



## **PLANNING COMMITTEE**

Tuesday 5 July 2022 at 6.00 pm

Council Chamber, Ryedale House, Malton

The meeting of Ryedale District Council is being held as an in-person meeting and in public. In view of the ongoing COVID-19 pandemic, current government guidance will be observed on 'Living with COVID-19'. The Council Chamber will be well ventilated. Face coverings and hand sanitiser will be made available. Please try to stay at home if you are unwell, take a test if you have COVID-19 symptoms, and stay at home and avoid contact with other people if you test positive.

### **Agenda**

**1 Apologies for absence**

**2 Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

**3 Minutes** (Pages 3 - 5)

**4 Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

**5 Schedule of Items to be determined by the Committee** (Page 6)

**6 22/00113/FUL- 12, 14 And 16 Howe End, Kirkbymoorside, North Yorkshire, YO62 6BD** (Pages 7 - 16)

- 7     **22/000421/CLEUD- Land At Moor Lane, Moor Lane, Brawby, Malton, North  
Yorkshire** (Pages 17 - 30)
- 8     **22/00490/HOUSE- Brookfield, 4 Main Street, Ebberston, Scarborough, North  
Yorkshire, YO13 9NS** (Pages 31 - 45)
- 9     **Tree Preservation Order- Woodland at The Wheelhouse, Great Barugh** (Pages  
46 - 82)
- 10    **Any other business**
- 11    **List of Applications determined under delegated Powers.** (Pages 83 - 89)

## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Wednesday 8 June 2022

## Present

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Councillors Paul Andrews, Cleary (Vice-Chair), Docwra (Substitute), Goodrick, Hope, MacKenzie, Mason, Potter (Chair) and Thackray

Substitutes: Councillor C Docwra

## In Attendance

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Hayley Atkinson, Ian Irwin, Alpha Love-Koh, Matthew Stubbings and Jill Thompson

## Minutes

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### 1 Apologies for absence

Apologies were received from Councillors Bailey and Windress. Councillor Docwra substituted for Councillor Bailey. No substitute was received for Councillor Windress.

### 2 Declarations of Interest

Councillor	Item
Andrews	6
Cleary	7
Mason	6
Thackray	6

3 **Minutes**

**Decision**

The minutes of the Planning Committee held 10<sup>th</sup> May 2022 be approved and signed as a correct record by general affirmation.

Voting Record

6 For

0 Against

2 Abstentions

4 **Urgent Business**

No urgent business

5 **Schedule of items to be determined under delegated powers**

The Service Manager Planning and Development submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

In accordance with the Members Code of Conduct, Councillors Andrews, Mason and Thackray declared personal, non-pecuniary but not prejudicial interest.

6 **21/01666/MFUL- Coultas Farm, Habton Lane, Great Habton**

**Decision**

**Minded to approve - subject to an additional condition for a Transport Management Plan. Decision delegated to officers in consultation with the Chairman and Vice Chairman.**

Voting Record

8 For

1 Against

0 Abstentions



In accordance with the Members Code of Conduct, Councillor Cleary declared personal, non-pecuniary but not prejudicial interest.

**7 Tree Preservation Order. Mullins Cottage, Main Street, Scrayingham**

**Decision**

**TREE PRESERVATION ORDER CONFIRMED WITH MODIFICATION-** As Officer and TPO Working Party Recommendations.

Voting Record

8 For

1 Against

0 Abstentions

**8 Any other business**

No other business.

**9 List of Applications determined under delegated Powers.**

The Head of Planning submitted for information (previously circulated) a list which gave details of the applications determined by the Head of Planning in accordance with the scheme of delegated decision.

**Meeting Closed 19:16**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 05/07/22

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6

**Application No:** 22/00113/FUL

**Application Site:** 12, 14 And 16 Howe End Kirkbymoorside North Yorkshire YO62 6BD

**Proposal:** Installation of replacement front doors to 12, 14 and 16 Howe End and replacement attic window to front elevation of no.16.

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7

**Application No:** 22/00421/CLEUD

**Application Site:** Land At Moor Lane Moor Lane Brawby Malton North Yorkshire

**Proposal:** Certificate of Lawfulness in respect of the building works were substantially completed more than four years before the date of this application and the use of the building as identified on Fusion 13 Drawing No. 001 dated Feb 2022 for a range of activities to include storage of the "shed door", cabaret (shed) tables and sound and lighting equipment used by The Shed venue, performance venue, recording/radio broadcast studio, workshop for the carving and skinning of African drums for dance teacher/choreographer and drummer and storage of chairs and other furniture for the applicants property rental business for a period greater than 10 years before the date of this application

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8

**Application No:** 22/00490/HOUSE

**Application Site:** Brookfield 4 Main Street Ebberston Scarborough North Yorkshire YO13 9NS

**Proposal:** Erection of a detached building to form double carport, garden store and garden room

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**Item Number:** 6  
**Application No:** 22/00113/FUL  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr and Mrs McMahon  
**Proposal:** Installation of replacement front doors to 12, 14 and 16 Howe End and replacement attic window to front elevation of no.16.  
**Location:** 12, 14 And 16 Howe End Kirkbymoorside North Yorkshire YO62 6BD  
  
**Registration Date:** 8 March 2022  
**8/13 Wk Expiry Date:** 3 May 2022  
**Overall Expiry Date:** 14 June 2022  
**Case Officer:** Lucy Toolan **Ext:**

## CONSULTATIONS:

<b>Building Conservation Officer</b>	Objection
<b>Kirkbymoorside Town Council</b>	No Observations

**Representations:** Ms Norma Allan, Mr Michael Clarke,

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## SITE:

12, 14 and 16 Howe End are a group of three cottages likely dating from the early 19<sup>th</sup> century, located within the Kirkbymoorside conservation area. The properties are located on a thoroughfare leading to the Market Place and form part of the historic core of the town. The properties are a terrace of traditional three storey stone and pantile cottages, with green timber doors and white timber windows, set directly on the back edge of the pavement giving clear and close views. They are located within the Article 4 direction area which covers only part of the conservation area and seeks to better preserve the architectural and historic character by removing certain permitted development rights including those which would permit changes to a building's fenestration. The Article 4 designation approved in 1994, was directly authorised by the Secretary of State for the Environment. It was noted in the submitted report and evidence base for this designation that traditional windows and doors make a significant contribution to the Kirkbymoorside conservation area and these features are desirable to preserve. The Article 4 area, is restricted to those areas which make the most significant contribution to the character of the conservation area and those which featured the highest levels of traditional features.

## PROPOSAL:

Planning approval is sought for the installation of replacement front doors to numbers 12, 14 and 16 Howe End and the replacement attic window to front elevation of no.16. The proposed doors would be a Jacobean Rock composite door with a 3D border glass and white frames in the colour 'Chartwell Green/Cream'. The proposed window would be white composite PVC in a similar glazing bar style to the existing but in PVC rather than timber.

## HISTORY:

No relevant planning history.

## **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations  
National Planning Policy Framework  
National Planning Practice Guidance

Legislation  
Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990

## **REPRESENTATIONS**

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

Kirkbymoorside Town Council confirmed that they had no observations regarding the proposals.

An objection was received the 5th April 2022 from the Building Conservation Officer, raising the following concerns:

*"These properties lie in the Kirkbymoorside conservation area within the Article 4 designation which seeks to further preserve and enhance the conservation area. The doors proposed for removal make a very strong contribution to the character of the conservation area and their removal has not been justified. There is a presumption in favour of the retention of features within the Article 4 area which make a contribution to the character of the conservation area. In addition, the proposed door is manufactured from a composite material which will not be an adequate facsimile and not preserve or enhance the conservation area."*

A letter of support was received on the 14th June 2022 from the resident of Number 14 Howe End which read:

*"I rent my home on Howe End No. 14, Kirkbymoorside and have had problems with the door for about eight years. I have constantly has trouble with it sticking, and have had to bring my son who lives in Appleton-le-Moors, to come and let me out and the worst thing is when I can't get back in when its dark nights. So yes I would love another door but hopeful not wood"*

Another statement of support was received on the 16th June 2022 from a neighbour:

*"I am fully supportive of this application as the applicant will maintain the character and appearance within the conservation area and will comply with all policies within the appraisal and planning conditions relating to alterations."*

*Even though these buildings which are described as domestic vernacular having no fashion, style or influence of surrounding buildings it will still provide an attractive facade in keeping with the street."*

*It is good to see, like other authorities that materials used will ensure the residents will have better insulation and less maintenance in keeping with the Central Governments guidelines."*

## APPRAISAL:

### Heritage and Design

The property is located within the Kirkbymoorside Conservation Area. As such, Ryedale District Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The NPPF (2021) states at paragraph 199 that:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 200 of the NPPF (2021) states that:

*"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

Policy SP12 (Heritage) of the Ryedale Local Plan - Local Plan Strategy states that:

*"Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced."*

And -

*"Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Proposals which would result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset"*

Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy states that:

*"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:.....*

*The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail"*

In addition, Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy state that:

*"New development will respect the character and context of the immediate locality.."*

*"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 (...)"*

The NPPF (paragraph 130) makes it clear that development should be sympathetic to local character and history, including the surrounding built environment.

The properties make a strong positive contribution to the character of the conservation area by virtue of their age, architectural features, and construction materials to include traditional vernacular elements such as timber joinery. The properties are simple in their detailing and lack ornamentation therefore giving emphasis to their construction details. Due to the strong positive contribution the properties make to the conservation area they can be identified as a Non Designated Heritage Assets.

The existing doors are traditional timber four panelled doors with decorative moulding, ornate brass door furniture and white timber frames with a traditional paint finish. The doors to numbers 14 and 16 have distinctive bolection moulding giving a heavy ornate appearance which is a rare traditional feature and makes a strong contribution to the conservation area. The doorsets to number 12 and 16 feature a traditional narrow glazed overlight which adds to the distinctive architectural character the properties. The existing attic window on number 16 is a traditional timber window with single horizontal glazing bar.

The doors of 12, 14 and 16 Howe End are proposed to be replaced with a composite PVC doors in the colour Chartwell Green/Cream with 3D border glazing and the attic window on number 16 is proposed to be white UPVC. No further details other than 'white upvc' have been submitted regarding the window, however the applicant has stated they would be willing to install a white PVC in the same style as the existing.

A consultation response from the Building Conservation Officer has been received objecting to the proposals, which stated:

*"These properties lie in the Kirkbymoorside conservation area within the Article 4 designation which seeks to further preserve and enhance the conservation area. The doors proposed for removal make a very strong contribution to the character of the conservation area and their removal has not been justified. There is a presumption in favour of the retention of features within the Article 4 area which make a contribution to the character of the conservation area. In addition, the proposed door is manufactured from a composite material which will not be an adequate facsimile and not preserve or enhance the conservation area."*

The applicant was made aware of the objection and the applicant has confirmed that they do not wish to revise the scheme further to address the concerns with the proposed replacements, such as using timber and replicating the form and architectural details of the door. They would like the application to be determined as it stands.

The timber doors make a significant contribution to the character of the conservation area by virtue of their traditional material, detailing and design. Due to their location on the back edge of the pavement clear and close views are possible. The detail of the bolection moulding on No. 14 and 16 is a rare feature which give a striking visual presence and makes a strong positive contribution to the character of the conservation area. The proposed replacement front doors are of a composite material in a 4 panel design. It is considered that the proposed front doors would not adequately replicate the, bold bolection moulding and characterful detailing of the existing timber doors. The construction methods and materials will be inauthentic and harm the architectural character of the heritage asset and conservation area. It is not considered that this material or design is reflective of the existing doors and windows, and would therefore not be appropriate nor sympathetic at this location within the Conservation Area. The cumulative impact of the loss of 3 traditional timber doors would have a significant negative impact on the character of the conservation area and cause harm.

It is noted that the applicant has submitted examples of more modern, composite doors which they argue are present in the Conservation Area and at Howe End. It is acknowledged that there may be instances where unsympathetic alterations have been already undertaken, possibly without planning consent. Each proposal is considered on its own merits, and this proposal is concerned with the loss of historic fabric and the insertion of modern and unsympathetic replacements.

Due to the lack of detail regarding the upvc window it is difficult to adequately assess the impact of the proposal. Notwithstanding that however, it is considered that the insertion of a standard upvc window is not likely to adequately replicate the timber appearance of the existing windows and would be harmful to the architectural character of the building and heritage asset.

The issues raised regarding problems with the operation of the existing doors is noted. However, replacement timber doors and fenestration would be supported in principle, and there are other interventions which can be undertaken to reduce drafts and to assist in situations where sticking is occurring.

It is considered for the reasons outlined by the Building Conservation Officer, the proposal would result in harm to the Conservation Area. Alternatives exist which would allow for the doors to be replaced without harm to the conservation area. It is considered that the harm to the conservation area is not outweighed by public benefit of the proposals. The scheme is therefore considered to conflict with Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy.

#### Impact on neighbouring amenity

Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan - Local Plan Strategy states:

*"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"*

Given that the proposals are for the replacement of the existing doors and window, it is considered that the proposals would not have an adverse impact on the amenity or privacy of the occupants of neighbouring properties.

#### Other matters including consultation responses

Kirkbymoorside Parish Council have no observations.

#### Conclusion

In conclusion, the form and materials of the proposals is considered to have a significant harmful impact on the character and appearance of the Kirkbymoorside Conservation Area. Having regard to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990; the conflict with Policies SP12 (Heritage) and SP16 (Design) of the Local Plan Strategy and conflict with national policy, the recommendation is one of refusal.

**RECOMMENDATION:** Refusal for the following reasons:

- 1 The proposed replacement doors and window, by virtue of their design and material are considered to be unsympathetic additions to the existing dwellings which will result in unacceptable harm to the character and appearance of these buildings which are considered to be Non Designated Heritage Assets and unacceptable harm to the character and appearance of the Kirkbymoorside Conservation Area. The proposals do not preserve or enhance the character or appearance of the Conservation Area and the resulting harm is not considered to be outweighed by public benefits of the proposal. The application is therefore considered to be contrary to the requirements of Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy and contrary to Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework.

- 2 The proposed replacement doors and window by virtue of their design and material are considered to be inappropriate and harmful to the traditional character and appearance of the existing dwelling houses. The development is therefore contrary to the requirements of Policies SP16 (Design) and SP 20 (Generic Development Management Issues) of the Ryedale Local Plan - Local Plan Strategy and Section 12 (Achieving Well-Designed Places) of the National Planning Policy Framework



Block Plan shows area bounded by: 469772.44, 469808.44, 466483.61 (at a scale of 1:200). OSGndRef: SE6979646. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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12, Howe End, Kirkbymoorside, North Yorkshire, YO62 6BD



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**3D**  
GLASS

*Jacobean Border*

Combine this hugely popular door style with our new 3D Border glass design for the ultimate contemporary finish. It's definitely worth viewing this door using our new 3D designer to truly appreciate the effect of this glass design. The Shade pictured too also provides a contemporary door style, but adds an extra layer of privacy through a mix of sandblast and sandstone glass.





