

Oswaldkirk Village Hall

Planning Appraisal

Oswaldkirk Community Open Space

Revision Record

Revision Reference	Date of Revision	Nature of Revision	Revision Author	Checked By
A	September 2023		HL	AR

Contents

01 Introduction	4
Background	4
Site Context	5
02 Planning History and Constraints	7
Relevant Planning History	7
Planning and Environmental Constraints/Designations	9
03 Policy Context	12
The Statutory Development Plan	12
Emerging Plan	17
National Policy.	17
04 Potential for Development	19
05 Conclusion	21

01 Introduction

Background

- 1.1 Spawforths have been instructed by Oswaldkirk Village Hall to undertake a Planning Appraisal of the land currently occupied by Oswaldkirk Community Open Space. It is understood that an offer has been made by a neighbouring landowner to relocate the existing community open space, in part or in its entirety. The purpose of the Planning Appraisal is to consider the development potential of the land currently occupied by the Community Open Space in the following circumstances:
- The Community Open Space is relocated in its entirety to an alternative location within the village.
 - Part of the current Community Open Space is retained as Community Open Space, and the other part is provided elsewhere within the village.
- 1.2 The Planning Appraisal considers the site context, planning and environmental constraints, relevant planning history, and the current and emerging planning policy context. Spawforths notes that a planning application would be required to change the use of land from Community Open Space to residential garden, and from agricultural land to Community Open Space. This Appraisal does not consider the merits of the case for the change of use.

Site Context



Figure 1.1 Site Location and Context.

- 1.3** The Site is located to the south of Oswaldkirk Village. The Site is circa 0.3 hectares in size. The Site is bounded by hedgerow to the eastern and western boundaries, with sporadic hedgerow trees. A hedgerow also forms the northern and southern boundaries. There is an existing property located to the south of the Site and residential garden adjoining the northern boundary. An agricultural field lie to the west of the Site, with further residential development located off St Oswald's Close beyond. The B1363 lines the eastern boundary, a substantial residential property and gardens is located to the east of the B1363. A footway on the western side of the B1363 connects the Site to the rest of the Village to the north.
- 1.4** Facilities and services within the village of Oswaldkirk are limited. There are two churches (St Aidans RC Church, and St Oswalds Church), and a Village Hall. The public house, the Malt Shovel Inn, remains closed. The Site currently forms the village's Community Open Space. Main Street link provides a link to higher order settlement of Ampleforth (2.8 miles), where there are primary schools and other facilities. The B1363 (York Road) provides connections through to York (21.7 miles), and the B1257 links to Helmsley (4.2 miles) and Malton (12.7 miles).
- 1.5** There is limited public transport, with School Services connecting to Easingwold School (150R), Ryedale School (257 R), and St Hildas CE School and St Benedicts RC School (282R). The 31X provides a service between Oswaldkirk and Ampleforth, Easingwold,

York, Helmsley and Kirkbymoorside. There are up to four services a day, except Sundays and Bank Holidays.

02 Planning History and Constraints

Relevant Planning History

- 2.1 The relevant and most recent planning applications relating to the Site, both in whole and in part, have been identified below:

APPLICATION REF:	DESCRIPTION OF DEVELOPMENT	SITE ADDRESS	DECISION
22/00556/FUL	Demolition of existing dwelling to allow erection of a 5 no. bedroom dwelling, a detached double garage with office space and recreation area above, and detached building to form BBQ/Entertainment area and change of use of part of existing paddock to domestic curtilage and erection of a field barn within the paddock.	Mulberry House (Formerly Rimbaley) York Road, Oswaldkirk, Helmsley Yo62, 5Xy Adjacent to the Site.	Approved 2 nd August 2022
21/01237/CAT	Removal of 5 no Ash on Eastern Boundary of Oswaldkirk playground with the B1363	OS Field 4490, York Road, Oswaldkirk, North Yorkshire. The Site.	Determined (approved)

APPLICATION REF:	DESCRIPTION OF DEVELOPMENT	SITE ADDRESS	DECISION
11/01347/FUL	Erection of a three bedroom detached self contained annex to Havoc Hall and relocation of existing detached three bay open garage	Havoc Hall, York Road, Oswaldkirk, Helmsley YO62 5XY Land to the east of the Site.	Refused 28 th February 2012
97/00424/FUL	Formation of a vehicular access onto B1363 and Erection of Gates	OS Field 4490, York Road, Oswaldkirk, York, YO62 5XY The Site.	Approved 27 June 1997



