

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Cloughton

Application No. NYM/2020/0022/FL

Proposal: Variation of condition 2 (material amendment) of planning approval NYM/2015/0885/FL (allowed on appeal) to allow changes to the footprint and design of the log cabin/mobile unit, changes to the footprint, design and location of store and relocation of parking area

Location: Paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale

Decision Date: 10 March 2020

Extended to:

Consultations

Parish – Objects to the proposal and considers it totally unsuitable. The applicant should have approached the Planning Authority once he became aware of the problem of supply of modular units as approved rather than erecting what he thought might be acceptable and applying retrospectively.

Highways – No objection.

Environmental Health Officer – No objection.

Forestry Commission – Issue ‘Standing Advice on Ancient Woodland’

Site Notice/Advertisement Expiry Date – 19 February 2020

Director of Planning’s Recommendation

Approval subject to the following condition(s):

1	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Location Plan</td><td>KYN014021-20 Rev.G</td><td>14 Jan 2020</td></tr><tr><td>Proposed Detailed Site Layout</td><td>KYN014021-03-2 Rev.K</td><td>14 Jan 2020</td></tr><tr><td>Replacement Store Plans & Elevations</td><td>KYN014021-09 Rev.K</td><td>14 Jan 2020</td></tr><tr><td>Proposed Caravan Elevations</td><td>KYN014021-04 Rev.I</td><td>14 Jan 2020</td></tr><tr><td>Proposed Caravan Floor Plan</td><td>KYN014021-05 Rev.I</td><td>31 Jan 2020</td></tr></tbody></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Site Location Plan	KYN014021-20 Rev.G	14 Jan 2020	Proposed Detailed Site Layout	KYN014021-03-2 Rev.K	14 Jan 2020	Replacement Store Plans & Elevations	KYN014021-09 Rev.K	14 Jan 2020	Proposed Caravan Elevations	KYN014021-04 Rev.I	14 Jan 2020	Proposed Caravan Floor Plan	KYN014021-05 Rev.I	31 Jan 2020
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2	<p>The development hereby approved shall only be occupied for holiday and/or recreational purposes by the owner of the land edged blue on the Site Location Plan ref; KYN014021-20 Rev.G received by the Local Planning Authority on 14 January 2020 and members of the owner's family. The development shall not be occupied as a person's sole or main place of residence, or for more than 150 days per calendar year. The owner shall maintain an up-to-date register of the names and addresses of all occupants of the development and shall make this information available at all reasonable times to the Local Planning Authority.</p>																		

Application Number: NYM/2020/0022/FL

3	The development hereby approved shall not be occupied until the existing touring caravan has been removed from the site. Other than the cabin hereby approved, no caravans shall be stationed on the site thereafter.
4	If the development hereby approved remains unoccupied for a period exceeding one year, the use shall cease and the cabin shall be removed and the land shall be restored to its condition before development took place.
5	No external lighting shall be installed at the site other than in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained as such thereafter.
6	The development hereby approved shall not be occupied until the external surfaces of the cabin have been clad in tongue and groove vertical larch cladding as approved under NYM/2019/0258/CVC dated 1 August 2018.
7	The roof shall be coloured dark grey prior to the development being brought into use and shall be retained as such.
8	The development hereby approved shall not be occupied until the foul water drainage has been provided in accordance with the details approved under NYM/2018/0258/CVC dated 1 August 2018.
9	The development hereby approved shall not be occupied until the access to the site has been constructed in accordance with the details approved under NYM/2019/0258/CVC dated 1 August 2018.
10	The access to the site shall be surfaced with local crushed limestone prior to the development being brought into use and shall be retained as such.
11	The hard and soft landscaping works approved under NYM/2018/0258/CVC dated 1 August 2018 shall be implemented during the 1st planting season following completion of the development hereby approved. The completed landscaping scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.
12	Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
13	Within six months of the date of this decision the existing store on the site shall be reduced in size in accordance with the details approved under drawing number KYN014021-09 Rev.K received by the Local Planning Authority on 14 January 2020.

Reason(s) for Condition(s)

1	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2	The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
3	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.