**Ryedale District Council Application Number 22/00113/FUL 12, 14 And 16 Howe End**

Following recent conversations and exchange of messages with Jean please would you extend the application to at least the end of June 2022 as we are accumulating further information regarding your proposed refusal for composite doors at the three relevant addresses.

We have elderly residents who struggle with swelled doors on cold and damp walls that will neither open nor close properly and regularly need expensive joiner attention, and that is not acceptable.

Trade suppliers tell us wood materials and paints available today are not suitable for manufacture or maintenance of domestic wooden doors on cold damp walls often less than a metre from the road with busy traffic passing all day including gritters spraying salt against them in winter.

Environmental conditions today require appropriate materials that composite doors were developed to resist, with designs approved by other authorities for use in conservation areas. Such doors are already on properties in the neighbourhood and other Kirkbymoorside conservation areas and when asked why this would be the case, we were told the council didn't know when they were fitted but that is not a satisfactory answer because the council should know. We lived on Howe End when the conservation area was first designated, and details of every property was recorded at the time for council records.

It can be demonstrated that there is a need for what we are proposing in the application locations and the benefit of the development clearly outweighs any possible perception of loss or harm which is insignificant. Composite doors are designed and made to look like wood, with a wood grain and traditional appearance which is why they are approved for such use.

There is evidence that retaining timber doors can impact on the health and safety of elderly tenants being affected by expansion and contraction due to the outside temperature causing discomfort and excess energy use to compensate for heating loss when far superior materials are available that have better thermal insulation, ease of opening and closing, reduced noise transmission improved sealing, better security, negligible maintenance and are a much better economic proposition.

We believe Policy SP12 is used as a consideration, but that appears to be primarily for heritage and listed buildings and would not be relevant for the mix of buildings and styles on Howe End or the ordinary town conservation areas which are not consistent in character or appearance, and I don't think the word wood as a material appears anywhere in it.

Just view the composite doors already in Kirkbymoorside town and see how much better they look than the neglected wooden doors elsewhere. They have the appearance of traditional material and construction designed with modern methods and material suitable for roadside use close to traffic.

Talking with neighbours, planning specialists, and residents of other Kirkbymoorside conservation areas who have the same concerns we are not prepared to have this issue decided under delegated powers because it is a matter that needs wider visibility by the planning committee.

Hopefully this application will go to a meeting where I will produce evidence to back up the claims in this letter.

Yours sincerely – Gerry McMahon – sent by email to : Lucy Toolan <[lucy.toolan@ryedale.gov.uk](mailto:lucy.toolan@ryedale.gov.uk)>

**Holly House Farm, Main Street Fadmoor York YO62 7HY June 5<sup>th</sup>, 2022**

Please scan PARISH responses on the relevant applications

**From:** Clerk to Kirkbymoorside Town Council

**Sent:** 26 April 2022 10:11

**To:** Development Management

**Subject:** 22/00077/HOUSE, 22/00110/HOUSE , 22/00113/FUL, 22/00326/FUL, 22/00340/HOUSE No observations recorded

Good morning

Please be advised that the Town Council Planning Committee recorded no observations in respect of the following planning applications:

**P21053** The following Planning Applications were **considered**:

- a) 22/00077/HOUSE | Installation of uPVC windows as replacement to existing timber windows, installation of replacement front door and installation of 2no. rooflights | 28 Howe End Kirkbymoorside YO62 6BD **No observations recorded**
- b) 22/00110/HOUSE | Erection of porch to west elevation | Velgrae Barn Carter Lane Kirkbymoorside YO62 6DS **No observations recorded**
- c) 22/00113/FUL | Installation of replacement front doors to 12, 14 and 16 Howe End | 12, 14 And 16 Howe End Kirkbymoorside North Yorkshire YO62 6BD **No observations recorded**
- d) 22/00326/FUL | Erection of Veterinary Orthopaedic Clinic with associated parking and landscaping | Grace Lane Veterinary Surgery Weighbridge Close Kirkbymoorside North Yorkshire YO62 6FD **No observations recorded**
- e) 22/00340/HOUSE | Erection of single storey side extension | Howe Green Swineherd Lane Kirkbymoorside North Yorkshire YO62 6LR **No observations recorded**

Regards

Lisa

**Item Number:** 7  
**Application No:** 22/00421/CLEUD  
**Parish:** Brawby Parish Meeting  
**Appn. Type:** Cert Lawful exist use or develop  
**Applicant:** Mr S Thackray  
**Proposal:** Certificate of Lawfulness in respect of the building works were substantially completed more than four years before the date of this application and the use of the building as identified on Fusion 13 Drawing No. 001 dated Feb 2022 for a range of activities to include storage of the "shed door", cabaret (shed) tables and sound and lighting equipment used by The Shed venue, performance venue, recording/radio broadcast studio, workshop for the carving and skinning of African drums for dance teacher/choreographer and drummer and storage of chairs and other furniture for the applicants property rental business for a period greater than 10 years before the date of this application  
**Location:** Land at Moor Lane Moor Lane Brawby Malton North Yorkshire  
**Registration Date:** 25 April 2022  
**8/13 Wk Expiry Date:** 20 June 2022  
**Overall Expiry Date:** 13 June 2022  
**Case Officer:** Alan Goforth **Ext:** 43332

## CONSULTATIONS:

**Brawby Parish Meeting** No response received

## Representations:

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## BACKGROUND:

The applicant is an elected Member of the Council and Member of Planning Committee and as a result the application is outside of the Council's Scheme of Delegation and is reported to Planning Committee for determination.

The application seeks a Lawful Development Certificate (LDC) which is a legal document stating the lawfulness of past, present or future building use, operations, or other matters. If granted by the Local Planning Authority (LPA), the certificate signifies that enforcement action cannot be carried out against the development referred to in the certificate.

## SITE:

The application site is within the village of Brawby. The building the subject of this application is a detached building situated to the front (west) of Sweet Pea Cottage (under the applicant's ownership). Moor Lane is to the west of the site and Chapel Yard to the north.

The building, known as 'The Stage', is situated within the domestic curtilage of Sweetpea Cottage and within the same planning unit as the main house. The building is of steel frame construction with a rectangular footprint measuring 11.23 metres in length by 6.06 metres in width. The building is single storey with a monopitched roof standing to a height of approximately 3.9 metres above ground level at its highest point.

## PROPOSAL:

A certificate of lawfulness is sought in respect of building works substantially completed more than four years before the date of this application and the use of the building as identified on Fusion 13 Drawing No. 001 dated Feb 2022 for a range of activities to include storage of the "shed door", cabaret (shed) tables and sound and lighting equipment used by The Shed venue, performance venue, recording/radio broadcast studio, workshop for the carving and skinning of African drums for dance teacher/choreographer and drummer and storage of chairs and other furniture for the applicants property rental business for a period greater than 10 years before the date of this application.

## POLICIES:

Planning policies contained in the Ryedale Local Plan (2013) and other material considerations such as impact on residential and visual amenity are not applicable in this case as the assessment of whether to grant a certificate of lawfulness is dependent on the facts of the case and relevant planning law.

Section 191 of the Town & Country Planning Act 1990 ('the Act') provides for anyone to apply to the Local Planning Authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under Section 191 of the Act, the lawfulness of existing operations on, or use of land.

Section 191 of the Act 'Certificate of lawfulness of existing use or development' states:-

*"(1) If any person wishes to ascertain whether—*

- (a) Any existing use of buildings or other land is lawful;*
- (b) Any operations which have been carried out in, on, over or under land are lawful; or*
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.*

*(2) For the purposes of this Act uses and operations are lawful at any time if—*

- (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force".*

Development or other activity on land is lawful for planning purposes if it is within one of a number of categories including:-

1. "The time for taking enforcement action has expired"

The time limits for taking enforcement action in respect of a breach of planning control are specified in Section 171 B of the Act as follows:-

- (i) For operational development, the period of four years from the date operations were substantially completed - Section 171 B (1);
- (ii) For change of use of any building to use as a single dwelling house, the period of four years beginning with the date of breach - Section 171 B (2);
- (iii) In the case of any other breach of planning control, the period of ten years beginning with the date of breach - Section 171 B (3).

2. “Did not involve development requiring planning permission”

Section 55(2) (d) of the Act states:

*“The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:*

*(d) The use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such”.*

National Planning Practice Guidance (NPPG) - LAWFUL DEVELOPMENT CERTIFICATES

The National Planning Practice Guidance (NPPG) provides guidance on planning matters including Lawful Development Certificates. In answer to the question "who is responsible for providing sufficient information to support an application?" the guidance states that:

*"The applicant is responsible for providing sufficient information to support an application"*

Accordingly, the onus of proof in an application for a Lawful Development Certificate is firmly on the applicant. The standard of proof defines the degree of persuasiveness which the evidence in support of an applicant, must attain before a certificate can be granted. The relevant standard of proof in this application is “the balance of probability”. This simply means that the applicant must prove that in this case, it is more likely than not to be true.

The NPPG also states that:

*"In the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."*

There is no statutory requirement to consult third parties including parish councils or neighbours.

**APPRAISAL:**

To further clarify the above and for the avoidance of doubt, since this is an application for a certificate of lawfulness, the planning merits of the use, works or operations referred to in this application for a certificate of lawfulness are not relevant, and are not therefore an issue to consider in the context of this application.

The decision is based on the 'balance of probability' and rests on the evidence submitted, the facts of the case, and on relevant planning law and takes account of the facts presented both in support of the application and against but is not assessed in relation to its principle, location, design, environmental impact or compliance with current planning policies.

If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". The relevant test on considering such claims is the 'balance of probability' and the burden of proof lies with the applicant and not with the Local Planning Authority. As such, should a case be more likely to be true than less likely to be true it should meet 'the balance of probability' test. Furthermore, should the Local Planning Authority have no evidence to counter the applicant's assertions it should accept the applicant's case.

The application is made on the basis that the building (operational development) was substantially completed more than four years before the date of this application and the use of the building for the purposes described in the application description has been for a period greater than 10 years before the date of this application.

A statement detailing the site history has been submitted as part of the application. In summary, the document includes the following information:-

- The building was erected by J. Thackray & Sons (Steel Structures) Limited in April/May 2001.
- The building has been/is a performing arts venue used by 'The Shed' hosting various performers and acts since 2001 as shown by a number of photos contained within the submission.
- Part of the building has been/is used for storage of chairs and other furniture for the applicant's property business in addition to storage of equipment used by 'The Shed' including lighting rigs, cabaret tables and sound and bar equipment.
- Part of the building has been/is used as a recording studio, office and workshop for the applicant.

This application for a certificate of lawfulness has two parts: (1) the operational development (erection of the building) and (2) the use of the building.

Firstly, the building known as 'The Stage' is stated to have been erected by J. Thackray & Sons (Steel Structures) Limited in April/May 2001. The building is shown in photographs provided by the applicant relating to 'The Shed' events dating back to 2001. It is also shown in a photograph from the applicant's wedding party in 2001.

Furthermore, whilst not wholly conclusive evidence in its own right, it is relevant to note that a building of this size in the current position appears in Google Earth satellite imagery/aerial photos dating back to 2002. The building is also shown on Google Earth satellite imagery/aerial photos from 2007, 2015, 2018 and 2020.

To conclude in respect of this aspect of the application, it is considered that, on the balance of probability, the information submitted is compelling and undisputed and sufficiently proves that the operational development comprising the construction of the building known as 'The Stage' was substantially completed in excess of 4 years before the date of this application.

The second part of the application relates to the use of the building known as 'The Stage'.

The use of the building can be summarised as a performing arts venue and studio, storage space and workshop.

The various uses listed within the application description amount to a sui generis use (not falling within any particular use class) but also include uses which could be regarded as being incidental to the enjoyment of a dwellinghouse (Sweet Pea Cottage).

Firstly, it is apparent from the evidence provided and the evidence available to the LPA that the building has a long running use associated with performing arts. There is evidence of various events and gigs by artists, musicians and poets held at the building over a period of time exceeding 10 years. Furthermore there is no evidence that the use of the building as a performing arts venue (with ancillary storage space for associated paraphernalia) has been abandoned or supplanted by some further change of use.

It is considered that, on the balance of probability, the information submitted is compelling and undisputed and sufficiently proves that the use of the building known as 'The Stage' as a performing arts venue and associated storage for a period greater than 10 years before the date of this application.

With regard to the other uses encompassed by the application description it should be noted that purposes incidental to the enjoyment of a dwellinghouse have been held to include those connected with the running of the dwellinghouse or with domestic and leisure/hobby activities of its occupants.

Taking account of the circumstances of this particular case and the site context it is reasonable to conclude that there are elements of the use comprising the storage of domestic furniture and other paraphernalia and the studio and hobby workshop which can be deemed to be for purposes incidental to



the enjoyment of the dwellinghouse. As a result those elements of the use are lawful on the basis that planning permission is not required by virtue of Section 55(2)(d) of the Act (set out earlier in this report) and no enforcement action can be taken in respect of it (see Section 191(2)(a) of the Act set out earlier in this report).

### Conclusion

The Local Planning Authority has no specific evidence of its own to contradict any of the applicant's evidence and there has been no responses to either the site notice or the notification to local residents nor any comments made by the Parish Council.

Having reviewed and carefully considered all the available evidence, and, in the absence of any contradictory evidence, it is considered that on the balance of probabilities the lawfulness of the building and its use can be confirmed. It is therefore concluded that the identified operational development comprising the erection of the building for the identified period of more than four years and its identified use for the purposes described above (performing arts venue with ancillary storage space for associated paraphernalia) for the identified period of more than 10 years are lawful.

The elements of the use deemed to be incidental to the enjoyment of the dwellinghouse (storage of domestic paraphernalia; studio; and hobby workshop) are lawful on the basis that planning permission is not required and no enforcement action can be taken in respect of it.

The applicant's evidence is considered to be sufficiently precise and unambiguous to allow the granting of a lawful development certificate.

### **RECOMMENDATION:                      Approval**

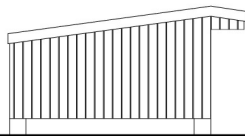
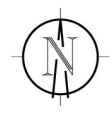
Reason: On the balance of probabilities, after carefully considering all the available evidence, the Local Planning Authority is satisfied that the operational development comprising the existing building was substantially completed in excess of 4 years before the date of this application. In addition the Local Planning Authority is satisfied that the building has been used as performing arts venue with ancillary storage space for associated paraphernalia for the identified period of more than 10 years before the date of this application. The remaining elements of the use have been deemed to be incidental to the enjoyment of the dwellinghouse (storage of domestic paraphernalia; studio; and hobby workshop) and therefore lawful on the basis that planning permission is not required and no enforcement action can be taken in respect of it.

### **Notes**

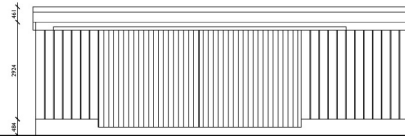
- (1) In granting this lawful development certificate no permission is given for the use of the building for any commercial/industrial workshop purposes. The workshop use is strictly limited to hobby/leisure use incidental to the enjoyment of the dwellinghouse.
- (2) An LDC is not a replacement for planning permission. Planning permission must still be acquired separately for any development or use which is not covered by an LDC.