Figure 2.1 Planning Application Ref 22/01354/FUL: Approved Block Plan

- 2.2 There is limited planning history available on public access for the Site itself. As highlighted in the table above the Planning history includes approval of a vehicular access and works to trees.
- 2.3 Immediately to the west and south of the Site there has been a recent application for the demolition of an existing dwelling, and the construction of a five bedroom house, and various associated buildings. Consent for the construction of a field barn, immediately to the west of the Site was secured through application 22/01354/FUL.
- 2.4 In 2011 an application for a residential annex was submitted at Havoc Hall. Havoc Hall is located to the east of the York Road, east of the Site. This application was refused. The application was considered as a 'new residential dwelling' in the countryside. It was considered in the context of PP7 Annex A, which indicated in open countryside locations new residential development is limited to that which is required for farming forestry or other rural based enterprise and required functional tests to prove the need for such buildings. There was no submitted justification to support the Planning Application. The policy context has changed since the determination of this Planning Application. In relation to the location within the Howardian Hills Area of Outstanding Natural Beauty officers commented that:
- “the development of an additional dwelling in this location could have an adverse impact on the open character by significantly extending the built form of the residential curtilage of Havoc Hall and could therefore adversely affect the natural beauty of the landscape”.*
- 2.5 Conversely, there are application elsewhere within the village that have sought to change a use of a farm building to form two dwellings, application ref: 03/00632/FUL. 99/00406/FUL sought the erection of a farm building and change of use of a barn to create a dwelling. This was also approved. However, it should be noted that both of these applications were over 20 years ago.

Planning and Environmental Constraints/Designations

- 2.6 The table below highlights the relevant Planning and Environmental Constraints/Designations for the Site as a whole and in part:

PLANNING CONSTRAINT/DESIGNATION

PROXIMITY TO THE SITE

Conservation Areas	The Site is located within the Oswaldkirk Conservation Area.
Listed Buildings	There are no listed building within or immediately adjacent to the Site.
Ancient Monuments	There are no Scheduled Monuments within the Site or immediately adjacent to the Site.
Tree Preservation Orders	There are no single or group TPO's on the Site or Site Boundary. However, the Site is located within a Conservation Area, and therefore the trees are protected by the provisions in Section 211 of the Town and Country Planning Act.
SSI/SSSIs	The Site is not within or immediately adjacent to a SSSI. The nearest SSSI is located at Nunnington Cutting and Quarries, and Horse Field, Gilling SSSI
SAC/SPAs	The Site is not within an Special Area of Conservation or Special Protection Area.
Flood Risk Zone	The Site is located within Flood Zone 1. The western edge of the Site is liable to surface water flooding.
Other Ecology Designations	There are no known other ecological designations related to the Site.
Rights of Way (PROW/Bridleway)	There are no PRoW crossing or immediately adjacent to the Site. There is a footway to the

PLANNING CONSTRAINT/DESIGNATION

PROXIMITY TO THE SITE

AONB or Landscape Designation	east of the Site along York Road, connecting the Site with the Village.
	The Site is located within the Howardian Hills Area of Outstanding Natural Beauty. The Site is not located within a Visually Important Undeveloped Area.

2.7 The key designations/constraints affecting the Site are its location within the Area of Outstanding Natural Beauty, and Oswaldkirk Conservation Area. The western extent of the site is also liable to surface water flooding.

03 Policy Context

The Statutory Development Plan

- 3.1 The Statutory Development Plan relevant to the Site is formed by the Ryedale Local Plan Strategy, adopted September 2013, and Local Plan Sites Document, adopted June 2019. The following table provides a list of key policies:

POLICY	TOPIC
SP1	General Location of Development and Settlement Hierarchy
SP2	Delivery and Distribution of New Housing
SP3	Affordable housing
SP6	Delivery and Distribution of Employment Land and Premises
SP11	Community Facilities and Services
SP12	Heritage
SP13	Landscapes
SP21	Occupancy Restrictions.

