempts to use such land for purposes other than grazing by stock would require a separate application for change of use of land. No such attempt is being made alongside this application.
- 6.23 A significant degree of control over ‘domestic paraphernalia’ can be obtained by the proper use of planning conditions, and the LPA can impose conditions relating to development within the curtilage. It is however accepted that a more fine-grained approach can be obtained by means of a legal agreement that controls matters that would lie outside of the scope of a condition. Accordingly, a draft unilateral undertaking is submitted with the application and attached at Appendix G. The agreement is modelled on the approach used in the second ‘Long Newton’ appeal cited at Paragraph 5.34. It will be appreciated that the Inspector considered that the agreement met all the necessary legal tests set out in the Revised Framework and related CIL regulations, was enforceable by the Planning Authority and prevented possible harm to the landscape from ‘domestic paraphernalia’.
- 6.24 Notwithstanding the agreement is modelled on one already tried and tested, if the LPA have any concerns over the nature, form or content of the agreement, we would be pleased to advise and respond on those concerns.
- 6.25 On the basis of all the above points and concerns, it may reasonably be concluded that the proposal will not cause harm to the sensitive landscape lying to the east of the site and thus there is no conflict with the objectives or wording of Policy SP13 of the Local Plan.

#### **Impact upon the amenity of adjacent residents.**

- 6.26 The buildings the subject of this application are separated from their most immediate neighbour to the west by means of a 1.8m high close boarded fence and corresponding tall hedge.
- 6.27 There is also a separation distance in excess of 18m in terms of the flank elevation of the buildings to be converted and the rear elevation of the existing dwelling.
- 6.28 Such distances are substantially in excess of the 15m traditional norm that is used as a guideline of acceptability, and the LPA will appreciate that their adopted

supplementary design guide<sup>8</sup> would have required a 12m minimum depth of garden in this orientation.

- 6.29 It is accepted that the adjacent properties may well have some views over the application site, particularly from upper floor bedroom windows. However, this is not a cause for concern and such views are not a right and do not represent an unacceptable loss of amenity to the occupants of those properties.
- 6.30 It will be appreciated that in terms of windows in the western elevation of the conversion scheme, only one small low-level window is proposed to serve the kitchen. It does not provide a view into the adjacent curtilage and no loss of privacy would ensue.
- 6.31 The objector of the property to the west has suggested that windows in the proposed southern elevation will affect his privacy. Plainly this is simply incorrect and wrong, and the objector must be simply misinterpreting the plans.
- 6.32 In a previous objection letter, the occupant of Springfield rehearses what appears to be a personal dispute with Mr Walker, citing all of Mr Walker's previous applications in the area. The LPA will appreciate that Mr Walker is no longer a local resident and this application is not being submitted on his behalf. Accordingly, such concerns are completely immaterial to the determination of this application.
- 6.33 Finally, it is noted that the objector previously expressed concern over the foul drainage arrangements and these are confirmed to lie to the east of the buildings, away from the neighbours and to involve a high-level package treatment plant that will have no impact upon their amenity.
- 6.34 For all of the reasons outlined above it is clear that the proposed conversion will have a minimal impact upon the amenity of adjacent residents.

#### **Weight to be given to personal circumstances**

- 6.35 In progressing the previous application, the case officer had suggested that the personal circumstances of the applicant were immaterial to the determination of the application. In the revised application, the legal framework surrounding this often confusing subject has been set out.
- 6.36 It is clear from the submitted case law that personal circumstances are capable of being a material consideration and that it is particularly the case when the circumstances relate to meeting the needs of applicants with high levels of physical disability and whose needs cannot be met by locally available alternative accommodation.
- 6.37 It is also the case that it is material to give particular weight to the particular needs of children, where their special needs and circumstances have been clearly identified.
- 6.38 The special needs of Ruby, the applicants' daughter have been clearly set out and independently verified by her medical team. Copies of relevant correspondence are attached at Appendix Ci & Cii. Ruby's general circumstances are well known and

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<sup>8</sup> See Figure 3.6 Ryedale Adopted Residential Design Guide

understood in the local community and have been the subject of a considerable amount of local reporting and fundraising by a wide range of local bodies and community-based organisations, as described in Appendix D.