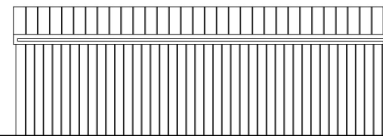
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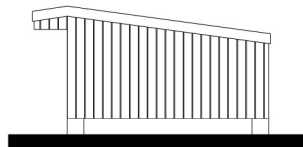
Existing Side Elevation



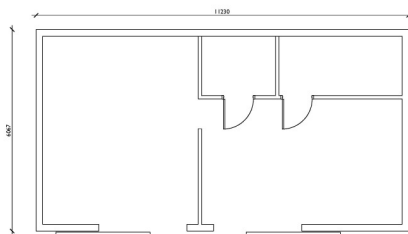
Existing Front Elevation



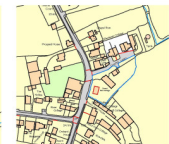
Existing Rear Elevation



Existing Side Elevation



Existing Floor Plan



REV	DATE
01	15/02/2022
PROJECT: Moor Lane Brawby	
CLIENT: Mr S Thackray	
DRAWING TITLE: Location Plan, Development Plan, Existing Floor Plans and Elevations	
<b>Fusion 13</b> Yorkshire office: Harrogate House, Market Place, Eastgateside, York, YO1 1AD +44(0)3333 443013 info@fusion-13.co.uk www.fusion-13.co.uk	
Norfolk office: 8 Prince Street, Norwich, NR1 1JZ, UK	
SCALE: 1:50 / 200' / 2500' @ A1	DATE: Feb 2022
DWG NO: 001	REV: LM



## ARCHITECTURE PLANNING ENVIRONMENT

### **Summary site history for Moor Lane, Brawby, Malton**

for Mr S Thackray

02 April 2022

Version 1.1

*This document has been designed to  
print double sided hence this page is  
intentionally left blank.*

## Site History

Client: **Mr S Thackray**

Consultants: **Fusion 13**

Yorkshire office:

Hanover House  
Market Place  
Easingwold  
York  
YO62 4AR

Tel: 03333 443013

Email: [info@fusion-13.co.uk](mailto:info@fusion-13.co.uk)

[www.fusion-13.co.uk](http://www.fusion-13.co.uk)

Norfolk office:

9 Princes Street  
Norwich  
Norfolk  
NR3 1AZ

Date: 02 April 2022

Version: Version 1.1

Property and project:

**Summary site history at Moor Lane, Brawby, Malton**

### Registration of revisions

Rev/ version no.	Date	Amendment details	Revision prepared by
1.1	02/04/2022	Updated in line with client feedback	LM

## 1 Introduction

- 1.1. This document has been put together to show the history of the building, known as 'The Stage' on the site and to assist with the Certificate of Lawfulness application along with the supporting drawings and application.

## 2 Site History

- 2.1. The applicant, Mr S Thackray has provided the following information and supporting photos regarding the site history:
- 2.2. The building was supplied and erected by J. Thackray & Sons (Steel Structures) Limited in April/May 2001 for the staging of 'The Yorkshire Pudding Boat Race' providing an emergency, alternative, venue during the Foot and Mouth crisis. The event was sponsored by Aunt Bessie's.
- 2.3. In addition to the stage structure, a two metre high wooden fence was built around the front garden (on two sides).



The Yorkshire Pudding Boat Race. Photographs by Tony Bartholomew (Turnstone Media & PR)



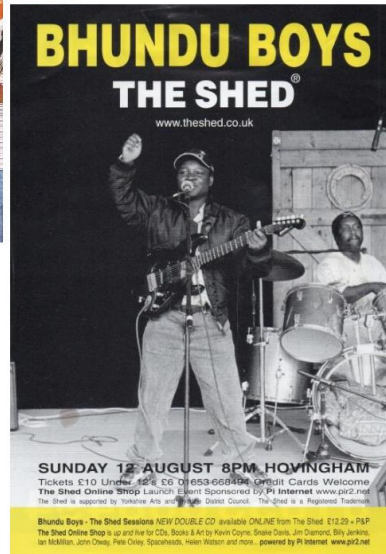
- 2.4. Since 2001 the building has been used for a range of activities which have included:
- Performers - included the poet and Radio 3 presenter Ian McMillan, comedian Rory Motion, and the Snake Davis Band featuring the Yorkshire Pudding Orchestra (a Pied Piper/The Shed production).



- The applicant's afternoon wedding party on 30 June 2001.



**Bhundu Boys on the Brawby stage, 30 June 2001. Wedding Party. A photo of Rise Kagona was subsequently used on a flier to advertise the launch of The Shed Online Shop.**



- The Stage has been used for several photo shoots and filming, including the poet Ian McMillan filmed for 'Creative Yorkshire', a film commissioned by Yorkshire Arts featuring The Shed.



**Above: Ian McMillan being filmed for 'Creative Yorkshire' (commissioned by Yorkshire Arts).**

**Right: Hank Wangford photographed on the stage for use in The Shed Autumn brochure 2001.**





- The building has been used continually from 2001 to date by the applicant for the storage of chairs and other furniture for their property rental business, in addition to storage of equipment used by The Shed, including lighting rigs, cabaret tables and sound and bar equipment.
- More recently, in addition to the above the building also doubles as a recording studio, office and workshop for the applicant.



The building as it stands in 2022.

Fusion 13 has a team of specialists offering a range of architectural and planning services. From one dwelling to large-scale residential schemes and small-scale commercial. Whether you're a householder, developer, construction company, landowner or housing association, Fusion 13 is there for you from day one of your project.

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Norwich NR3 1AZ

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Hanover House, Market Place, Easingwold, York YO61 3AD

**Item Number:** 8  
**Application No:** 22/00490/HOUSE  
**Parish:** Ebberston Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr And Mrs D Wilkinson  
**Proposal:** Erection of a detached building to form double carport, garden store and garden room  
**Location:** Brookfield 4 Main Street Ebberston Scarborough North Yorkshire YO13 9NS

**Registration Date:** 3 May 2022  
**8/13 Wk Expiry Date:** 28 June 2022  
**Overall Expiry Date:** 24 June 2022  
**Case Officer:** Eleanor Hardie **Ext:** Ext 43342

## CONSULTATIONS:

### *Original scheme*

<b>Ebberston Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	No Objection

### *Revised scheme*

<b>Ebberston Parish Council</b>	No response received
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**Representations:** Dr Geoffrey Walker, Mrs Alice Lavin,

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## SITE

Brookfield is a modern, two storey, detached dwelling, constructed of stone under a clay pantile roof and features uPVC windows and doors throughout. The property fronts onto Main Street in an elevated position, with parking and garden to the rear of the property and vehicular access off Back Lane.

The application site lies wholly within the Development Limits of Ebberston and adjacent to an Area of High Landscape Value.

Whilst not listed, the neighbouring properties, Brook Farm and Brook House Farm, are considered to be non-designated heritage assets.

## PROPOSAL

This application seeks approval for the erection of a detached car port, garden store and garden room.

The original scheme sought permission for a part single storey, part two storey building with a height of 6 metres at its highest point. The proposed building was large in scale, featuring one dormer window to the northern elevation and a large number of rooflights to both the northern and southern elevation roofslopes which was considered to result in a building which would have a detrimental impact on the character and appearance of the existing dwellinghouse, neighbouring property and street scene.

These concerns were relayed to the applicant's agent and the proposed development was revised.

The new building is proposed to have a long, linear footprint, which will run along the southern boundary of the application site. The proposed building would measure 14.8 metres in length, 6.12 metres in width and would be of dual pitched roof construction measuring 2.7 metres to the eaves and 4.7 metres to the ridge.

The building would be constructed with coursed stone and timber cladding, with the car port element of the building constructed from oak posts and beams. The roof of the building would be finished with clay pantiles, with conservation rooflights to the northern and southern elevation roofslopes. The southern elevation roofslope of the building would also feature a solar panel array.

## HISTORY

3/34/62/PA Outline application to construct two dwellings with access to Back Lane Brook Farm Ebberston. Approved 01.10.1984

3/34/62A/PA Construction of a dwelling with garage at Brook Farm Ebberston. Approved 28.02.1985

## POLICIES

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

### Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

## REPRESENTATIONS

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

A comment was received to the original scheme from the occupiers of the neighbouring property, Brook House Farm which stated the following:

*I support this application in principle. I'm concerned however that the height of the proposed roofline is above that of the present roofline as defined by the adjacent domestic building. The latter is a dwelling dating from the 18th or 19th century. If the roofline of the proposed new building exceeds this, then not only will it be unsightly but also impact on the visual outlook from my property on Main Street as well as Brook Farm (directly adjacent on Back Lane). I would propose that the planning application should be re submitted with revised architects' drawings that are consistent with the existing roofline.*

Ebberston Parish Council submitted the following comments:

*The concern of the parish council is the height of the proposed building and would prefer to see a single storey, particularly as the plan is to locate it next to a single storey neighbouring property. It is also a concern that the proposed new build be located so close to the same neighbouring property.*

Following receipt of the above comments and concerns raised by the Case Officer, the applicants' agent provided revised plans to address some of the issues raised. The revised drawings include a reduction in the height and length of the building and alterations to the fenestration detailing.

Following a reconsultation on the revised plans, Ebberston Parish Council provided the following response:

*It is noted the revised plans show the height of the proposed building has been lowered, however, it is still substantially higher than neighbouring properties. The close proximity of the proposed building to neighbouring properties is also still an issue. If planning approval was given we would expect a third party wall agreement to be made with all neighbouring properties. There is also concern of overdevelopment given the size of the proposed building to the size of the plot and that this would have a negative affect on the street scene.*

*The parish council is not against a building at this location but it must be in keeping with the local area and not have an adverse affect on neighbouring properties.*

The following comments were received from Brook House Farm on the revised scheme:

- 1. It is difficult to determine to what extent the proposed roofline has been lowered since it appears to be still considerably above the existing roofline.*
- 2. The revised plans propose a building that has a larger footprint from the original. Reading the plans, it is difficult to determine whether the revised proposal extends the south wall of the new build beyond the north wall of my outbuilding. The latter is contiguous with the annex at Brook Farm. If the proposed extension now abuts my property then I am concerned about future issues of maintenance for the north wall and north roof elevation. The former will be virtually impossible to access and the latter difficult. There would also be a similar of his issue of maintenance for the new proposed build.*
- 3. The revised plans include the addition of solar panels and Velux lights with which I have no issues. But I am concerned at the addition of what appears to be a wood burning stove or similar that has led to the introduction of a chimney. This will be close to the roof windows of my building and, under certain wind conditions, may give rise to smoke ingress.*

An objection was received from the occupier of Brook Farm on the revised scheme which stated the following:

*I object to the application as currently outlined but would potentially accept an application that takes account of the following concerns:*

- 1. The proposed building is to be sited too close to our Annexe building. This would:*
  - A) Restrict access for maintenance*
  - B) Cause damp issues potentially*
  - C) Undermine the structure, strength and viability of our Annexe building as this is an old building, around early 18th C, most likely without foundations*
- 2. I am additionally concerned the proposed building is still too high:*
  - A) the proposed new roof would discharge rainwater onto our Annexe building*
  - B) the chimney would potentially discharge smoke into our property*
  - C) the height would impair the general visual impact both from our property and the neighbourhood*
  - D) the velux lights look directly into our courtyard infringing our privacy*
- 3. My mum is 90 and lives in the annexe and is easily frightened. Noise from these building works feet from her fragile walls would be intolerable - she would not be able to remain in her house whilst this work was carried out. We would be worrying about cracks appearing in the fragile walls and worse.*

*I would suggest the building is sited on the other side of the applicant's driveway perhaps?*

A further response from the occupier of Brook Farm was received on 21 June which stated:

1. Ref the height of the building - the change in land levels are surely not of themselves a justification to take the height of the new build above our neighbouring annexe, (thus causing the consequent problems previously listed). Surely the correct distance from our property should first be maintained and the footprint of the new build should be reduced accordingly, if required to allow the pitch of the new build to be as they desire.

2. To quote the Agent - it would not be in keeping with the area for the roof of the new build to overhang and overbear on our property. As currently shown, the new build does exactly this.

3. The agent refers to our building as an 'outbuilding' For clarity and the avoidance of doubt, may I confirm this is not an outbuilding but a fully renovated 2 bed cottage annexe in which my 90 year old mother lives full time. To refer to it as an outbuilding is disingenuous at best.

All our previous concerns as stated still remain and nothing so far has changed in any way to alleviate them.

A further response was received from the occupier of Brook House Farm on 24 June stating the following:

*Further to my comments regarding the above planning application submitted to you on 11th June I wish to add the following:*

*In the event that the revised planning application is approved we would require that a third party wall agreement is in place, agreed upon by all parties, before any works commence.*

An additional response from Brook Farm was received on 24 June which stated the following:

*Further to my previous comments regarding the above planning application, I would like to add the following please:*

*In the event that any revision of this planning application is approved we would require the applicant to put in place a Third Party Wall Agreement before any works are begun whatsover; this Agreement to be agreed by all parties.*

The Local Highway Authority confirmed that they have no objections to the proposal.

No responses have been received from any other third party or neighbouring property.

## **APPRAISAL**

The main considerations within the determination of this application are:

- i. Design and Heritage
- ii. Impact on neighbouring amenity
- iii. Other matters

### Design and Heritage

The host dwelling is a modern, two storey property of a modest scale but simple in its form and character. The property sits within a generous domestic curtilage, with a large amount of the rear amenity space laid out to hardstanding.

The neighbouring properties, Brook Farm and Brook House Farm, are considered to be non-designated heritage assets given their links to the agricultural history of the village.

The proposed building whilst large in scale, is considered to reflect the character of the host dwelling and the revised scheme has resulted in a building only slightly higher than the eaves and ridge height of the neighbouring annexe/outbuilding.

Concerns have been raised with regards to the height of the building and in particular, being higher than the neighbouring annexe/outbuilding. Due to a slight change in land levels, it is not possible to reduce the eaves of the building any further and a reduction in the height of the ridge only would result in a very shallow pitch which is not considered to be in keeping with the area.

The proposed works will result in an overall additional footprint of approximately 90.54 square metres, however in terms of the hierarchy of buildings in this location, it is not considered that the building would visually compete with the principal building and would remain subservient in scale to the main dwelling.

The proposed building has been repositioned with the original angular gable end omitted, to result in a building which is set within the application site and will reflect the character of the host dwelling and wider area.

Appropriate conditions will be recommended to seek samples of materials prior to construction of any buildings works on site, to ensure a satisfactory external appearance given the visibility of the proposed garage within the street scene.

On this basis, the proposed works are considered to be acceptable in terms of design and would not detract from the character or appearance of the adjoining non-designated heritage assets.

The proposal is considered on balance, to be acceptable and to comply with Policies SP12 (Heritage) and SP16 (Design) of the Ryedale Plan - Local Plan Strategy.

#### Impact on neighbouring amenity

The proposed building is to be constructed on the southern boundary of the site, adjacent to the building which forms an annexe for Brook Farm and domestic outbuilding for Brook House Farm.