- 3.2** The Adopted Ryedale Local Plan Strategy provides a vision for the area, of relevance it notes that Ryedale villages will have retained their individual identities and their own character. With regards to development the vision confirms that the development that the villages will have experienced will better meet the needs of local people.
- 3.3** The Strategy also sets out a series of objectives to support the deliver the Plans vision. This includes focusing development at those settlements where it will enhance accessibility to local services, shops, and jobs and provide sustainable access to major service centres outside of the district by public transport, walking and cycling while reducing the need to travel by car. There is an identified objective “to protect and where appropriate enhance the distinctive character of the district’s settlements, landscapes and biodiversity. Safeguarding those elements of the historic and natural environment that are recognised as being of local national or international importance”. With specific regard to housing the Plan has an objective to support the delivery of new homes and to substantially increase the delivery of affordable housing.
- 3.4** The Plan notes that service villages are the locations where it is considered appropriate to locate small scale housing development. Service villages are defined as those villages that have a primary school, convenience store, food shop and a reasonable bus service, that enables access to employment facilities, shops and community and education facilities at higher order settlements. The Strategy highlights that there are some settlements that are sufficiently near to each other, ether the key facilities are provided in either location. In these limited circumstances the settlements have been grouped together.
- 3.5** Policy SP1 identifies the settlement hierarchy across the Ryedale Plan Area. Oswaldkirk is an ‘other village’ and does not form an identified local service centre. Ampleforth is located 2.8 miles to the west of Oswaldkirk and is the nearest identified local services centre – service village, described as being a tertiary focus for growth.
- 3.6** Policy SP1 states that in all ‘other’ villages, such as Oswaldkirk, hamlets and in the open countryside, development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or which can be justified in order to secure improvements to the environment or conservation of significant heritage assets, or which is justified through the neighbourhood planning process.
- 3.7** Policy SP1 also notes that if a formal review of housing land supply triggers a requirement for further development sites, the search for sites may include additional settlements which contain a school, a convenience store, a food shop, a reasonable daily bus service which would enable residents to access employment facilities shops and community and educational facilities at higher order settlements.