- 6.39 To suggest that no weight should be given to such a set of special circumstances would represent, as Lord Scarman opined, ‘Inhuman pedantry’.
- 6.40 The applicants’ family require special accommodation for their severely disabled daughter - there is no suitable specialist accommodation available locally. The previous house was so unsuitable, being a town house, that they were forced to sell it and move into accommodation with their parents - a far from sustainable and suitable situation.
- 6.41 The family have strong and deep ties to the local community with both sets of parents working on a paid or voluntary basis in the local community and Ruby being educated in the nearby school at Sinnington, as confirmed by the Headteacher at Appendix B.
- 6.42 Ruby requires single level accommodation, with wide doorways, and no threshold impediments, as well as strong levels of natural light. As the LPA will appreciate from the supporting information, this is a medical position, not merely an applicant wish-list. Such accommodation is not available within the area and there is no ability to meet such requirements by trying to retrofit an existing bungalow - the extent of works required are so extensive they can only be properly provided as part of a new build or conversion project where they are designed in at the outset. The recent developments in the area have not provided for such special needs.
- 6.43 It is clear that Ruby’s special circumstances can and should be taken into account and be given weight in the determination of this application.

#### Other matters

- 6.44 Figure 1 overleaf shows the current assessment of flood risk on and around the application, in relation to rivers and the sea. It is based upon the most up to date information held by the Environment Agency. It is clear that the application site and buildings are not at risk from flooding, although it is acknowledged that the nearby residents are at a degree of risk, arising from the watercourse to the west.
- 6.45 In relation to potential flooding from surface water, Figure 2 overleaf also shows the current assessment, again based upon the most up to date information held by the Environment Agency, and similarly highlights that there is no risk at the application site.