As detailed previously, the occupiers of Brook House Farm submitted comments on the original scheme with concerns in relation to the height of the proposed building. The revised scheme has reduced the height of the building by approximately 1.25 metres, resulting in a building only 0.8 metres higher than the adjacent building.

Concerns have also been raised regarding potential overlooking from the proposed southern elevation roofslope rooflights. The rooflights would be installed around 3.3 metres above floor level and are therefore not considered to cause any overlooking issues.

The neighbouring annexe building does not feature any northern elevation windows and given the reduced height of the proposed building, is not considered to result in any overbearing effects or overlooking to Brook Farm.

On this basis, the proposed development is considered to comply with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

#### Other matters

The occupiers of the neighbouring properties have also raised concerns with regards to the proposed flue and the possibility of smoke ingress. Given the small scale domestic use of the log burner, it is not considered that this would give rise to an unacceptable level of smoke ingress on the neighbouring properties.

The neighbouring properties have raised concerns with regards to the maintenance of their buildings, however this is a civil matter and therefore not a material planning consideration.

Further concerns have been raised with regards to the disturbance of the occupiers of the neighbouring property during construction and potential foundation damage. The construction phase is a temporary

period of time and will be a limited period by virtue of the small scale nature of the development proposed. The concerns are civil matters, with the Agent advising that a party wall agreement will most likely be put in place.

### Conclusion

The proposed building is considered to be of a proportionate and acceptable design and it is not considered to give rise to a significant detrimental impact on neighbouring amenity. The proposed development is considered to meet the relevant policy criteria as set out in Policies SP12 (Heritage), SP16 (Design), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions.

### **RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2            The development hereby permitted shall be carried out in accordance with the following approved plans;.

Site Location Plan, scanned to file 04.05.2022

Proposed Site Layout, drawing number D421031/02, Revision B, dated March 2022

Proposed Site/Ground Floor Plan, drawing number D421031/03, Revision B, dated March 2022

Proposed Floor Plans, drawing number D421031/04, Revision B, dated March 2022

Proposed Elevations 1, drawing number D421031/05, Revision B, dated March 2022

Proposed Elevations 2, drawing number D421031/06, Revision B, dated March 2022

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3            Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials and colour finishes to be used on the exterior of the building, to include windows and doors, the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 of the Local Plan Strategy

- 4            The garage/garden room building hereby permitted shall not be used as additional annexe/residential/guest accommodation without the necessary prior planning approval being granted.

Reason: To ensure this building is available for its intended purpose and is not used as separate accommodation/residential space without the granting of an appropriate planning permission in accordance with Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

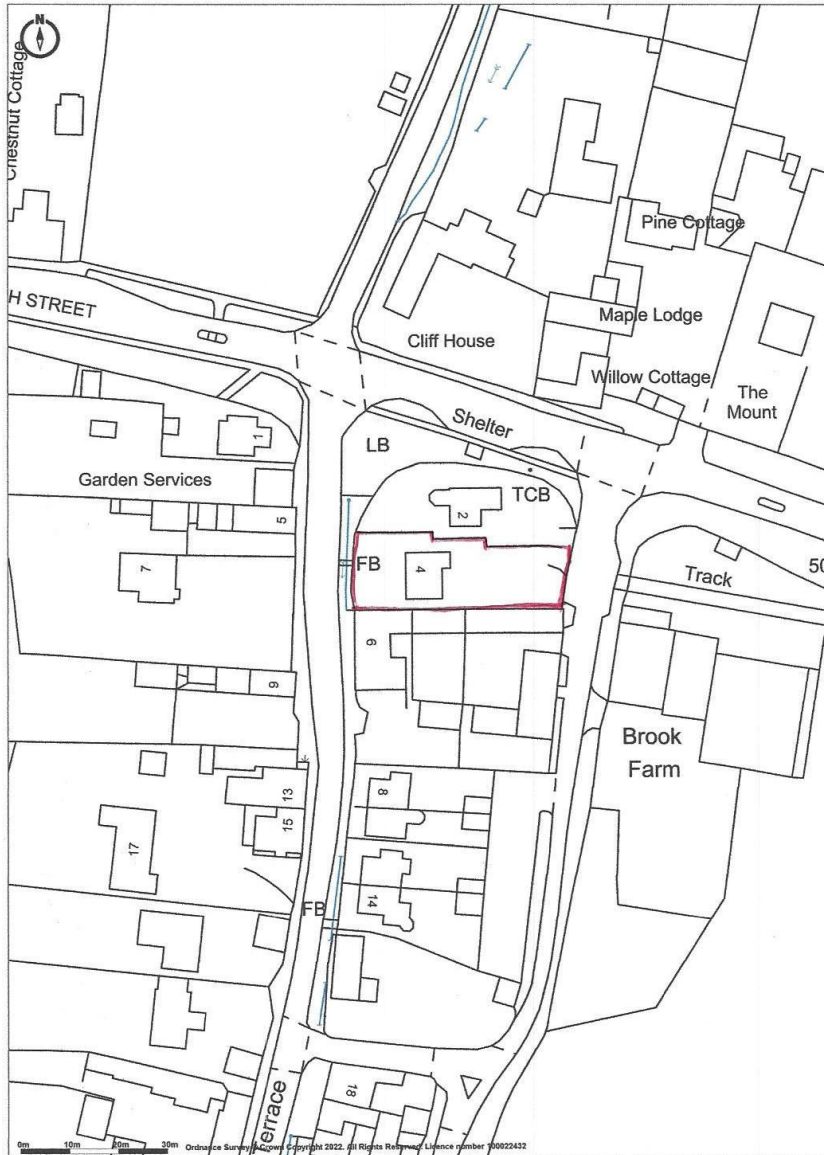
### **INFORMATIVE(S)**

- 1            Attention is drawn to the proximity of the proposed flue to the neighbouring properties. You are advised that building regulations will need to be satisfied of the safe and efficient operation of this flue. However this is a matter for resolution separately outside of the planning application process.





4 Main Street  
Ebberston  
YO13 9NS



**Promap**  
LANDMARK INFORMATION

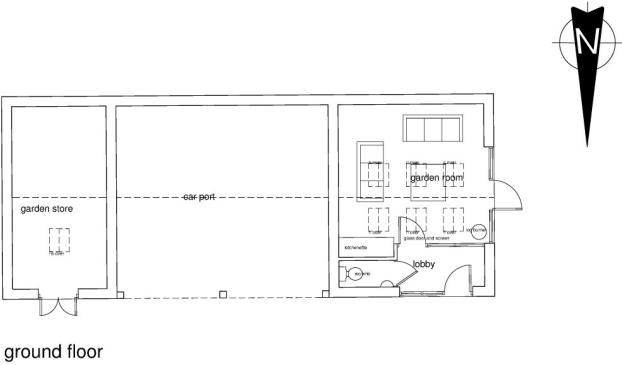
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Licence number 100022432.  
Plotted Scale - 1:1250. Paper Size - A4

1:1250 Location Plan  
DESIGN 4 architecture





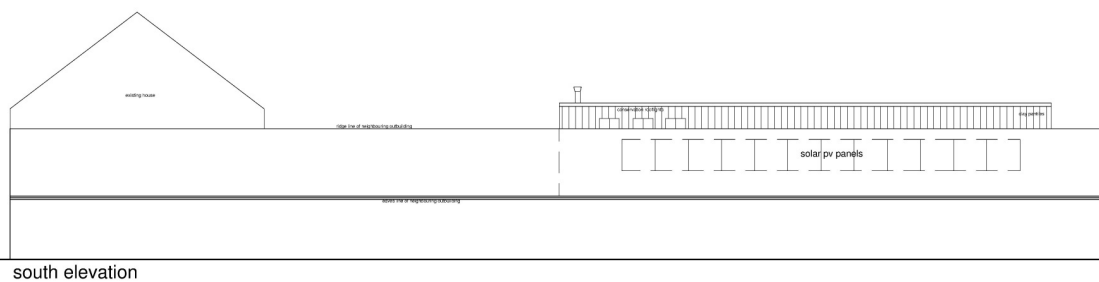
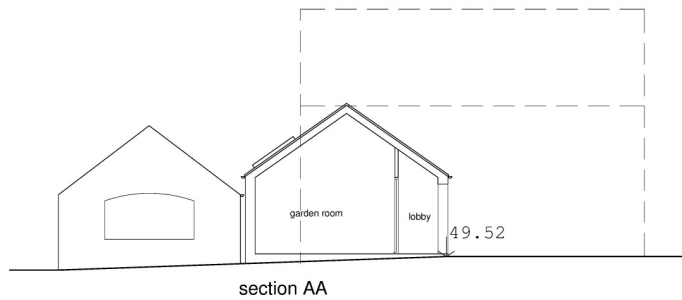
<b>Notes</b> 1. This drawing is for the proposed design only. It is not to be used for construction purposes. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permissions are obtained.		
<b>Revisions</b> 1. Initial design 2. Revised design 3. Final design	<b>Date</b> 1. 10.10.11 2. 10.10.11 3. 10.10.11	



ground floor

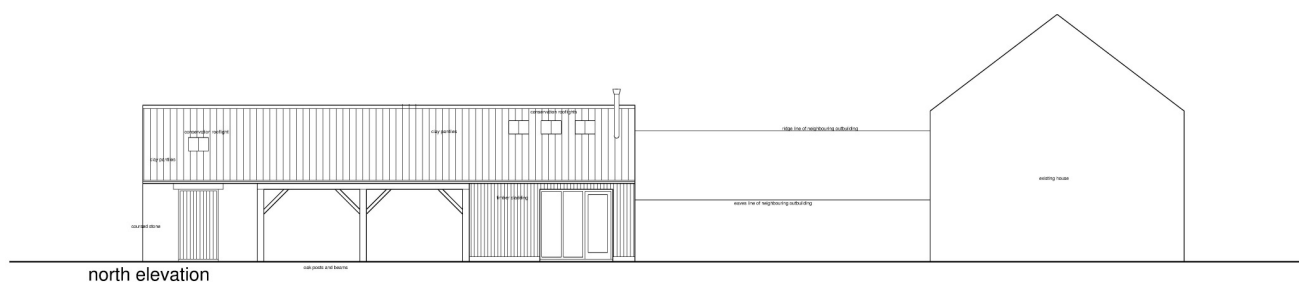
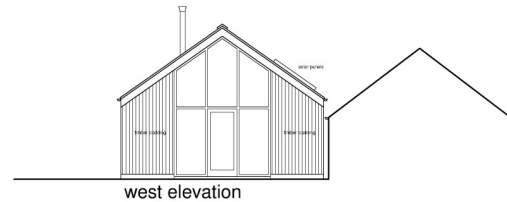
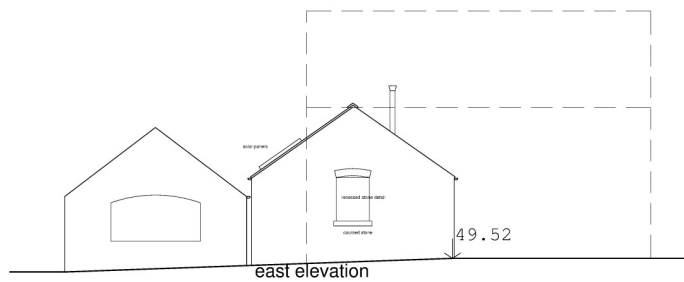
<b>DESIGN 4 architecture ltd</b> Project: Chestnut House Design & Build Client: Mr & Mrs J. Thompson Drawing: Proposed Floor Plans Scale: 1:50 Status: Design Date: March 2012			
Chestnut House Merton London SE15 4JH	Merton London SE15 4JH	Merton London SE15 4JH	Merton London SE15 4JH

<b>notes</b> 1. This drawing is for the proposed design only. It is not to be used for construction purposes. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permissions are obtained.			
<b>revisions</b> 1. Initial design 2. Revised design 3. Final design			
<b>date</b> 1. 10/10/10 2. 10/10/10 3. 10/10/10	<b>notes</b> 1. Initial design 2. Revised design 3. Final design	<b>date</b> 1. 10/10/10 2. 10/10/10 3. 10/10/10	



<b>DESIGN 4 architecture ltd</b> Project: Chestnut House Design & Architecture Client: Mr & Mrs J. Williams Drawing: Proposed Elevations 2 Scale: 1:50 Status: Design Date: March 2022			
<b>client</b> Mr & Mrs J. Williams	<b>scale</b> 1:50	<b>number</b> 02	<b>revision</b> 01
<b>address</b> Chestnut House Market Nottingham NG1 6JF	<b>phone</b> 01775 430763	<b>email</b> info@design4architecture.com	<b>website</b> www.design4architecture.com

NOTES			
<p>1. This drawing is for the proposed design of the building. It is not a final drawing and should not be used for construction purposes. It is a preliminary drawing and should be used for information only.</p>			
REVISIONS			
no.	notes	date	
1	Initial design, subject to client approval	10/01/22	
2	Revised design, subject to client approval	10/01/22	



DESIGN 4 architecture ltd			
<b>project</b> Chestnut House Design & Alter 1000 West Avenue	<b>client</b> Mr & Mrs D. Williams	<b>scale</b> 1:50	<b>number</b> 10
<b>drawing</b> Proposed Elevations 1	<b>status</b> Design	<b>date</b> March 2022	<b>revision</b> 10
Chestnut House    moston    sutton    york    y042 602    01751 430763    01778 858896 tony.nelson@design4architecture.co.uk    www.design4architecture.co.uk			

Please see comments from Ebberston PC on application 22/00490/HOUSE

#### Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 24/05/2022 2:11 PM from Mrs Linda McLaughlin on behalf of Ebberston Parish Council.

#### Application Summary

Reference: 22/00490/HOUSE

Address: Brookfield 4 Main Street Ebberston Scarborough North Yorkshire YO13 9NS

Proposal: Erection of a detached building to form double carport, garden store, garden room and home office/treatment room

Case Officer: Eleanor Hardie

[Click for further information](#)

#### Comments Details

Comments: The concern of the parish council is the height of the proposed building and would prefer to see a single storey, particularly as the plan is to locate it next to a single storey neighbouring property. It is also a concern that the proposed new build be located so close to the same neighbouring property.

Kind regards



## Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 24/06/2022 12:54 PM from Mrs Linda McLaughlin on behalf of Ebberston Parish Council.

### Application Summary

Reference: 22/00490/HOUSE

Address: Brookfield 4 Main Street Ebberston Scarborough North Yorkshire YO13 9NS

Proposal: Erection of a detached building to form double carport, garden store and garden room

Case Officer: Eleanor Hardie

[Click for further information](#)

### Comments Details

Comments: It is noted the revised plans show the height of the proposed building has been lowered, however, it is still substantially higher than neighbouring properties. The close proximity of the proposed building to neighbouring properties is also still an issue. If planning approval was given we would expect a third party wall agreement to be made with all neighbouring properties. There is also concern of overdevelopment given the size of the proposed building to the size of the plot and that this would have a negative affect on the street scene.