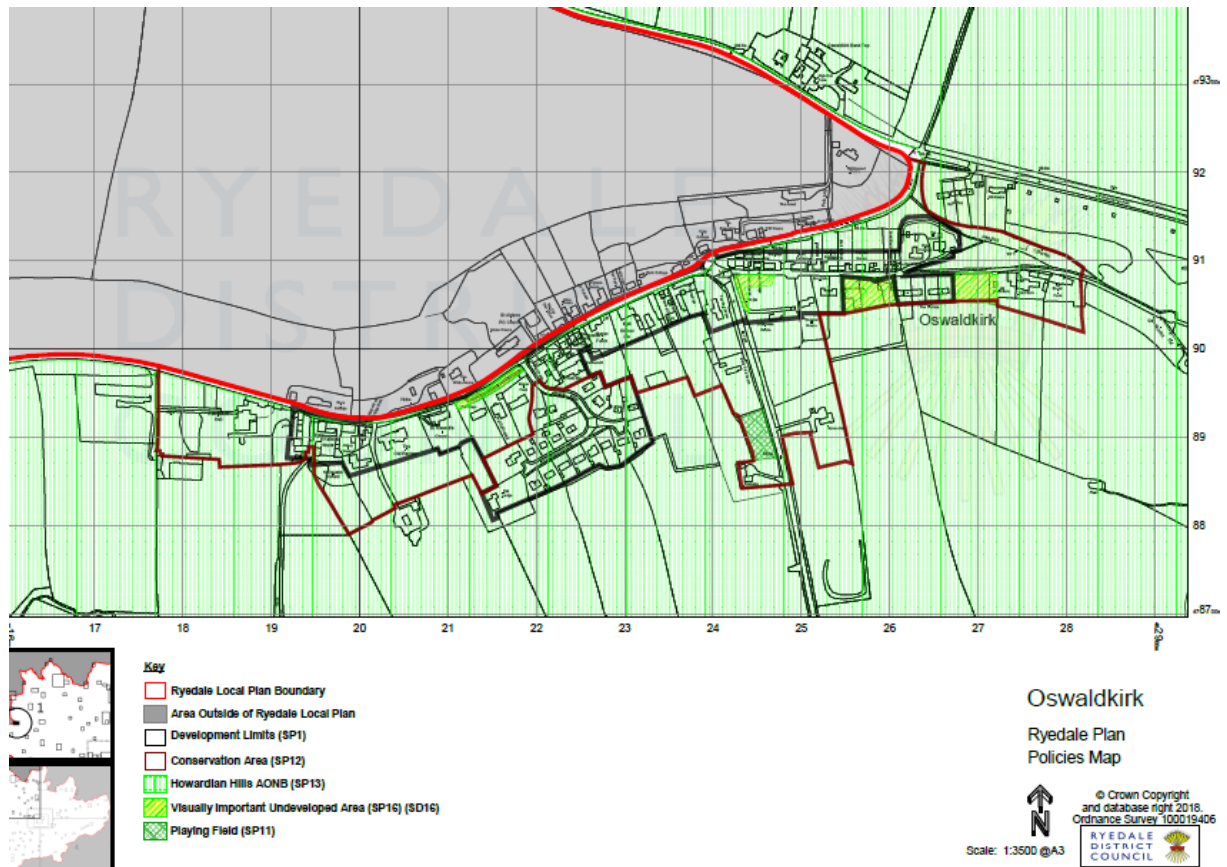


Figure 3.1 Extract of the adopted Policies Map.

- 3.8** Development Limits are defined on the adopted Proposals Map, as established in Policy SP1. The Site is located outside the established Development Limits.
- 3.9** Policy SP2 relates specifically to the delivery and distribution of new housing. With respect to 'other villages', sources of new housing that are supported are identified as:
- infill development (small open sites in an otherwise continually built up frontage) restricted to local needs occupancy,
 - replacement dwellings, sub division of existing dwellings,
 - conversion and development of previously developed land and buildings within development limits and restricted to local needs occupancy,
 - 100% Rural Exception sites outside and on the edge of Development Limits in line with Policy SP3, and

- change of use of tourist accommodation where appropriate and restricted to local needs occupancy.
- 3.10** As noted above, the Site is located outside established Development Limits, and it does not constitute a replacement dwelling, subdivision, or conversion.
- 3.11** Affordable housing, including exception sites, is addressed through Policy SP3.
- 3.12** Policy SP3 states that where the need for affordable housing exists the LPA will seek the provision of new affordable homes. The policy sets the thresholds for seeking affordable housing contributions and the associated requirements.
- 3.13** With regards to exception sites, Policy SP3, states that proposals for “affordable housing schemes outside the development limits of all settlements with a population of 3,000 or less will be supported” where:
- The scheme will meet but not exceed proven local need.
 - The site is contiguous with the ‘Development Limits’ of the settlement or is physically and visually well connected with the settlement,
 - the affordable homes will be provided in perpetuity.
- 3.14** Policy SP3 confirms that a limited number of market homes will be allowed as part of a rural exception scheme. This will only be where it can be demonstrated that these are essential to the delivery of affordable homes, and where they are the minimum number required to achieve viability in the absence of public subsidy.
- 3.15** Oswaldkirk is a village of less than 3,000 people, and therefore an affordable housing scheme may be supported as an exception subject to local need. As noted above, the Site lies outside the established Development Limits, furthermore the Site is not contiguous with the defined Development Limits, however there is a footpath connection to the rest of the Village, and the Site currently serves as community open space. Given its current function it would be reasonable to conclude that the Site is physically well connected to the settlement of Oswaldkirk.
- 3.16** Policy SP6 deals with the delivery and distribution of employment land and premises. With regards to service villages and ‘other’ villages, such as Oswaldkirk, the policy supports:
- Small scale sites in and adjacent to development limits,
 - Conversion of buildings within or outside Development Limits for employment uses and rural diversification
 - Expansion land/sites for major employers/established businesses.
- 3.17** As highlighted the Site is not within or adjacent to development limits, nor is it adjacent to an existing employer/established business.

- 3.18** The Site is currently allocated as Playing Field and is protected by Policy SP11. Policy SP11 states that:

“Existing Local retail, community cultural, leisure and recreational services and facilities that contribute to the viability of towns and villages and well-being of local communities will be protected from loss or redevelopment unless it can be demonstrated that:

there is no longer a need for the facility and an accessible alternative exists, or

its no longer economically viable to provide the facility, or

proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered within minimum disruption to provision.”

- 3.19** The purpose of this Appraisal is not to consider the suitability of the alternative/replacement community open space facilities, however it should be noted that the alternative should at least be of equivalent or greater benefit to the community.