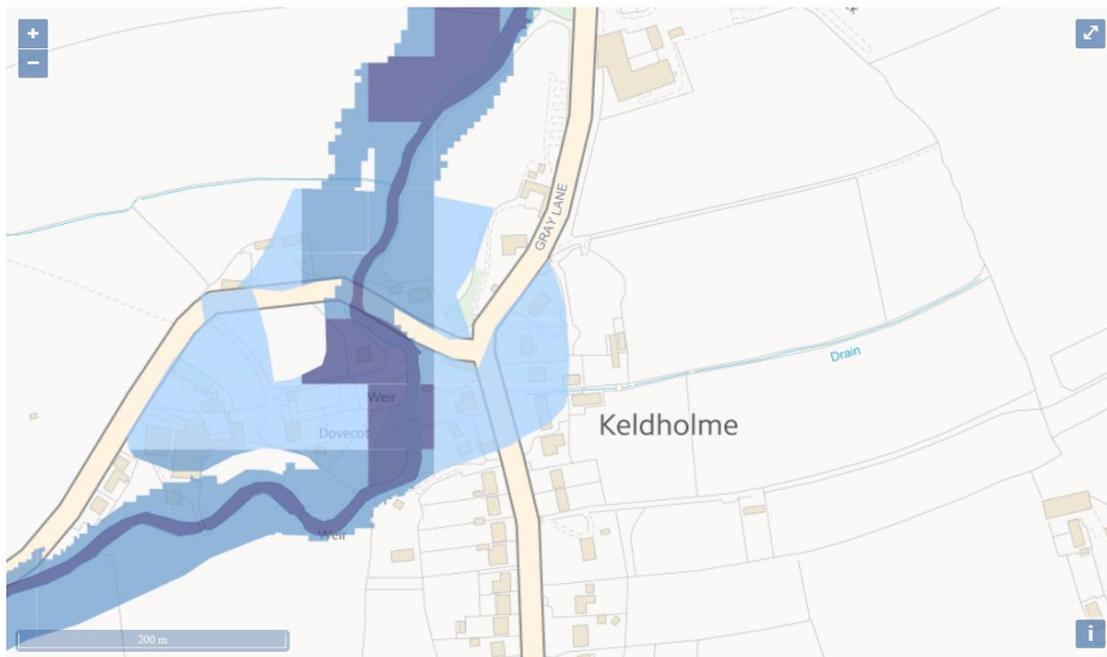


Figure 1 Risk of flooding from Rivers or Sea -Source Gov.uk, 2020

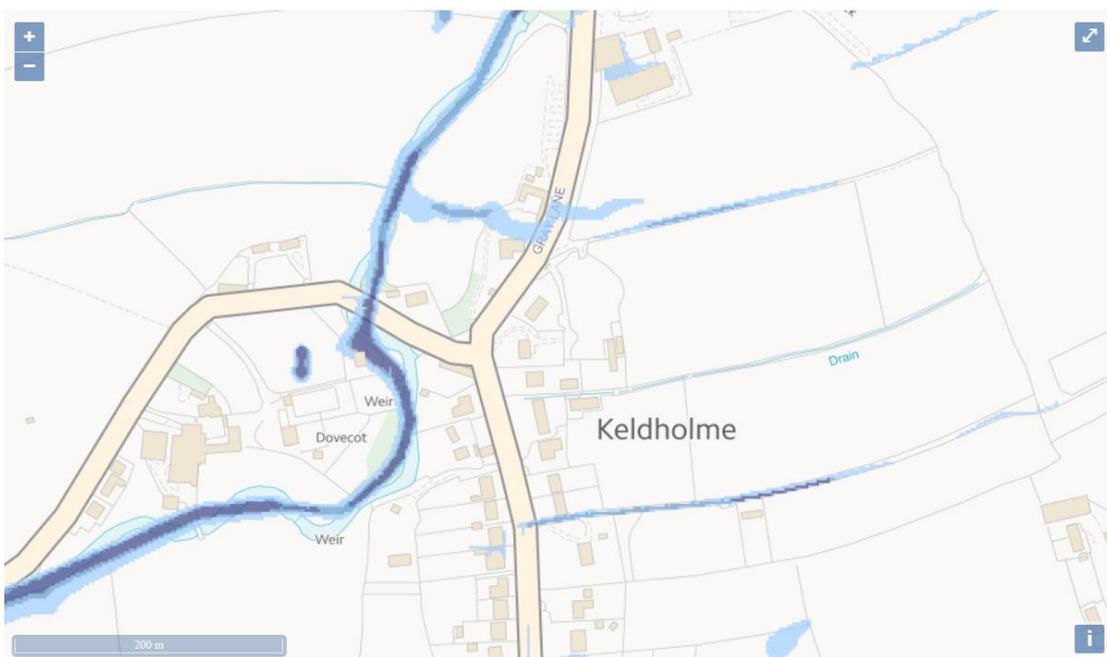


Figure 2 Risk of flooding from Surface Water -Source -Gov.uk, 2020.

6.46 There are no other known technical or other constraints that would preclude the grant of planning permission.

## 7.0 Summary and Conclusion

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### 7.1 Summary

- 7.1.1 The application relates to the conversion of a disused and redundant building, of sound and traditional stone construction under a pantiled roof, to provide a dwelling to accommodate a local family. That family includes a young girl with significant physical disabilities who is well known and whose needs have been widely reported in the Local Press.
- 7.1.2 The proposed scheme would enhance the setting of the buildings, in accordance with local policies and national frameworks.
- 7.1.3 The proposed scheme would not have adverse impact upon the local landscape and this can be secured through both planning conditions and a unilateral undertaking. On the basis of the above reasons alone, planning consent can legitimately and properly be granted.
- 7.1.4 However, it is also the case that the scheme will help meet the specific needs of Ruby, and in accordance with established planning case law and giving effect to Every Child Matters, the personal circumstances of the family can be given significant weight in the planning balance.

### 7.2 Conclusion

- 7.2.1 It is concluded that the proposed development is acceptable in planning terms.
- 7.2.2 In light of the above and the planning issues considered throughout this Statement, it is respectfully submitted that the proposed development is acceptable, policy compliant and the Council is requested to approve these proposals.
- 7.2.3 If the LPA have any particular concerns they wish to raise with the applicants, we would be pleased to provide further assistance as the application progresses through determination.