The parish council is not against a building at this location but it must be in keeping with the local area and not have an adverse affect on neighbouring properties.

Kind regards

# Agenda Item 9

## Item 9

### **Tree Preservation Order: Tree Preservation Order (TPO) 355/2021**

**Woodland to the north of The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB**

#### **Background**

A Tree Preservation Order was provisionally made at the site on 18th January 2022. The Order covered a small woodland roughly 0.75 acres in area. The trees are located within the domestic curtilage of the property known as The Wheelhouse on the outskirts of Great Barugh. The woodland is situated about 30m to the north of the dwelling. The woodland is viewable from the adjacent highway and public right of way to both the north, south and west.

The TPO evaluation was undertaken at the request of the owners of The Wheelhouse. The Council understood that the owners were concerned that trees on the southern boundary of the woodland were being hit by passing vehicles associated with a livery which is at the end of the access road.

A location plan, copy of the provisional order and TPO Assessment/ evaluation report and images are appended to this report.

Members are aware that a TPO comes into effect on the day that it is made, and once made, interested parties have up to 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

#### **Representations**

In addition to the owners support for the TPO, the neighbours (Mr & Mrs Crockatt, The Granary) have stated that “they have no objections to the TPO”.

The owner of the land to the west of the woodland (Mr Kellett of Ackland Farm) has previously provided neutral comments – these can be found in full in the TPO Working Party Report (9.3-9.11).

Points raised were:

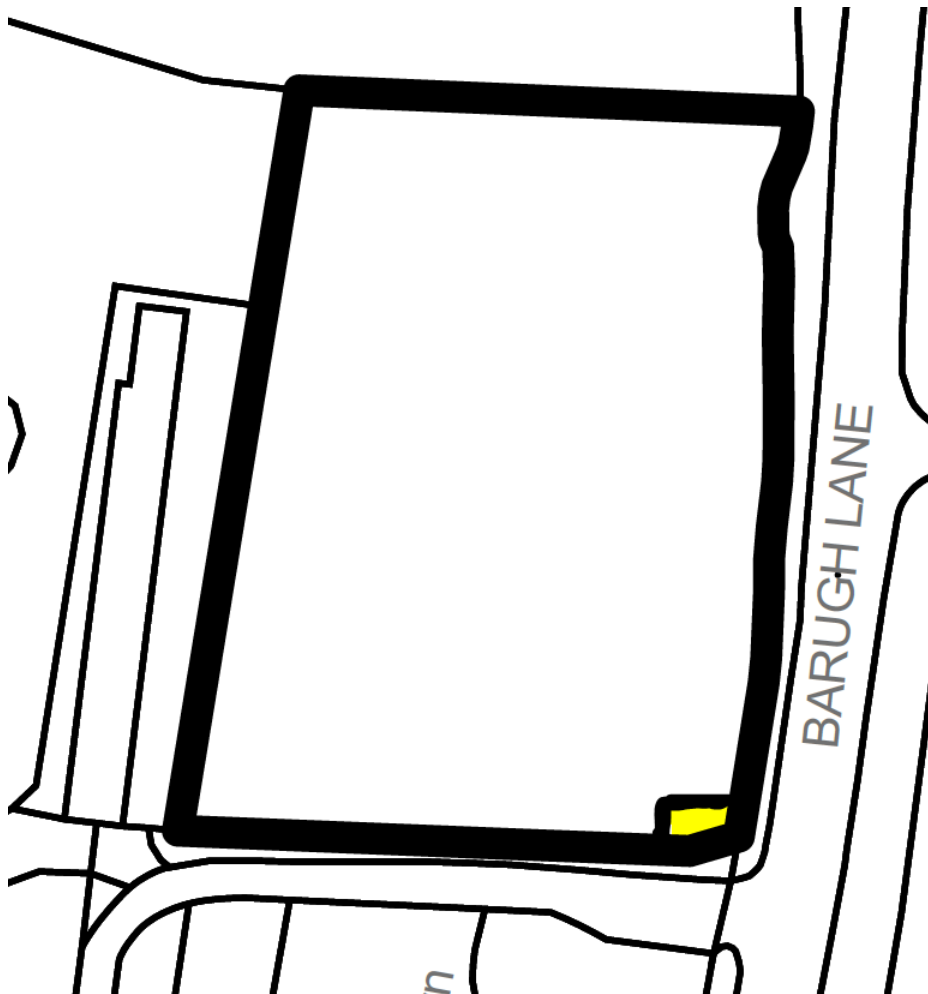
- Maintenance of the trees by the owner – this is civil matter, and should neighbours not be satisfied with the frequency of pruning they may apply for work.
- Access to the track required by various people including those associated with the Livery, Environment Agency, delivery of heating oil, etc.
- Damage being done by highway vehicles on East side of woodland.

There is currently an application to prune the trees under consideration (ref: 22/00667/TPO). Neighbours and other agents such as tree surgeons can apply to carry out tree work. No evidence was found of damage being done to trees on the eastern boundary by highway traffic during the visit of the TPO Working Party on 23rd May 2022.

Mr Kellett made a late objection by email on 23<sup>rd</sup> June 2022 on the following grounds (see Annexe 3 – photos 12-18):

- Overhanging branches causing visibility issues when exiting/accessing road
- Branches in reach of horses reducing the amount of grazing land and leaning dangerously into the field.

Having looked again at the Beech and considered the extent of the highway (verge) limits, on balance it is considered to be reasonable to exclude the Beech tree on the south eastern corner of the woodland on the grounds of safety. If the owner does not keep up to the pruning during the growing season it will give Mr Kellett and others the option of cutting the branches themselves as would be their Common Law right. This would require a slight modification to the TPO plan as indicated in Image 1 (below) and would ensure highway safety.



**Image 1** – Proposed modification to TPO plan.

Mr Kellett mentions three further Beech trees that overhang the access road which are further down the track on the southern boundary. These branches are very minor. This situation can easily be resolved by either the owners or anyone else that wishes to apply to work, so these trees should remain with the order. The owner currently has an application to prune the trees back under consideration and in the long term the crown will get higher as the trees grow.

Furthermore, Mr Kellett mentions a large Beech that overhangs his north western boundary with a dangerous 10 degree lean that reduces grazing area for his horses. There was no evidence of this tree being dangerous and the lean is considered insignificant. The low

branches can easily be dealt with by pruning should Mr Kellett wish to make an application to crown raise the tree. If this tree is excluded from the order it would be possible for Mr Kellett to cut all the branches overhanging his boundary which would be highly detrimental to both the health and visual amenity of a tree that is over 100 years in age and has a crown spread of 17 metres (east-west) . There is plenty of grazing land within the vicinity of the livery.

In order for these modifications to be made the TPO should be "Confirmed with modifications". The plan would be modified as per below, i.e. highlighted area should be excluded and boundary redrawn as shown in Image 1 above.

### **TPO Working Party**

The TPO Working Party met on Monday 23 May to consider the Order as made.

All documents (except the objection received on 23.06.22) were considered by the members of the TPO Working Party, together with draft minutes of the meeting are appended to this report together with this report and plan.

### **Discussion**

#### *Amenity:*

The site was inspected thoroughly. Both Councillors agreed that the woodland had valuable public amenity visible and that the woodland is worthy of protection.

A dead tree was noted on the northern boundary and a large tree on the western boundary that is excluded from the report due to a significant physiological defect.

#### *Expediency:*

Whilst the perceived threat from vehicular impact alone is not considered sufficient reason to make a TPO, the woodland scored highly in its assessment. The high amenity value attributed to this woodland both now and as it develops is therefore considered reasonable justification given that the order is at the request of the owner who cares deeply about the woodland and is responsible for the planting of the younger trees developing within the site. Furthermore, it secures a valuable amenity asset should the property be sold in future.

#### *Implications:*

If the order is not confirmed venerable trees such as the beech in the north wester corner of the woodland are liable to be cut without regard to best practice and the health or amenity of the trees.

At the vote it was decided:

**Planning Committee is recommended to confirm TPO 355/2021 as detailed below:**

Decision to confirm TPO 355/2021

Voting Record

2 For

0 Against

0 Abstentions

### **Proposed actions in light of late objection**

It is proposed that a minor modification is made to the shape of the TPO boundary to account for the exclusion of 1 no. Beech tree in the interests of highway safety as discussed above.

In subsequent email correspondence, Councillor Goodrick has indicated that she would support the proposed changes.

### **Recommendation:**

That the Planning Committee note the recommendation of the Tree Preservation Order Working Party was to confirm TPO 355/2021, however it is recommended to **confirm the order with modifications** to the TPO plan as indicated in Image 1 (above).



## **Location**

---

The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire,  
YO17 6XB

**Date:** 14th June 2022

**Present:** Councillors: Cleary (Vice Chair of Planning Committee chaired  
the meeting), Goodrick

**In attendance:** Matthew Stubbings, Tree and Landscape Officer

## **Minutes**

---

### **1. Apologies for Absence**

No apologies were received.

### **2. Previous minutes**

Minutes from meeting held on 25.05.2022 Virtually via MS Teams

#### **Decision**

**Planning Committee is recommended to confirm TPO 354/2021 with modifications as detailed below:**

1. Removal of T1 from the TPO Plan, amendment to TPO title and tree schedule to accurately reflect the removal of T1.
2. G2 will be amended on the plan to more accurately reflect the extent of the group.
3. T2, G1, G2 and G3 should be subjected to the Order and the Order should be confirmed with the above amendments.

Decision to confirm TPO 354/2021

Voting Record

2\* For

0 Against

0 Abstentions

\* 2 votes in favour of confirming the order with the Chairman using a casting vote to confirm detailed amendments to the provisional order.

The minutes from the previous meeting were agreed.

### 3. Urgent Business

No urgent business was raised.

### 4. Declarations Of Interest

None.

### 5. Tree Preservation Order No: 355/2021 at Woodland to the north of The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB.

#### DISCUSSION:

- Councillors met with proposer.
- The site was inspected thoroughly.
- 1 no. dead tree was noted on the northern boundary and a large tree on the western boundary that is excluded from the report requires management due to an included bark union.
- The trees with ivy may also require management.

#### DECISION:

**Decision**

**Planning Committee is recommended to confirm TPO 355/2021**

Decision to confirm TPO 355/2021

Voting Record

**2 For**

0 Against

0 Abstentions





# IMAGES FOR TPO 355-2021

Map 1 (below) Image from NYCC website - The Wheelhouse is indicated by the pin (woodland is located to the north of the property). PROW in indicated by purple lines.

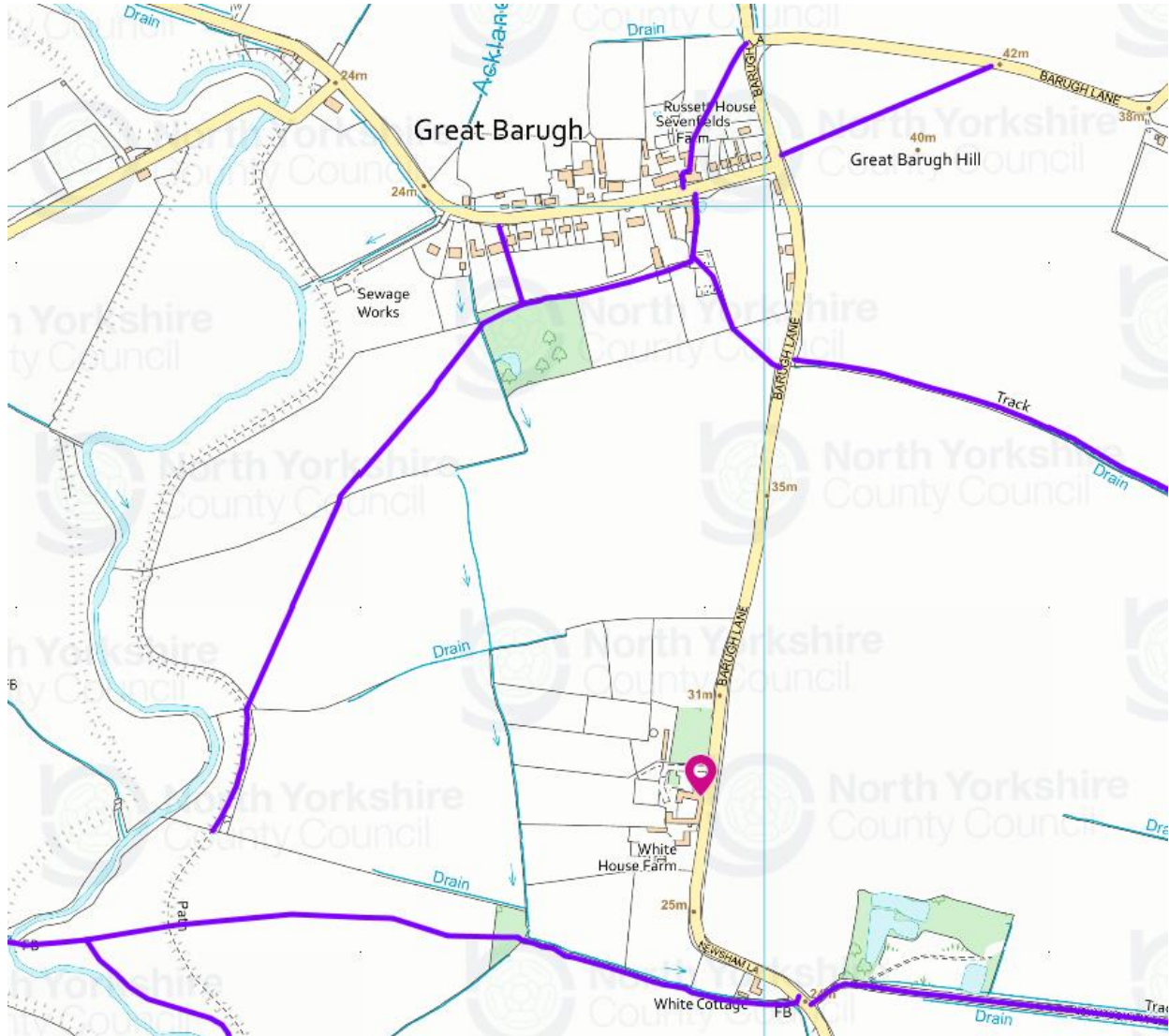


Photo 1 -Woodland seen from layby 320m to south on Newsham Lane.



Photo 2 – Streetview <sup>TM</sup> image, October 2021





Photo 3 – view of woodland from public right of way to the north east of site



Photo 4 - View of woodland from public right of way to the south of site





Photo 5 - View of woodland from internal track, looking in a northeasterly direction towards the southern boundary of the woodland





Photo 6 – same boundary as above as seen from Streetview <sup>™</sup>. Note trees within blue boundary not included in TPO and are not within the ownership of The Wheelhouse.