- 3.20** The extract of the Policies Map at Figure 3.1 highlights that the Site is located within Oswaldkirk Conservation Area. Policy SP12 is therefore relevant. Policy SP12 seeks to ensure that designated historic assets, such as conservation areas, and their settings will be conserved and where appropriate enhanced. The Policy highlights that development proposals that would result in substantial harm, or total loss, of the significance of a designated heritage asset will be resisted unless wholly exceptional circumstances can be demonstrated. Where proposals result in less than substantial harm, the Policy states “Proposals that result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and extent of harm to the asset”. Any proposals would need to consider the effects upon the heritage assets. Policy SP12 and SP16 also note the presence of Visually Important Undeveloped Areas. These are identified on the Policies Map, see extract at Figure 3.1 The Site is not located within a Visually Important Undeveloped Area.

- 3.21** The Site is located within the Howardian Hills AONB, Policy SP13 therefore applies. The Policy seeks to encourage new development and land management practices that reinforce the distinctive elements of landscape character within the district’s broad landscape character areas of the Howardian Hills. The Policy seeks to protect the special qualities and natural beauty and the setting of the AONB. The policy requires regard to be given to the distribution and form of the settlements and buildings in their setting, the character of settlements, building styles and materials, pattern and presence of distinctive features, and visually sensitive skylines. Proposals are only to be supported where they do not detract from the natural beauty and special qualities of the protected landscapes, facilitate the

delivery of the Howardian Hills AONB Management Plan and objectives, are appropriate for the social economic and environmental well-being of the area. The policy therefore does not prohibit all development within the AONB, however regard will need to be given to the special qualities of the AONB.

Emerging Plan

- 3.22** Prior to the local government reorganisation, the then Ryedale District Council commenced a review of the Local Plan. As part of this review a Call for Sites exercise was undertaken. No sites were submitted in Oswaldkirk.
- 3.23** In 2022 a consultation on the Distribution of Development was undertaken. This considered continuing with the existing approach to distribution and sought comments on an approach that would result in greater distribution to the villages.
- 3.24** Subsequently, a Key Decisions Document, 2023, was prepared and consulted upon. This included a couple of options for distribution of development. Option 1 to retain the current distribution, and Option 2 to allocate additional land in other market towns and the service villages. Ampleforth remains the nearest service village. It was not proposed to allocate additional land in 'other villages'. However, the consultation did include proposals for policies to support small scale windfall housings schemes in all settlements. The document noted that proposals would not to be supported if they are not contiguous with part of the existing Development Limits or attached to an earlier scheme considered under the policy. Small scale was described as 5 dwellings or less. Proposals under this emerging policy should not result in loss of visually important undeveloped areas, or harm to other designations such as conservation areas. A policy for rural exception schemes for affordable housing was likely to be maintained.
- 3.25** This review is no longer being progressed, and a new Local Plan for the whole of North Yorkshire will be prepared.

National Policy.

- 3.26** The National Planning Policy Framework, September 2023, (NPPF, 2023) is a material consideration in the determination of Planning Applications.
- 3.27** NPPF, 2023, paragraph 78 relates to planning in rural areas. National policy supports housing that reflects local needs, and support opportunities to bring forward Dural rural exception sites that will provide affordable housing to meet identified local needs.
- 3.28** Para 80, of NPPF, 2023 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless on one or more of the following would apply:

- *There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- *The development would represent the optimal viable use of heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- *The development would re-use redundant or disused buildings and enhance its immediate setting;*
- *The development would involve the subdivision of an existing residential building; or*
- *The design is of exceptional quality in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.29 Paragraph 84 relates to supporting a prosperous rural economy, noting that policies and decisions should enable growth and expansion of all types of business in rural areas through conversion of existing buildings and well- designed new building. The development and diversification of agricultural and other land based rural business, sustainable rural tourism and leisure developments, and retention and development of accessible local services and community facilities are also supported by NPPF, 2023.