## 8.0 Appendices

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### Appendix A – Photographs of the Site



**Photo 1.** Looking eastwards into existing entrance from public highway.



**Photo 2.** Looking westwards, towards existing entrance from within existing field.



**Photo 3.** Looking north towards application buildings from within existing field.



**Photo 4.** Looking westwards onto the application buildings from within the adjacent field.



**Photo 5.** Close up view of existing buildings from their south western corner looking north.



**Photo 6.** Close up view of existing buildings from their southern corner looking eastwards.



**Photo 7.** Close up view of existing buildings from their northern corner looking along the northern boundary, facing westwards.



**Photo 8.** Close up view of existing buildings from their southwestern corner looking along the western boundary, facing northwards.

## Appendix B – Letter from Sinnington School

## Sinnington Community Primary School



Mr N Roden  
Friars Hill  
Sinnington  
YORK, YO62 8SL  
Tel: 01751 431725  
email: [admin@sinnington.n-yorks.sch.uk](mailto:admin@sinnington.n-yorks.sch.uk)  
[www.sinningtonprimaryschool.co.uk](http://www.sinningtonprimaryschool.co.uk)



Thursday 24th September 2020

To Whom it may concern,

### Ruby Sugar's attendance at Sinnington School

I am writing to confirm that Ruby has been part of our school family since January 2018. Ruby initially joined our Pre-school which was located at Sinnington Village Hall from January 2018 until its relocation to the main school site in December 2019.

Ruby is currently in our Reception class having joined the cohort in September 2020 after her transition from Sinnington Pre-school.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

Neil Roden  
Head of School.



**Appendix C(i) – Letter from Dr Chandler****Manchester Centre for Genomic Medicine**

Clinical Genetic Service  
6th Floor, St Mary's Hospital  
Oxford Road  
Manchester  
M13 9WL

tel 0161 276 4150

Fax 0161 276 6145

Website: [www.mangen.org.uk](http://www.mangen.org.uk)

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**Our ref: KEC/KT/G113092/401**

Dictated: 08 December 20  
Approved 10 December 20  
Typed: 11 December 20

To Whom It May Concern

**Re: Miss Ruby SUGARS**

Diagnosis: Cohen syndrome

I met Ruby back in 2018 when she was 3 years old, to discuss with her parents about her confirmed diagnosis of Cohen syndrome.

Cohen syndrome is a genetic condition that presents with early signs of developmental delay which can be in the moderate to severe range. Children with Cohen syndrome usually have delayed motor as well as language skills. Ruby is now 5 years old and has been walking since she was 4. She is still nonverbal.

Individuals with Cohen syndrome continue to have intellectual disability throughout their life. They have restricted independent living skills, requiring to continue to live at home supported by their family, or in residential care. Their mobility is impacted by their visual impairment, which is progressive. Children have an early onset and severe short-sightedness. This is coupled with a progressive loss of vision as the retinal function gradually deteriorates, so they struggle to see clearly in dim light and their peripheral vision is reduced. Most individuals with Cohen syndrome have significant visual impairment by their late teens or early adult life.

This combination of developmental and visual impairment will have a huge impact on Ruby's day-to-day living both now and in the future. It would be important for her home to be adapted to accommodate this. I would, therefore, be in support of the family's plan to provide bespoke accommodation incorporating all of the significant range of disabled adaptations that will be required for Ruby's long term needs.

Kind regards,

Yours sincerely



**DR KATE CHANDLER - GMC no: 3478583**  
**Consultant Clinical Geneticist MB BChir MD FRCP**



## Appendix D – Details of Fundraising Events

# We did it!

Jenny Sugars raised **£585** from **25 supporters**

Inspire others with this story

or

[Start your own crowdfunding page](#)

Closed 06/08/2019

117%

**£585**

raised of **£500** target by **25 supporters**



Jenny Sugars

We've raised £585 to raise money towards Rubys therapy  
Nunnington

[Disability support](#)

Funded on Tuesday, 6th August 2019

## What is crowdfunding?

Crowdfunding is a new type of fundraising where you can raise funds for your own personal cause, even if you're not a registered charity.