Photo 7 – same trees identified within the blue line in photo 6 (not included in the TPO), located to the south of the track to the livery stables





Photo 8 - Mature woodland to the west (left). Newer planting to east (foreground, right). Mature group of roadside trees within woodland to the east and north of site (background, right)



Photo 9 - View of mature trees on western and northern boundaries





Photo 10 - View from the gate situated opposite the front garden of The Wheelhouse





Photo 11 - Large Sycamore with significant included branch union (excluded from order)

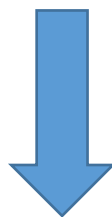


PHOTO 12 & 13 RELATED TO OBJECTION - LOCATION OF TREES WHICH OBJECTOR WOULD LIKE TO BE EXCLUDED FROM TPO (BELOW LEFT) AND 2022 AERIAL VIEW FROM GOOGLE MAPS (BELOW RIGHT)

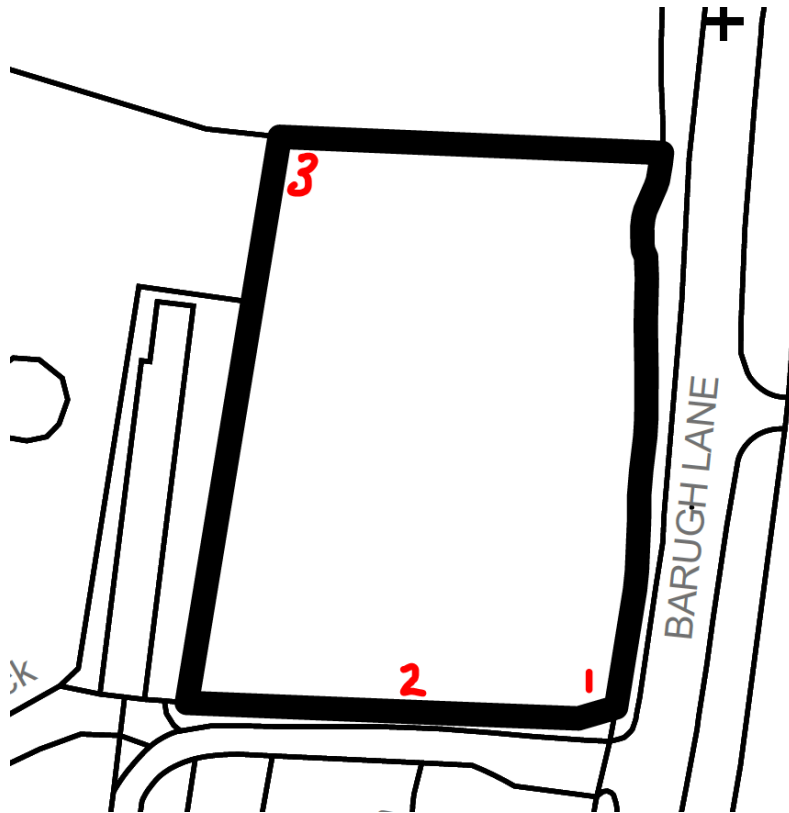




PHOTO 14 & 15 - PROVIDED BY OBJECTOR (BELOW LEFT), SAME TREE ON GOOGLE STREETVIEW (BELOW RIGHT)





PHOTO 16 – INDICATIVE LOCATION OF 3 BEECH TREES IN OBJECTION (BELOW 2)



PHOTOS 17 & 18 VIEW TOWARDS BARUGH LANE – NOTE 7M OVERHANG AND BUND







## ANNEXE 4

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

#### SURVEY DATA SHEET & DECISION GUIDE

Date: 15.12.2021

Surveyor: Matthew Stubbings, Tree and Landscape Officer

##### Tree details

TPO Ref: 355/2021 Tree/Group No: W1 Species: Mixed broadleaves (including Oak, Beech, Ash, Sycamore, Willow, Elm, Cherry and Silver Birch) Owner: Ms Gill Truscott  
Location: 30m north of the dwelling known as The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB

##### Part 1: Amenity assessment

###### a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- |           |                         |
|-----------|-------------------------|
| 5) Good   | Highly suitable         |
| 3) Fair   | Suitable                |
| 1) Poor   | Unlikely to be suitable |
| 0) Unsafe | Unsuitable              |
| 0) Dead   | Unsuitable              |

##### Score & Notes

5 – The woodland provides high quality visual amenity and the majority of the trees have reasonable health and form except for some relatively small dead Elms and a large Sycamore with an included union that the owner is aware of.

###### b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10    | Unsuitable      |

##### Score & Notes

5 – There is a good range of species of varying ages.

###### c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- |  |                         |
|--|-------------------------|
| 5) Very large trees, or large trees that are prominent landscape features  | Highly suitable         |
| 4) Large trees, or medium trees clearly visible to the public              | Suitable                |
| 3) Medium trees, or larger trees with limited view only                    | Just suitable           |
| 2) Small trees, or larger trees visible only with difficulty               | Unlikely to be suitable |
| 1) Young, v. small, or trees not visible to the public, regardless of size | Probably unsuitable     |

##### Score & Notes

5 – The woodland is visible from different public viewpoints

###### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |   |
|---|
| 5) Principal components of arboricultural features, or veteran trees      |
| 4) Members of groups of trees that are important for their cohesion       |
| 3) Trees with significant historical, commemorative or habitat importance |
| 2) Trees of particularly good form, especially if rare or unusual         |
| 1) Trees with none of the above additional redeeming features             |

##### Score & Notes

3 – The biodiversity value of the woodland will increase as it ages. The woodland is important for local habitat both now and in the future.

##### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- |  |
|--|
| 5) Known threat to tree                    |
| 3) Foreseeable threat to tree              |
| 2) Perceived threat to tree                |
| 1) Precautionary only                      |
| 0) Tree known to be an actionable nuisance |

##### Score & Notes

2 – Outer branches of trees on the southern edge of the woodland overhang the track and are being damaged by passing vehicles.

##### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

##### Add Scores for Total:

**20**

##### Decision:

**Definitely merits TPO**



## ANNEXE 4

### Emailed (Neutral) comments from Andrew Kellett, Ackland Farm:

**From:** acklandfarm|  
**Sent:** 16 February 2022 22:40  
**To:** Matthew Stubbings <matthew.stubbings@ryedale.gov.uk>  
**Subject:** Tree Preservation Order No: 355/2021

Dear Mr Stubbings,

In response to your letter dated the 18th of January 2022 regarding the intended addition of the tree preservation order been placed on our neighbours trees at The Wheelhouse. My concerns are as follows: I note that you make the point in your letter that concerns have been raised that there has been damage to the trees by passing vehicles along the southern edge of the woodland this southern edge is the access track to three residential properties a commercial livery business and also a farming enterprise as well as the only access to the sewage treatment plant for all the residential properties along with access to the Ackland Beck which is served by the internal drainage board and also the access track used by the enviroment agency to maintain part of the river seven all the above users of the track do operate large vehicles and machinery as well as the large delivery vehicles to the residential properties to deliver heating oil as no mains gas is available.

My point is that if low overhanging branches are allowed to grow unmanaged over the access track which is the case here then it is inevitable that there is going to be damage to trees and vehicles alike therefore I do not think that it is unreasonable to suggest that as as a preventative measure to avoid myself or any of the above bodies falling foul of the proposed TPO and also to avoid any neighbourly conflict that before the TPO is confirmed that the problem branches are removed by the owner. I would also like to suggest that as the owner of the livery stables and land to the north and west of the woodland that the lower overhanging branches that hang over my stables and grazing pastures some of which are within reach of the horses also be dealt with before the TPO is confirmed. I would also like to say that as you make the point that branches are being damaged by passing vehicles along the southern edge of the woodland I have also observed that there is damage being done by passing large vehicles to branches along the eastern edge of the woodland which is the Highway edge would it not also be sensible to have these branches trimmed also with all the TPO is enforced.

Yours faithfully,

Andrew Kellett

## ANNEXE 6

Emailed (neutral) comments from Carol and Robin Crockatt:

-----Original Message-----

From: Carol Crockatt |

Sent: 17 February 2022 15:17

To: Matthew Stubbings <matthew.stubbings@ryedale.gov.uk>

Subject: Fwd: TPO 355/2021 The Old Wheelhouse

>

> Dear Matthew,

> We have spoken to our neighbour and wonder if we should extend the TPO to our copse which is a continuation of the copse from the Old Wheelhouse .Could you please advise ..

> We have no objection to the TPO ,however the track is the only access to our house The Granary . The sewage tanker which is a large vehicle accesses the sewage plant for all four properties and uses the track and our property as access so we would like to fully understand what the implications are.

> Thank you .

> Carol and Robin

> Carol and Robin Crockatt

## ANNEXE 7

### EMAILED OBJECTION RECEIVED 22.06.22 FROM MR ANDREW KELLETT, ACKLAND FARMS

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**From:** [Andrew Kellett]  
**Sent:** 22 June 2022 23:03  
**To:** Matthew Stubbings <matthew.stubbings@ryedale.gov.uk>  
**Subject:** RE: Tree Preservation Order No: 355/2021

Dear Mr Stubbings,

I would like to object to the above TPO being placed on some of the trees along the boundary of the woodland, on the grounds of road safety and access road difficulties. The tree in question responsible for road safety concerns is the beech tree on the South East corner of the woodland that affects visibility when exiting the access road.

There are also 3 further small beech trees along the access road, which is the south side of the woodland. These have low overhanging branches that come into contact with passing vehicles, that potentially could cause damage to vehicles and the trees themselves.

Finally, there is a very large beech tree in the North West corner of the woodland that has a dangerous 10 degree lean into my field, with over hanging branches protruding 7 Metres at low level. The branches are within reach of the horses in the paddock that joins the woodland. The horses have had to be fenced away from these overhanging branches to protect both the animals and the trees. Therefore, reducing my grazing area.

I ask that these trees are omitted from the TPO as not to criminalise myself or others, if any damage occurs to the trees whilst going about everyday business.

I have attached photos showing the trees stated above.

Yours Sincerely,

Andrew Kellett



Photo A – Beech tree by entrance on South Eastern corner of woodland



Photo B & C – Beech tree in North Eastern corner of woodland.



---

<b>PART B:</b>	<b>RECOMMENDATIONS TO PLANNING COMMITTEE</b>
<b>REPORT TO:</b>	<b>TREE PRESERVATION ORDER WORKING PARTY</b>
<b>DATE:</b>	<b>18<sup>TH</sup> MAY 2022</b>
<b>REPORT OF THE:</b>	<b>PLANNING AND DEVELOPMENT MANAGER JILL THOMPSON</b>
<b>TITLE OF REPORT:</b>	<b>TREE PRESERVATION ORDER No: 355/2021</b>
<b>WARDS AFFECTED:</b>	<b>SINNINGTON</b>
<b>AUTHOR:</b>	<b>MATTHEW STUBBINGS, TREE &amp; LANDSCAPE OFFICER</b>

---

## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 For members of the working party to consider Tree Preservation Order (TPO) 355/2021 at **Woodland to the north of The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB**. Then to make a recommendation to the Planning Committee on whether the Order should be confirmed.

### **2.0 RECOMMENDATION**

- 2.1 That the Planning Committee is recommended to:
- (i) Confirm Tree Preservation Order No: 354/2021

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 To protect the amenity value that the trees provide to the locality.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with recommendation.

### **5.0 POLICY CONTEXT**

- 5.1 Members are aware that Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of trees being felled, or the trees will be significantly damaged by trenching within the root zone. An Order prohibits the cutting

down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

- 5.2 Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they should be used to protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Matters to consider are:

### *Visibility*

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

### *Individual, collective and wider impact*

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

### *Other factors*

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 5.3 An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.
- 5.4 In Ryedale, the confirmation of TPO's is a matter for the Planning Committee, following advice of the Tree Preservation Order Working Party. The Working Party is established to allow the matter to be considered in detail.

## **6.0 REPORT**

### **DESCRIPTION OF SITE AND TREES**

- 6.1 The proposed TPO covers a small woodland roughly 0.75 acres in area. The trees are located within the domestic curtilage of the property known as The Wheelhouse on the outskirts of Great Barugh. The woodland is situated about 30m to the north of the dwelling. The woodland is viewable from the adjacent highway and public right of way



## **ANNEXE 8**

to both the north, south and west.

- 6.2 The woodland as indicated on the attached TPO plan (Annexe 1) should be viewed in conjunction with the accompanying 'TEMPO' TPO assessment (Annexe 2).

W1 – Mixed broadleaved woodland (including Oak, Beech, Ash, Sycamore, Willow, Elm, Cherry and Silver Birch)

- 6.3 It has been alleged that outer branches of trees on the southern edge of the woodland overhanging the track are being damaged by passing vehicles associated with the commercial livery stables. This has prompted a TPO evaluation on 15.12.2021.
- 6.4 The owner of woodland is concerned about the harm being done to the trees.

### **7.0 TREE ASSESSMENT**

- 7.1 As part of the TPO making procedure, the trees were assessed using the nationally recognised 'TEMPO' system. This has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value, and identifies a scoring system. A minimum of 12 points is required.
- 7.2 The trees in the woodland were assessed in detail. The woodland was assessed as a whole and scores were given based on condition, retention span and public visibility.
- 7.3 With a total score of 20, the woodland was found to be 8 points above the threshold that determines the viability of TPO orders and rated as 'definitely merits TPO'.
- 7.4 This TEMPO assessment was undertaken by myself, a qualified arboriculturalist with over twenty years' experience in arboriculture.

#### **Tree assessment- Amenity**

- 7.5 Photographs of the trees can be found in Annexe 3.
- 7.6 There were four distinct zones within the woodland with respect to age class:
1. Trees on the western side of the site – mature evenly spaced Sycamore. This area includes an over-mature Sycamore with a significant bark inclusion (see Annexe 3, photo 11) which could be retained though use of bracing and potentially retrenchment pruning. However without management this tree could be a developing safety risk. This tree is therefore excluded from inclusion within the order.
  2. Trees on the northern boundary – Sycamore and Elm. At the time of the assessment there were 2 or 3 dead Elm trees towards the eastern end of this boundary. These were not suitable for inclusion in the proposed TPO.
  3. Trees on the roadside (eastern) boundary – mature Sycamore, Ash and Elm. At the time of the assessment there were two multi-stemmed dead Elms along the highway boundary, these trees were not considered to be suitable for inclusion in the order. Half of the eastern boundary has a well maintained Hawthorn hedge.
  4. Trees on the eastern side of the site – mainly young to early mature Ash trees consisting of a double line of closely grown trees that will require selective removals in future. The

## ANNEXE 8

trees look healthy and do not show any signs of Ash die-back.

- 7.7 As a whole (and with the exception of those trees excluded as highlighted above) the trees were found to be in good condition and therefore highly suitable for TPO (5).
- 7.8 The woodland has several tree species and a good age range which provided it is managed well could provide good potential for the longevity of this woodland with a retention span of over 100 years (5).
- 7.9 The woodland has many large trees visible from different public viewpoints and images from the highway and the public right of way shows that the woodland is an attractive and prominent landscape feature on the local skyline (5).
- 7.10 The wildlife/habitat value of the woodland will increase as it ages. The woodland is important for local biodiversity both now and in the future (3).