3.30 The Policy context is the same for both the Site as a whole and part of the Site.

04 Potential for Development

- 4.1 Subject to the principle of relocating the Community Open Space in whole or in part being established through grant of Planning Permission. The overarching principle of development is the same when considering either the whole or part of the Site.
- 4.2 As established in the section on Policy Context, Oswaldkirk is defined as an ‘other village’. ‘Other’ villages are not a focus of growth, growth instead is focused on Malton/Norton, and the Market Towns, with tertiary growth at the identified services villages. The emerging policy consultations did not seek to significantly change the strategy relative to ‘other’ villages such as Oswaldkirk, which have limited services and facilities. There are however some forms of development that are supported at ‘other villages’. Where Sites are located outside development limits, rural exception sites which deliver affordable housing to meet an identified need are supported if the site is either adjacent to existing development limits, or where the Site is physically and visually connected to the settlement.
- 4.3 The Site at Oswaldkirk, although not immediately adjacent to the existing Development Limits, is physically connected to the rest of the settlement by a footway along the western side of York Road. There is an existing residential dwelling to the north of the Site and to the south of the Site. The Site itself is relatively well contained by existing hedgerows to the boundaries, however from the Sites boundary with York Road glimpses of buildings within the settlement are available. Accordingly, a small scheme to deliver affordable housing at this location could be supported subject to an identified and local need for affordable housing.
- 4.4 A dwelling of exceptional quality could be supported at this location, paragraph 80. National policy also provides policy support for well designed buildings to support rural employment.
- 4.5 Any proposals for development, affordable housing, or small scale rural development such as supported by national policy, or a house of exceptional quality, would need to be sensitive in terms of the siting, massing, scale and use of materials, having regard to the Sites setting within an Area of Outstanding Natural Beauty and within a Conservation Area. As noted above, at present the Site is reasonably well contained by the existing boundary treatment. There are limited views from York Road across the Site to the agricultural fields/paddocks beyond. There are also views across the Site to rooftops of buildings on Main Street and the bank beyond. It is noted that a replacement dwelling, additional ancillary buildings, and field barn have been permitted on land to the south and west of the Site. The Officers report accepted, that there would be an increase the massing, and an expansion of the residential curtilage at that location, which was also with the AONB and

Conservation Area, but arguably more prominent due to its position at the edge of the settlement. Accordingly, there is potential that development of a suitable scale, design and massing could be achieved on site.

- 4.6** If only the southern half of the Site was considered for development with the northern half remaining as Community Open Space, the principle of development would remain the same, as for the whole site. It should be noted that the footway that serves the Site does not extend all the way along the eastern boundary, and thus physical connectivity is slightly more reduced. The scale of development that could be delivered would also be reduced in line with the reduction in the Site size.
- 4.7** The Development Plan will be reviewed, based on the last consultation document, it is likely that future policy for 'Other villages' such as Oswaldkirk, will remain broadly similar. There is a possibility that limited market housing may be supported outside but adjacent to development limits, however this will be limited in scale, and any development would still need to respond to the qualities of the natural and built environment at this location.
- 4.8** Furthermore, it is noted that the Site is located adjacent to York Road, thus the potential for the Site to be developed and provide access into and facilitate the development of the adjacent fields/paddocks has been considered. It is considered that such a scale of development is not likely to be supported, at least in the medium term/next plan period, having regard to the overall Strategy for 'other' villages, and limited existing services and facilities (no primary school or shop). In addition, the scale of development would likely have a greater impact on the AONB and Conservation Area.

05 Conclusion

- 5.1** In summary, the Site is currently a Community Open Space, and is protected by policy. A landowner has proposed a land swap, which would result in the relocation of the Community Open Space, to land adjacent to the Village Hall, with an alternative proposal which would result in the northern part of the Site being retained for Community Open Space, and the southern part of the Site being relocated to land adjacent to the Village Hall. The Village Hall sought advice on the development potential of the Site if the entire, or if half of the Site, was no longer a Community Open Space. The Appraisal does not consider the merits of the relocation of the Community Open Space itself. This will need to be subject to a Planning Application.
- 5.2** A review of the planning history confirmed that there was a limited history for the Site. The review of constraints highlighted that the Site is within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and within the Oswaldkirk Conservation Area.
- 5.3** The policy review confirmed that the Site was located outside Development Limits as currently identified and situated within a lower order 'other' village. The current Local Plan Strategy supports limited forms of development in locations outside Development Limits, and emerging policy consultations maintained this position. Following the review of existing and emerging Development Plan policies, and national policy, it is considered that there the Site would have limited development potential, including for the provision of affordable housing, subject to the demonstration of a local need, or a well designed new building to support rural employment, or an exceptional residential dwelling.
- 5.4** The policy situation may change in the future, but the scale of development that could be achieved within an 'other village' is likely to remain limited due to the availability of key services and facilities within the village, and availability of public transport to higher order settlements. Furthermore, the scale and massing of development will be limited due to the Site's location within an AONB and Conservation Area. Therefore, significant development on adjacent agricultural fields, accessed through the Site is also considered unlikely.