The page owner is responsible for the distribution of funds raised.

## Story





Dear Friends and Family,

This year, I have been lucky enough to be selected to take part in The Tour de Yorkshire Sportive sponsored by Yorkshire Bank. The tour takes place on Saturday the 5th of May and comprises of a cycle of 78.6km with a climb of 1003m. I am taking part and seeking sponsorship on behalf of my niece, Ruby, who has Cohens Syndrome; an extremely rare condition which means, that at the age of nearly 4, she is unable to walk independently, or speak.

Though severely developmentally-delayed, however, Ruby has huge potential to progress and has been making great strides in her mobility since we have been taking her to London for intensive CME physio. More recently, we have enrolled her on a year-long neuro-developmental course at Therapy in Praxis in Harrogate, where they use the 'therasuit method' to train Ruby's brain and muscle groups, whilst working on her language and sensory integration. This cutting-edge therapy is amazing for Ruby but as with any private therapy, it comes with significant financial cost. As a family, we are constantly fund-raising

to provide Ruby with the very best early years support as later in life, she will, also sadly, lose her sight.

I hope you will support me in the Tour de Yorkshire Sportive and kindly donate to Ruby's cause.

# THE PRESS

- [NEWS](#)
- [RYEDALE NEWS](#)

6th September 2018

**Family fun day in Pickering raises £2,760 for Ruby Sugars and William Chambers**

*By Karen Darley*



**A FAMILY fun day to raise funds for two children with special needs has raised £2,760.**

The event, which was held at The Sun Inn in [Pickering](#), was organised to raise funds for three-year-old Ruby Sugars and seven-year-old William Chambers, who have complex medical needs.

Ruby, who lives in Pickering, has a very rare genetic syndrome which affects her speech, motor development and long-term sight.

William, of Marton, has quadriplegic cerebral palsy and severe global development delay in addition to other complex medical issues.

Both families are raising funds for therapy and specialist equipment. Ruby is in need of an off-road buggy to enable her to accompany her nursery friends on walks to the woods with Sinnington Playgroup.

William's family has already part-raised the money needed to build him a much-needed hydrotherapy room at home. A fundraising drive for William's pool was launched in April and aims to raise £10,000.

His mum, Joanna, said: "We raised a superb £2,760 at the fun day. The day was blessed with sunshine and the community came out in force to support us.

"We had amazing donations and prizes from more local businesses than I can name and some fantastic individual donations such as one from the owners of The Sun.

"Ryedale Lions ran a successful name the lion competition and the children were able to bounce for free all day on the bouncy castle courtesy of Peter Nelson of Nelson Fitness."

Joanna said so far the fundraising appeal for William had raised £8,200 with the next event an aerobathon on October 28. "The event will be held from 9am to 1pm at St Albans Sports Centre, in Ampleforth, and include four aerobic sessions back to back delivered by qualified personal trainers," she said.

"Each completed session enters you into the prize draw raffle so people can see how many they can complete."

## Appendix E – Letter from Kirkbymoorside Golf Club

**Kirkbymoorside Golf Club Ltd**

Manor Vale, Kirkbymoorside, York. North Yorkshire YO62 6EG

Web address  
Telephone  
E-mailwww.kirkbymoorsidegolf.co.uk  
01751 431525  
enqs@kirkbymoorsidegolf.co.uk

To whom it may concern,

I am writing to offer support for the request for local planning permission which is being submitted by John Sugars and his partner Carrie Anne Brackstone. I would like to tender the following information in support of their application.

Their present home is proving to be too restrictive for their daughter Ruby who is suffering with Cohen's Disease a rare inherited disorder that affects many parts of the body and is characterized by developmental delay, intellectual disability, and weak muscle tone.