### 8.0 Tree assessment- Expediency

- 8.1 There is a perceived threat to the trees. Outer branches of trees on the southern edge of the woodland overhang the track are being hit by passing vehicles. It is alleged that these impacts are as a direct result of vehicular movement associated with the commercial livery stables.
- 8.2 When vehicles impact branches through direct contact it is possible that this may result in harm to those branches and potentially to the disfiguration/damage of some of the branches and sometimes death of branches from abrasions causing pathogens to gain entry into the branches through the damaged bark.
- 8.3 The perceived threat from vehicular impact alone is not considered sufficient reason to make a TPO, hence the score of 2 for expediency within the TEMPO assessment. Nevertheless, it is considered that the overall score of 20 is a reasonable justification given that the order is at the request of the owner who cares deeply about the woodland and is responsible for the planting of the younger trees within the site.
- 8.4 The inclusion of all trees in W1 in the order (with the exception of those mentioned in paragraph 2.6) is recommended to ensure the long-term retention of an attractive woodland and to ensure that all future tree work is in accordance with best practice and standards (BS3998).
- 8.5 The making of a TPO will safeguard long-term retention of high quality tree cover in an attractive rural location and when the time comes to fell trees in future will ensure continuity of tree cover in perpetuity, thereby maintaining the special character of the area.

### 9.0 Representations

Representations are below (in **blue type**) and the Officer response where it is deemed appropriate can be found in **black type**.

- 9.1 **Objections (0 no.)**  
No letters or emailed objections have been received.



## ANNEXE 8

### 9.2 **Support (0 no.)**

No letters or emails of support have been received.

### 9.3 **Neutral comments (2 no.)**

Comments were received by email from neighbour, Andrew Kellett, Ackland Farm Ryton, MALTON, YO17 6XU (the original email can be found at Annexe 4).

9.4 *"In response to your letter dated the 18th of January 2022 regarding the intended addition of the tree preservation order been placed on our neighbours trees at The Wheelhouse. My concerns are as follows: I note that you make the point in your letter that concerns have been raised that there has been damage to the trees by passing vehicles along the southern edge of the woodland this southern edge is the access track to three residential properties a commercial livery business and also a farming enterprise as well as the only access to the sewage treatment plant for all the residential properties along with access to the Ackland Beck which is served by the internal drainage board and also the access track used by the environment agency to maintain part of the river seven all the above users of the track do operate large vehicles and machinery as well as the large delivery vehicles to the residential properties to deliver heating oil as no mains gas is available."*

9.5 Neighbours and other agents such as tree surgeons can apply to carry out work to the trees.

9.6 *My point is that if low overhanging branches are allowed to grow unmanaged over the access track which is the case here then it is inevitable that there is going to be damage to trees and vehicles alike therefore I do not think that it is unreasonable to suggest that as a preventative measure to avoid myself or any of the above bodies falling foul of the proposed TPO and also to avoid any neighbourly conflict that before the TPO is confirmed that the problem branches are removed by the owner.*

9.7 The order came into place when the order was made. Mr Kellett was advised at the time the order was made that he should approach the owner or he could apply to carry out work.

9.8 *I would also like to suggest that as the owner of the livery stables and land to the north and west of the woodland that the lower overhanging branches that hang over my stables and grazing pastures some of which are within reach of the horses also be dealt with before the TPO is confirmed.*

9.9 The maintenance of the trees on the internal road or overhanging the stables to the west is a civil matter and the Council would not get involved in such matters.

9.10 *I would also like to say that as you make the point that branches are being damaged by passing vehicles along the southern edge of the woodland I have also observed that there is damage being done by passing large vehicles to branches along the eastern edge of the woodland which is the Highway edge would it not also be sensible to have these branches trimmed also with all the TPO is enforced.*

9.11 It is the duty of North Yorkshire County Council to ensure that the branches do not impact on the users of the highway. Issues can be reported via the NYCC website: <https://www.northyorks.gov.uk/grass-cutting-verge-hedge-and-tree-maintenance>

## ANNEXE 8

- 9.12 Neutral comments were also received from neighbours Carol and Robin Crockatt, The Granary, White House Farm, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB (full email can be found at Annexe 5)

They state:

*“We have no objection to the TPO, however the track is the only access to our house The Granary . The sewage tanker which is a large vehicle accesses the sewage plant for all four properties and uses the track and our property as access so we would like to fully understand what the implications are.”*

- 9.13 Carol and Robin Crockatt have been advised that any work to the protected trees will require an application to the Council. Applications are determined within 8 weeks. The responsibility for the trees is with the woodland owner. In an ideal world all tree owners would be responsible neighbours and would arrange for any necessary work, however please note that as the internal access road is not classed as a public highway the Council would not have any involvement if the owners chose not to prune the trees and they started to overhang the access road. However, in addition to the tree owners being able to apply for work others may also apply to carry out work to trees. The removal of dead branches or dangerous trees is exempt from the application process.

### 10.0 Other factors

Whilst the ability of trees to carbon capture and provide wildlife habitats are not a material consideration in the confirmation of TPOs, it is of note that trees provide essential habitat for birds and other wildlife throughout their life. Each tree will typically absorb over a tonne of CO<sup>2</sup> during its lifetime.

### 11.0 Conclusion

- 11.1 The Local Planning Authority has considered all duly made representations and provides detailed responses in section 9.
- 11.2 In making the Order in the first instance, the Local Planning Authority sought to evaluate the trees at the Woodland to the north of The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB. With the exception of any dead trees already present and the large Sycamore with the included union (photo 11, Annexe 3) the woodland was considered to definitely merit a TPO.
- 11.3 In confirming the TPO the Council seeks to protect trees that are at risk as a result of root damage which would irreversibly harm several of the trees and would be a loss to the amenity and a detriment to the area.
- 11.4 The significant amenity value that the trees provide and will continue to provide to the locality in future, in addition to the benefits the younger trees give as they develop and become more visible is considered to justify the making, and confirming of a TPO, when weighed against the neutral comments put forward. This is borne out by the high score the trees achieve in the TEMPO assessment from 15.12.2021 (Annexe 2).
- 11.5 Any concerns about overhanging branches can be overcome by either owner, neighbours or agents applying to carry out remedial work.
- 11.6 No objections to the Order were received from parish, district councillors or neighbours.

## **ANNEXE 8**

### **12.0 IMPLICATIONS**

12.1 The following implications have been identified:

- a) Financial  
No financial implications identified
- b) Legal  
A decision to confirm the Order must be made within six months of the Order being made.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

No other implications have been identified.

### **13.0 NEXT STEPS**

13.1 The 08.06.22 Planning Committee will consider the recommendations of the Working Party at its meeting. If the Committee resolves to confirm the Order all of the interested parties will be notified and the notice will provide details of the grounds on which an application can be made to the High Court. (The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an Order.)

13.2 The Council must make a formal note of its decision in relation to the Order. If the Order is confirmed it will be recorded in the Land Charges Register. If the Order is not confirmed, its operation will cease with immediate effect.

**Jill Thompson**  
**Planning and Development Manager**

**Author:** **Matthew Stubbings, Tree & Landscape Officer**

**Qualified:** **Professional Tree Inspector (LANTRA)**  
**Tech Cert (ArborA)**  
**NCH Arb**

Telephone No: 01653 600666 ext: 43357  
E-Mail Address: matthew.stubbings@ryedale.gov.uk

#### **Annexes:**

Annexe 1- TPO tree location plan for TPO No. 355/2021  
Annexe 2 – TEMPO Tree Evaluation  
Annexe 3 - Images of the trees  
Annexe 4 – Emailed comment (neutral)  
Annexe 5 – Emailed comment (neutral)  
Annexe 6 – Copy of signed and sealed order for TPO No. 355/2021

Dated 18<sup>TH</sup> JANUARY 2022

**TOWN AND COUNTRY PLANNING ACT 1990**

**RYEDALE DISTRICT COUNCIL**

**NO. 355 TREE PRESERVATION ORDER 2021**

Ref:

**Application to trees to be planted pursuant to a condition**

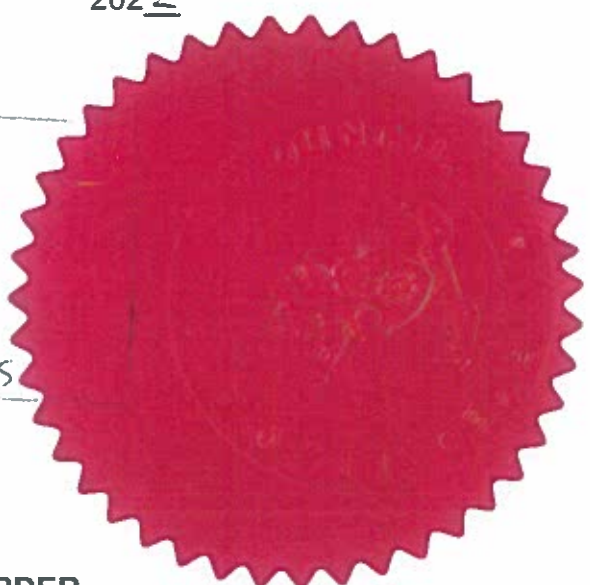
**4.**

In relation to any tree identified in the first column of the Schedule by the letter 'C', being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree(s) is (are) planted.

Dated this 18<sup>TH</sup> day of JANUARY 2022

**THE COMMON SEAL of THE  
RYEDALE DISTRICT COUNCIL**  
was hereunto affixed  
in the presence of:-

Minute  
8009  
Reg No.  
934/82  
Initials CES



C Smith  
Council Solicitor authorised by SC

**CONFIRMATION OF ORDER**

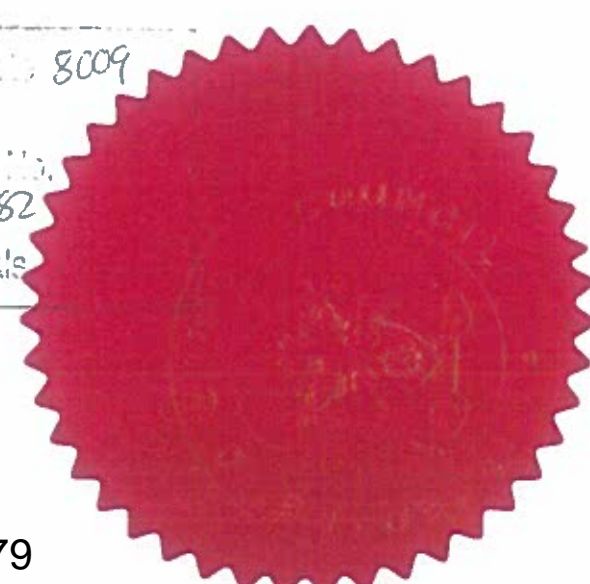
This Order was confirmed by the Ryedale District Council without modification  
on the                      day of

OR

This Order was confirmed by the Ryedale District Council subject to the  
modifications indicated by                      , on the                      day of

**THE COMMON SEAL of THE  
RYEDALE DISTRICT COUNCIL**  
was hereunto affixed  
in the presence of:-

Minute 8009  
Reg No.  
934/82  
Initials CES



C Smith  
Council Solicitor authorised by SC

**SCHEDULE**  
**SPECIFICATION OF TREES**

**Article 3**

**Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
<b>W1</b>	Mixed broadleaved woodland Including Oak, Beech, Ash, Sycamore, Willow, Elm, Cherry and Silver Birch	30m north of The Wheelhouse, Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB  E 474924 , N 478425  What3Words : secrets.lads.baguette

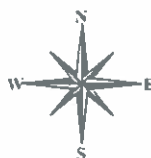
TPO 355/2021 Woodland to the north of The Wheelhouse,  
Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB



Ryedale District Council  
Ryedale House  
Malton  
North Yorkshire  
YO17 7HH  
Tel: (01653) 600666  
Fax: (01653) 696801  
Email: [enquiries@ryedale.gov.uk](mailto:enquiries@ryedale.gov.uk)  
Website: [www.ryedale.gov.uk](http://www.ryedale.gov.uk)

Date: 15.12.21

Scale: 1:2500



**RYEDALE  
DISTRICT  
COUNCIL**



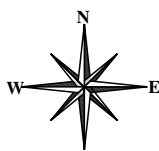
TPO 355/2021 Woodland to the north of The Wheelhouse,  
Barugh Lane, Great Barugh, Malton, North Yorkshire, YO17 6XB



Ryedale District Council  
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Website: [www.ryedale.gov.uk](http://www.ryedale.gov.uk)

Date: 15.12.21

Scale: 1:2500



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**RYEDALE  
DISTRICT  
COUNCIL**





## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

- 
1.  
**Application No:** 20/01074/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Samuel Mills  
**Location:** Workhouse Gym Market Street Malton North Yorkshire  
**Proposal:** Change of use of sloping land at the rear of the gym to include excavation works to form three terraces with timber steps and levelled ground for use as an outdoor recreation, socialising and exercise space during the existing business opening hours together with installation of 2no. sets of pull up bars with an approximate height of 2.5 metres on the first terrace, a 1.9 metre high privacy fence on the southern boundary and installation of lean to external canopy roof to the northern elevation of the gym. (part retrospective application)
- 
2.  
**Application No:** 21/01446/GPAGB **Decision: Approval**  
**Parish:** Howsham Parish Meeting  
**Applicant:** Mr Julian Morris  
**Location:** Oxfield Farm Low Lane Howsham North Yorkshire YO60 7PL  
**Proposal:** Change of use of agricultural building to form 1no. one bedroom dwelling (Use Class C3).
- 
3.  
**Application No:** 21/01583/HOUSE **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Mr Stephen Carroll  
**Location:** Rose House High Street Nawton Helmsley YO62 7TT  
**Proposal:** Installation of an air source heat pump and associated works
- 
4.  
**Application No:** 21/01584/LBC **Decision: Approval**  
**Parish:** Nawton Parish Council  
**Applicant:** Mr Stephen Carroll  
**Location:** Rose House High Street Nawton Helmsley YO62 7TT  
**Proposal:** Installation of an air source heat pump and associated works
- 
5.  
**Application No:** 22/00020/FUL **Decision: Approval**  
**Parish:** Habton Parish Council  
**Applicant:** Mr Jonathan Bulmer  
**Location:** Coultas Farm Habton Lane Great Habton Malton YO17 6TY  
**Proposal:** Erection of a general purpose agricultural building
- 
6.  
**Application No:** 22/00199/HOUSE **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Mrs N Lubben  
**Location:** Beechcroft New Road Terrington North Yorkshire YO60 6NT

**Proposal:** Erection of first floor side extension to south elevation and erection of detached garage

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7.

<b>Application No:</b>	22/00242/ADV	<b>Decision:</b> Approval
<b>Parish:</b>	Huttons Ambo Parish Council	
<b>Applicant:</b>	Mr Sean Harrison (DH Group Ltd)	
<b>Location:</b>	Land Off Cherry Farm Close Malton North Yorkshire	
<b>Proposal:</b>	Display of 2no. internally illuminated 3.16 metre high totem signs	

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8.

<b>Application No:</b>	22/00243/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Nunnington Parish Council	
<b>Applicant:</b>	Mr Thomas Whyte	
<b>Location:</b>	Church Farm Cottage Church Street Nunnington North Yorkshire YO62 5US	
<b>Proposal:</b>	Erection of replacement external steps to front door	

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9.