Application Number: NYM/2020/0022/FL

4	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
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6	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
8	To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
9	In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
11	In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
12	In order to enable the Local Planning Authority to retain control over future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with NYM Core Policy A and NYM Development Policy 16, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
13	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.

Application Number: NYM/2020/0022/FL

**Background**

This application relates to a small paddock surrounded by woodland lying to the south of Wyke Lodge, Hodgson Hill, Staintondale.

On the site at present is a touring caravan for which a Certificate of Lawfulness was granted in October 2015 following a change in the ownership of the land. It states that the use of the land for the siting of one touring caravan for use by the owner (and family members) for holiday and/or recreational purposes only, for up to 100 nights a calendar year at weekends, and not as permanent residential accommodation or for any commercial use is lawful.

Application Number: NYM/2020/0022/FL

However a subsequent application for the change of use of land from the siting of a touring caravan to the siting of a log cabin/mobile unit for holiday use along with the erection of a replacement store and associated works to the access track was granted planning permission in August 2017 on appeal following refusal by this Authority. The Inspector concluded that the scale of development proposed and the level of activity that would arise would not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the National Park, nor would it detract from the quality of life of local residents or the experience of visitors.

Works have commenced on site and following investigation by the Authority's Enforcement Team it was established that the log cabin being constructed was of a different design and footprint to that approved at appeal. Similarly the replacement shed constructed on site was of a different design and size to that approved and in a revised position. This application seeks to regularise matters and seeks permission for the log cabin in the slightly revised position with a reduced footprint and revised design along with permission for a replacement store, not as approved or as constructed, but of a revised footprint and design and in a revised position, and the relocation of the approved parking area.

The log cabin as approved was to measure 11.8 metres by 6 metres with an asymmetrical roofline whereas the log cabin presently under construction measures 10.2 metres by 6 metres with a traditional pitched roof. The proposed replacement shed would measure 6 metres by 3.6 metres whereas the approval was for a shed measuring 5 metres by 4 metres.

The log cabin has been constructed in kit form on site, rather than as 2 modular units bolted together as approved, with a surface mounted plinth foundation.

Main Issues

The principle of the siting of a log cabin on the paddock in place of the existing touring caravan and the erection of a replacement store has been established with the granting of planning permission at appeal in August 2017. As such the main issue to assess is whether the revised design and footprint of the log cabin and replacement store would harm the character and appearance of the National Park. The relevant policy of the Core Strategy and Development Policies Document therefore is Core Policy A which seeks to further the National Park purposes and duty by conserving and enhancing the Park's special qualities. Amongst other things it states that priority will be given to providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors of the Park.

It is considered that the revised design and footprint of the log cabin will have no greater impact on the character and appearance of the locality than the approved scheme. The log cabin will be no closer to the public highway than as approved and no higher overall. Given its position set well back into the site, the distances from neighbouring properties and the screening provided by the surrounding trees and woodland, it is considered that the log cabin would not be prominent in views from either nearby properties or the public highway. The revised design is more of a traditional log cabin rather than the modern, contemporary design previously approved, however given the use of high quality materials and the modest size, it is considered to be acceptable.

The replacement store as constructed on site is much larger than approved and being sited prominently at the top of the slope immediately adjacent to the access track is more visible

Application Number: NYM/2020/0022/FL

from the road. Therefore at present it is considered to be harmful to the character and appearance of this part of the National Park. However the submitted plans show the footprint of the replacement store reduced by half which would make it very similar in size to that approved albeit sited closer to the road by approx. 8 metres. As such, subject to a condition requiring the store to be reduced in size within 6 months of the date of the decision, which the agent has agreed to, there is no objection to the revised design of the replacement store. The repositioning of the replacement store will make it more visible from the road but given its simple, functional design and high quality timber cladding, it is not considered it would unduly harm the character or appearance of the area.

The repositioning of the car parking area from one side of the access track to the other will have negligible impact on the character and appearance of the locality.

In view of the above therefore it is considered that the proposed amendments to the approved scheme would not be harmful to the character and appearance of the National Park in accordance with Core Policy A and approval is recommended.

Draft Local Plan

The relevant policies of the emerging Local Plan are Strategic Policies A and C which reflects the currently adopted Core Policy A and as such the proposal is considered to comply.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.