They have a clear vision and an action plan regarding the purchase and development of a property at Keldholme, Ryedale. Their change of use proposal is vital to achieving their plans and securing an effective open, light living space for Ruby. Developing the property into a stable, Cohen disease, family friendly environment is their intended objective and I fully support their application.

The couple are a Ryedale family through and through and when I arrived in Ryedale in 1983, I had the great pleasure of teaching them at Lady Lumley's School. They were both excellent students who excelled in all areas. They were supportive of the school and its policies and both went on to take sixth form courses and attend university. They have lived in our area for the most of their adult lives and their parents are well known in the Pickering and Rosedale areas.

John has been a keen sportsman throughout his life and is, and always has been, a member of Kirkbymoorside Golf Club. He joined as a junior to go on and become a scratch golfer. He represented the Club and County at various levels and is very appreciative of what the club and the local community has given to him. He was also employed by the club from 2008 to 2011 in a "front of house role" where he was very successful. He was quick to speak proudly of the club and the town and proved to be a great ambassador for the area and the golf club. He now works in Kirkbymoorside and surrounding areas as a Salvation Army contractor, a job he started in 2012.

As a golf club we were very proud to include Ruby as a beneficiary to the captain's charity during my year as club captain. The money raised went to a very deserving cause and has been used to enhance her developmental and mobility courses which the family have had to fund with their own money. The family have encouraged Ruby's independence, social interaction and despite struggles, constantly involve her in meaningful activity. It is highly likely that your planning permission would go a long way in ensuring further progression in both her personal development and providing the open space that she needs. The property would be Ruby's forever home and she will need to have somewhere in which she can gain familiarity before she loses her sight.

In conclusion, and having read the information regarding local occupancy, both John and Carrie meet the conditions. They are a caring local family and I have no hesitation in recommending them to you.

Kevin Hughes

Club Captain 2019-2020  
Kirkbymoorside Golf Club  
01723 865456

wkhughes28@yahoo.co.uk



## Appendix F– Policy Text - The Ryedale Plan – Local Plan Strategy

### SP1 General Location of Development and Settlement Hierarchy

Ryedale’s future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:

#### Principal Town - Primary Focus for Growth

- Malton and Norton (including Old Malton\*)

#### Local Service Centres (Market Towns) – Secondary Focus for Growth

- Pickering
- Kirkbymoorside
- Helmsley

#### Local Service Centres (Service Villages)- Tertiary Focus for Growth

- Amotherby and Swinton
- Ampleforth
- Beadlam and Nawton
- Hovingham
- Rillington
- Sherburn
- Sheriff Hutton
- Slingsby
- Staxton and Willerby
- Thornton le Dale

If a formal review of housing land supply triggers a requirement for further development sites, the search for sites may include additional settlements which, at the time are found to contain:

- a school
- a convenience store or food shop which offers basic food for the preparation of a meal
- a reasonable daily bus service which would enable residents to access employment facilities, shops and community and educational facilities at higher order settlements

#### In allocating and releasing development sites at the above locations:

- the use of deliverable and developable Brownfield land will be prioritised and
- development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to
- achieve sustainable development and in accordance with the requirements of the Government’s latest flooding guidance

Additionally as part of the site selection process, the Local Planning Authority have regard to the deliverability and developability of sites and their ability to:

- deliver against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements
- support access on foot to centrally located shops, services and facilities
- be compatible with neighbouring land uses
- avoid adverse impacts on interests of acknowledged importance
- be accommodated without detriment to the character of the settlement and its setting
- satisfactorily address highway capacity and safety

**In all other villages, hamlets and in the open countryside development will be restricted to that:**

- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in
- accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or
- which is justified through the Neighbourhood Planning process
- Development Limits and Town Centre Commercial Limits
- Development Limits and Town Centre Commercial Limits are as defined on the adopted Proposals Map.

### **The York Green Belt**

That part of the York Green Belt falling within the Plan area is as defined on the adopted Proposals Map. Proposals for development within the Green Belt will be considered against national policy.