<b>Application No:</b>	22/00267/LBC	<b>Decision:</b> Refusal
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mr Keith Marsh (Mill House Freehold PLC)	
<b>Location:</b>	Mill House Potter Hill Pickering North Yorkshire YO18 8BJ	
<b>Proposal:</b>	Replacement of stained timber cladding to south elevation and faux loading doors to west and north elevations with cement fibre board in burnt red for apartment nos. 1, 9, 18, 17 and other communal areas.	

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10.

<b>Application No:</b>	22/00306/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Amotherby Parish Council	
<b>Applicant:</b>	Mrs G Bills & Mr P Harris	
<b>Location:</b>	Carbis Cottage Amotherby Malton North Yorkshire YO17 6QX	
<b>Proposal:</b>	Erection of a two storey side extension, single storey rear extension following demolition of greenhouse & rear porch, erection of a detached single storey garage & workshop with solar panels following removal of outbuildings.	

---

11.

<b>Application No:</b>	22/00321/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Cropton Parish Council	
<b>Applicant:</b>	Mr John Best	
<b>Location:</b>	Barn Cottage High Street Cropton Pickering North Yorkshire YO18 8HL	
<b>Proposal:</b>	Installation of air source heat pump	

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12.

<b>Application No:</b>	22/00322/FUL	<b>Decision:</b> Approval
<b>Parish:</b>	Warthill Parish Council	
<b>Applicant:</b>	Mr David Cantello	
<b>Location:</b>	Chapel Adjacent To Agar Cottage Rudcarr Lane Warthill North Yorkshire	
<b>Proposal:</b>	Change of use and alteration of former chapel to form a holiday let with installation of replacement canopy porch to the north eastern elevation (part retrospective.)	

---

13.

<b>Application No:</b>	22/00324/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mr Andrew Sharpe	

**Location:** 25 Millfield Close Pickering North Yorkshire YO18 8DP  
**Proposal:** Erection of single storey part side - part rear extension, formation of additional area of hardstanding and erection of porch to front elevation (part retrospective).

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**14.**

**Application No:** 22/00328/TPO **Decision: Approval**  
**Parish:** Heslerton Parish Council  
**Applicant:** Sarah Beal (Abricot Ltd)  
**Location:** Dawnay Arms Hotel Church Street West Heslerton Malton North Yorkshire YO17 8RQ  
**Proposal:** T1 Horse Chestnut - remove deadwood greater than 25mm, broken branches, crown reduce up to 1.5m away from utility cables and crown lift to clear garage and shed by 1m and T2 Horse Chestnut - remove deadwood greater than 25mm and crown reduce up to 1.5m away from utility cables - both trees within TPO No. 17/1979.

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**15.**

**Application No:** 22/00339/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mrs Emma Douglas-Smith  
**Location:** Eden House 120 Eastgate And 119 Eastgate Pickering North Yorkshire YO18 7DW  
**Proposal:** Erection of single storey rear extension, cladding to rear elevation and erection of timber framed garage/workshop following removal of existing timber sheds

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**16.**

**Application No:** 22/00342/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Kevin Linfoot  
**Location:** North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside North Yorkshire YO62 6EG  
**Proposal:** Change of use of land used as a portable cabin area of the former Highways depot to allow the erection of a building forming 8no. storage/garage units

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**17.**

**Application No:** 22/00355/FUL **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Mr Neil Hutton  
**Location:** Primrose Hill Mowthorpe Lane Terrington North Yorkshire YO60 6QF  
**Proposal:** Erection of detached home office building and erection of 2no. stone gate posts

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**18.**

**Application No:** 22/00366/HOUSE **Decision: Approval**  
**Parish:** Ampleforth Parish Council  
**Applicant:** James Wainwright & Alexandra Ennis  
**Location:** 5 Millway Ampleforth North Yorkshire YO62 4DR  
**Proposal:** Erection of single storey side extension incorporating a garage following demolition of existing garage and store, together with alterations to window arrangement - part revised details to part of approval 21/01608/HOUSE dated 03.02.2022 (part retrospective)

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**19.**

**Application No:** 22/00374/HOUSE **Decision: Approval**  
**Parish:** Claxton Parish Council  
**Applicant:** Mr & Mrs C Burnham  
**Location:** Claxton Hall Cottage Malton Road Claxton Malton North Yorkshire YO60 7RE

**Proposal:** Installation of a dormer to rear elevation and erection of a detached garage together with a front boundary wall

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**20.**

<b>Application No:</b>	22/00378/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Terrington Parish Council	
<b>Applicant:</b>	Mr & Mrs Northeast	
<b>Location:</b>	Columbine Cottage Main Street Terrington Malton North Yorkshire YO60 6PU	
<b>Proposal:</b>	Demolition of existing rear conservatory and erection of single storey rear extension to form sun lounge and adjacent detached garage/workshop to the rear of the existing garage	

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**21.**

<b>Application No:</b>	22/00384/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Claxton Parish Council	
<b>Applicant:</b>	Miss Lydia Coughlin	
<b>Location:</b>	9 Claxton Grange Cottages Malton Road Claxton Malton North Yorkshire YO60 7RE	
<b>Proposal:</b>	Installing a window and door within the arch to the rear of the property	

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**22.**

<b>Application No:</b>	22/00422/LBC	<b>Decision:</b> Approval
<b>Parish:</b>	Terrington Parish Council	
<b>Applicant:</b>	Mr & Mrs Northeast	
<b>Location:</b>	Columbine Cottage Main Street Terrington Malton North Yorkshire YO60 6PU	
<b>Proposal:</b>	Demolition of existing rear conservatory and erection of single storey rear extension to form sun lounge together with formation of patio with steps to rear of the sitting room	

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**23.**

<b>Application No:</b>	22/00400/LBC	<b>Decision:</b> Approval
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mrs Emma Douglas-Smith	
<b>Location:</b>	Eden House 120 Eastgate And 119 Eastgate Pickering North Yorkshire YO18 7DW	
<b>Proposal:</b>	Internal and external alterations to include erection of single storey rear extension, cladding to rear elevation and erection of timber framed garage/workshop following removal of existing timber sheds and removal of section of internal walling	

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**24.**

<b>Application No:</b>	22/00402/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Slingsby Parish Council	
<b>Applicant:</b>	Mr Benjamin Rayner	
<b>Location:</b>	Croft House Malton Road Slingsby Malton North Yorkshire YO62 4AF	
<b>Proposal:</b>	Removal of existing single storey extension to allow the erection of a two storey side extension to east elevation together with the erection of a double garage adjoining to Croft House Cottage Annex	

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**25.**

<b>Application No:</b>	22/00416/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mr John Newton	
<b>Location:</b>	Norwood 48 Ruffa Lane Pickering North Yorkshire YO18 7HN	
<b>Proposal:</b>	Installation of dormer window to rear elevation	

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<b>26.</b>		
<b>Application No:</b>	22/00419/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Luttons Parish Council	
<b>Applicant:</b>	Mr A Pickard	
<b>Location:</b>	20 Hillside Way West Lutton Malton North Yorkshire YO17 8TE	
<b>Proposal:</b>	Erection of a detached garage	
<hr/>		
<b>27.</b>		
<b>Application No:</b>	22/00433/FUL	<b>Decision: Approval</b>
<b>Parish:</b>	Habton Parish Council	
<b>Applicant:</b>	Tim Easterby (Habton Farms)	
<b>Location:</b>	Habton Grange Stables Habton Lane Great Habton Malton North Yorkshire YO17 6TY	
<b>Proposal:</b>	Erection of a feed storage barn 10.97m x 6.10m adjacent to existing stables	
<hr/>		
<b>28.</b>		
<b>Application No:</b>	22/00426/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Terrington Parish Council	
<b>Applicant:</b>	Mr David Kemp	
<b>Location:</b>	Jasmine House 26 South Back Lane Terrington North Yorkshire YO60 6PX	
<b>Proposal:</b>	Erection of single storey rear extension following demolition of existing rear detached garage together with erection of porch to front elevation	
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<b>29.</b>		
<b>Application No:</b>	22/00444/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Sheriff Hutton Parish Council	
<b>Applicant:</b>	Mr Carl Payne	
<b>Location:</b>	Gower Hall Thornton Le Clay To Foston Road Thornton Le Clay Malton North Yorkshire YO60 7QD	
<b>Proposal:</b>	Erection of four bay timber outbuilding (part retrospective)	
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<b>30.</b>		
<b>Application No:</b>	22/00445/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mr & Mrs Harrison	
<b>Location:</b>	The Old Rectory 23 Hallgarth Pickering North Yorkshire YO18 7AW	
<b>Proposal:</b>	Formation of seating area by excavating existing rising ground and constructing a stone retaining wall with timber posts	
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<b>31.</b>		
<b>Application No:</b>	22/00454/LBC	<b>Decision: Approval</b>
<b>Parish:</b>	Settrington Parish Council	
<b>Applicant:</b>	Mr & Mrs Quinn	
<b>Location:</b>	Bellwood Cottage 4 Town Street Settrington Malton North Yorkshire YO17 8NR	
<b>Proposal:</b>	Internal alterations to relocate shower room on ground-floor to include the blocking up of a window to the side elevation	
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<b>32.</b>		
<b>Application No:</b>	22/00459/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Norton Town Council	
<b>Applicant:</b>	Mr & Mrs Stannard	
<b>Location:</b>	15 Welham Road Norton Malton North Yorkshire YO17 9DP	
<b>Proposal:</b>	Erection of three storey rear extension	
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33.

<b>Application No:</b>	22/00464/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Norton Town Council	
<b>Applicant:</b>	Miss Kate Large	
<b>Location:</b>	36 St Nicholas Street Norton Malton North Yorkshire YO17 9AQ	
<b>Proposal:</b>	Erection of single storey part side/part rear extension	

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34.

<b>Application No:</b>	22/00468/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Settrington Parish Council	
<b>Applicant:</b>	Mrs Annie Harrison	
<b>Location:</b>	Beck Cottage Forkers Lane Settrington Malton North Yorkshire YO17 8NP	
<b>Proposal:</b>	Erection of single storey extension to the south and east elevations, erection of porch to the north elevation and rendering of existing brickwork	

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35.

<b>Application No:</b>	22/00489/FUL	<b>Decision:</b> Approval
<b>Parish:</b>	Scampston Parish Council	
<b>Applicant:</b>	Mrs Elizabeth Aconley	
<b>Location:</b>	Land At Knapton Lodge Cottages Malton Road West Knapton Malton North Yorkshire	
<b>Proposal:</b>	Change of use of detached garage and land from commercial to the domestic use of 1 Knapton Lodge Cottage (retrospective application)	

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36.

<b>Application No:</b>	22/00491/FUL	<b>Decision:</b> Approval
<b>Parish:</b>	Harome Parish Council	
<b>Applicant:</b>	Ms Jane Collier (Springs Estates (Lincolnshire) Ltd)	
<b>Location:</b>	Foxholme Touring Caravan Park Gale Lane Harome Helmsley North Yorkshire YO62 7SD	
<b>Proposal:</b>	Erection of extension, together with internal and external alterations to existing central facilities building	

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37.

<b>Application No:</b>	22/00504/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Sheriff Hutton Parish Council	
<b>Applicant:</b>	J & G Wallace-Hill & Redshaw	
<b>Location:</b>	Spring Cottage East End Sheriff Hutton North Yorkshire YO60 6SX	
<b>Proposal:</b>	Erection of a single storey rear extension following removal of the existing conservatory	

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38.

<b>Application No:</b>	22/00505/HOUSE	<b>Decision:</b> Approval
<b>Parish:</b>	Beadlam Parish Council	
<b>Applicant:</b>	Mr & Mrs A & S Ross	
<b>Location:</b>	6 The Orchards Beadlam Helmsley North Yorkshire YO62 7SH	
<b>Proposal:</b>	Erection of single-storey extension to rear and replacement detached garage.	

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39.

<b>Application No:</b>	22/00518/LBC	<b>Decision:</b> Approval
<b>Parish:</b>	Malton Town Council	
<b>Applicant:</b>	Mrs Christine Hughes (The Gallery)	
<b>Location:</b>	7 Market Place Malton North Yorkshire YO17 7LP	
<b>Proposal:</b>	Paint front bay window and door	

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<b>40.</b>		
<b>Application No:</b>	22/00535/TPO	<b>Decision: Approval</b>
<b>Parish:</b>	Norton Town Council	
<b>Applicant:</b>	Mr David Hunt	
<b>Location:</b>	47 Welham Road Norton Malton North Yorkshire YO17 9DS	
<b>Proposal:</b>	Crown raise 1no. Beech and 1no. Sycamore trees situated at the front of the property to a maximum of 7m above ground level [as amended 13.06.22]	
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<b>41.</b>		
<b>Application No:</b>	22/00546/HOUSE	<b>Decision: Approval</b>
<b>Parish:</b>	Norton Town Council	
<b>Applicant:</b>	Mr Stephen Richmond	
<b>Location:</b>	Tavool House 42 Scarborough Road Norton Malton North Yorkshire YO17 8AB	
<b>Proposal:</b>	Erection of two storey rear extension following demolition of existing conservatory	
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<b>42.</b>		
<b>Application No:</b>	22/00564/LBC	<b>Decision: Approval</b>
<b>Parish:</b>	Malton Town Council	
<b>Applicant:</b>	Simon Holcombe	
<b>Location:</b>	51 Town Street Old Malton Malton North Yorkshire YO17 7HB	
<b>Proposal:</b>	Property Flood Resilience measures as per the 'materials section of the application form' and the Heritage & Design Statement	
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<b>43.</b>		
<b>Application No:</b>	22/00565/FUL	<b>Decision: Approval</b>
<b>Parish:</b>	Malton Town Council	
<b>Applicant:</b>	Punch Pubs	
<b>Location:</b>	The Gate Inn 12 Yorkersgate Malton North Yorkshire YO17 7AB	
<b>Proposal:</b>	Redecoration of the exterior of The Gate Inn public house on the Yorkersgate Elevation and North East Side Elevation (as approved under Listed Building Consent Application 22/00153/LBC)	
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<b>44.</b>		
<b>Application No:</b>	22/00586/TPO	<b>Decision: Approval</b>
<b>Parish:</b>	Foxholes Parish Council	
<b>Applicant:</b>	Ms Michelle Hollowell	
<b>Location:</b>	4 Ash Court Main Street Foxholes Driffield North Yorkshire YO25 3QR	
<b>Proposal:</b>	T1 Cherry - crown raise up to 4m from ground level, 20% thin and draw back branches away from property up to a maximum of 2m within TPO No 328/2011 [as amended 14.06.22].	
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<b>45.</b>		
<b>Application No:</b>	22/00587/LBC	<b>Decision: Approval</b>
<b>Parish:</b>	Pickering Town Council	
<b>Applicant:</b>	Mr Paul Carruthers	
<b>Location:</b>	Appletree Cottage 1A Keld Head Pickering North Yorkshire YO18 8LL	
<b>Proposal:</b>	Installation of replacement front door frame	
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