### **Neighbourhood Plans**

Neighbourhood Plans which align with the Settlement Hierarchy will be supported. Where neighbourhoods wish to plan for higher levels of development at the Principal Town or other

Local Service Centres these will be supported where:

- this is reflective of the settlement's role within the Settlement Hierarchy\*\*
- existing or improved infrastructure is capable of being provided to support additional levels of growth
- sufficient land is available to ensure growth aspirations can be delivered
- the Neighbourhood Plan would not prejudice the ability of other settlements to deliver their strategic requirements

\*The village of Old Malton is adjacent to the northern boundary of Malton. A planned approach to the future development needs of the Principal Town considers the three settlements in their entirety.

\*\*and in the case of Thornton-le-Dale and Ampleforth, are consistent with the strategic development plan policies of the North York Moors National Park Authority

### **SP2 Delivery and Distribution of new housing**

The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Malton and Norton

- ☑ Housing Land Allocations in and adjacent to the built-up area
- ☑ Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- ☑ Replacement dwellings
- ☑ Sub-division of existing dwellings
- ☑ Infill development (small open sites in an otherwise continually built-up frontage)
- ☑ 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- ☑ Change of use of tourist accommodation (not including caravans, cabins or chalets) where

appropriate

Pickering, Kirkbymoorside, Helmsley, Service Villages

☑ As above

☑ 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3

☑ Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

Other Villages

☑ Infill development (small open sites in an otherwise continually built-up frontage) restricted to Local Needs Occupancy

☑ Replacement dwellings

☑ Sub-division of existing dwellings

☑ Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy

☑ 100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3

☑ Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy

Wider Open Countryside ☑ New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified

☑ Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy

☑ Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy

☑ Replacement dwellings

New housing land allocations will be distributed in accordance with the table below and will be made having taken account of the outstanding commitments at each location at the point at which the Local Plan Sites Document is prepared.

Location Level of provision

(approx)

Pattern and distribution of site allocations

Malton and Norton 1500 (50%) Sites within the current Development Limits

Small - Medium - Large extension sites around the towns and within the A64 boundary at Malton

Avoiding coalescence with Old Malton

Pickering 750 (25%) Sites within current Development Limits

Extension sites around the towns of varying sizes

Avoiding coalescence with Middleton

Kirkbymoorside 300 (10%) Sites within current Development Limits

Small-medium sized sites predominantly to the north of the A170 and to the east and west of the town avoiding coalescence with Keldholme

Helmsley 150 (5%) Small - medium sized extension sites

Service Villages 300 (10%) Limited small - scale sites in or adjacent to current Development Limits.

Sites to be distributed as far as possible, amongst all villages in the category

A supply of deliverable sites sufficient to provide five years' worth of housing against planned annual housing requirements of 200 homes per annum will be identified and maintained with an additional supply of 20% moved forward from later in the Plan Period.

The release of allocated sites will be managed in conjunction with other sources of supply to ensure the continuous delivery of 200 homes per annum. Completions arising from across the

Plan area which exceed the planned build target of 200 dwellings per annum by up to 25% will not be deducted from the 3,000 homes to be provided. The managed release of sites will also take account of:

☐ The extent to which the Housing Trajectory illustrates that housing delivery will exceed planned annual and cumulative rates of house

The Ryedale Plan – Local Plan Strategy  
building by up to 25%

☐ Under delivery against planned annual rates

☐ The need to ensure co-ordination with necessary infrastructure improvements

☐ The housing market and the ability of sites to deliver affordable housing in line with Policy SP3

Proposals for the non residential use of allocated housing sites, housing sites with planning permission or proposals which would result in the loss of existing residential accommodation will only be permitted where the need for the use is considered to outweigh use of the site/building for residential purposes.

### SP13 Landscapes

The quality, character and value of Ryedale’s diverse landscapes will be protected and enhanced by:

- Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within
- the District’s broad landscape character areas of:
  - North York Moors and Cleveland Hills
  - Vale of Pickering
  - Yorkshire Wolds
  - Howardian Hills
  - Vale of York
- Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area
- of Outstanding Natural Beauty and the setting of the North York Moors National Park.

### Landscape Character

Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting
- The character of individual settlements, including building styles and materials
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types,
- landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides
- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure
- ☐
- The Council will work with landowners and statutory agencies to encourage land management practises that will protect and reinforce landscape
- character across the District and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.

### **National Landscape Designations and Locally Valued Landscapes**

The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.

Proposals will be supported where they:

- Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings
- Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives
- Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding
- and enjoyment of the area

The District Council and Howardian Hills AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.

Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals

on the following broad areas of landscape which are valued locally:

- The Wolds Area of High Landscape Value
- The Fringe of the Moors Area of High Landscape Value
- The Vale of Pickering

The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.

### **SP16 Design**

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- Topography and landform that shape the form and structure of settlements in the landscape
- The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale

- The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement
- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of buildings and spaces
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character
- Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building
- Appropriate materials and traditional construction methods and techniques are used

## **SP20 Generic Development Management Issues**

### **Character**

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Proposed uses and activity will be compatible with the existing ambience of

the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

The cumulative impact of new development on the character of an area will also be considered

### **Design**

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

### **Amenity and Safety**

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance

### **Access, Parking and Servicing**

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads

Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority. A Travel Plan may be required to set out how the use of the building can be made more sustainable by reducing the need to travel by private car. Where applicable, proposals will need to demonstrate the inclusion of safe and effective vehicular servicing arrangements

## **SP21 Occupancy Restrictions**

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. This policy will be applied in the following circumstances:

### **a) Local Needs Occupancy**

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long-standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

### **b) Affordable Housing**

The occupancy of affordable housing units secured through developer contributions or the use of the Rural Exceptions Policy will be restricted to households in housing need who cannot afford to meet their housing requirements in the open housing market. Occupancy conditions or eligibility clauses will, in most cases, cascade as follows:

- Residents who have permanently or ordinarily lived in the parish for at least three years
- Those who have been permanently employed in the parish for three years
- Residents who have permanently or ordinarily lived in adjacent parishes (including those outside the District) for at least three years
- Former residents of the parish with at least 10 years residency with a need to return to the parish or service men and women returning to the parish after leaving military service
- Households with a close family connection to residents of the parish who have lived there permanently or ordinarily for at least five years
- Residents of Ryedale who live permanently or ordinarily in the District

### **c) Agricultural/ Forestry/Land-Based Activity**

- (i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.

A condition will be applied requiring that the dwelling remains available in perpetuity for use by a person/s employed full-time in agriculture/forestry or other enterprise for which a dwelling in the particular location is considered essential.

- (ii) Time restricted conditions and occupancy conditions will be applied to temporary residential accommodation to support a new farming/forestry/ rural enterprise activity where the need for the accommodation can be justified. Such accommodation will take the form of a caravan or wooden structure which would be supported, normally for a period of three years.

#### **d) Ancillary Residential Accommodation**

Where further residential accommodation within the curtilage of an existing dwelling is proposed to complement the existing living arrangements, such as to provide a 'granny annexe', the proposed development shall remain ancillary to the existing house and shall not be separately occupied. Accommodation that has a separate access and the ability to be fully self-contained will be discouraged.

#### **e) Time-Limited Occupation**

New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions:

- The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and
- It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and
- The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

#### **f) Seasonal Occupancy Condition**

A seasonal occupancy condition will be attached where the proposed accommodation is not suitable for year-round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of the year.

#### **g) Lifting of Occupancy Restrictions**

(i) The lifting of occupancy restrictions will be carefully considered on a case by case basis. The capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.

(ii) Changes in the scale and character of farming/ forestry/other enterprise may affect the longer-term requirement for dwellings that are subject to an occupancy condition. For an agricultural occupancy condition to be lifted, up to date documentary evidence provided by an independent consultant will be required showing that there is no demand for the accommodation in its current status. This would be established over a period of at least 12 months through the advertisement of the property by agents specialising in the sale of agricultural land and property in the Ryedale area, with regular advertisement within agricultural journals and local papers. The property advertisement must refer to the existence of the agricultural occupancy condition, and for the property be priced accordingly.

## Appendix G– Draft Unilateral Undertaking

Please see separate document.