

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2020/0935/FL

Proposal: erection of 9 no. holiday lodges with associated internal access tracks, parking and landscaping works and creation of multi use access track bypassing existing cottages (part retrospective)

Location: Hogarth Hall, Boggle Hole Road, Fylingdales

Applicant: Mr and Mrs D and A Pattinson
Hogarth Hall, Boggle Hole Road, Fylingdales, Whitby, YO22 4QW

Agent: Cheryl Ward Planning
5 Valley View, Ampleforth, YO62 4DQ

Date for Decision: 18/01/2021

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed Location Plan	D11585-07 Rev B	23 November 2020
Proposed Block Plan	D11585-08 Rev B	23 November 2020
Proposed Cabin Floor Plan, Elevations and Section	D11585-09A Rev A	23 November 2020
Proposed Location Plan for Waste Water Treatment Pant	D11585-13 Rev A	23 November 2020
Proposed Block Plan for Waste Water Treatment Pant	D11585-14 Rev A	23 November 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. 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.
4. The holiday cabins hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
5. The holiday units hereby permitted shall be managed from and remain part of the curtilage of the existing dwelling known as Hogarth Hall, Boggle Hole Road, Fylingdales and shall not be managed, sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 4 above without a further grant of planning permission from the Local Planning Authority.

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6. No external up-lighting shall be installed on the development hereby permitted and no external lighting shall be installed until details of lighting have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
7. The external surface of the roof of the buildings hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
8. The external elevations of the cabins hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
9. All new window frames, glazing bars and external door frames shall be of timber construction, finished in a dark colour within six months of the date of installation and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
10. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. No structures shall be placed within the root protection areas of any trees within or adjacent to the application site unless otherwise agreed in writing by the Local Planning Authority.
12. No work shall commence to undertake any works within the root protection areas of any trees or hedges within or adjacent to the site of the development hereby approved until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.
13. Prior to the development being brought into use details of a landscaping plan for the site, to ensure that wooded areas are appropriately managed, and to ensure protection of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for compensatory soft landscaping utilising native species and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
14. No work shall commence on the hardsurfacing of the access and car parking areas hereby approved until full details of the access and parking area surfacing have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the access surfacing shall be in the form of twin trods. The development shall not be brought in to use until the access and parking area have been surfaced in accordance with these details. The access surface shall be maintained in that condition in perpetuity.

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15. If the use of the holiday cabins hereby approved permanently ceases they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.
16. No work shall commence for the installation of services to the cabins until a detailed drainage plan, setting out the location of services with particular reference to trees and associated root protection areas, is submitted to and approved in writing by the Local Planning Authority
17. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 8 of the submitted Ecological Impact Assessment dated December 2020 prepared by MAB Environment Ecology Ltd
18. No work is to be undertaken to prune or clear trees, shrubs or other vegetation between March and August inclusive unless checked for evidence of bird breeding within 48 hours of works commencing by a suitably qualified ecologist. Any active nests found must be left undisturbed until chicks fledge and the nest abandoned.

Informative(s)

1. It would appear that the property is served by a private water supply. The applicant should be aware that should the development proceed, they will be required, under the Private Water Supplies (England) Regulations 2015, to have the water supply tested annually by the local authority to ensure it complies with the regulations stated above. The cost of the sampling will fall on the relevant person(s). The applicant should also be aware that the local authority will need to carry out a risk assessment of the water supply (again, the costs for this fall on the relevant persons). Where works are identified the relevant persons will need to ensure that they are carried out in a timely manner. I recommend the applicant.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C, which seek to conserve and enhance the special qualities of the NYM National Park.
3. 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 Strategic Policy A and NYM Policy UE2, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
5. In accordance with Strategic Policy M and Policy UE2 of the NYM Local Plan which requires such holiday accommodation to be managed on site and that the occupation of such accommodation does not operate as separate independent dwelling unit.
6. In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

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- 7-9. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.
10. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 11-13. The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with NYM Strategic Policy G which seeks to conserve and enhance the quality and diversity of the natural environment.
14. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Strategic Policy C which seeks to ensure that development proposals incorporate suitable hard landscaping details.
15. In order to return the land to its former condition and comply with the provisions of NYM Strategic Policy A which seeks to conserve and enhance the landscape of the National Park.
- 16 & 18. In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
17. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Consultations

Parish – 16 December 2020 - The Council discussed this at length. They felt that it was a blot on the landscape, would create light pollution, damage to the landscape, there would be significant access and traffic issues and that the development would be seen from the right of way and thus affect the look of the area. The Council also felt proper planning should have been sought before any development. Motion to strongly reject the planning application was proposed, seconded and unanimously agreed.

Highways – 18 December 2020 – No objections. Whilst the LHA have expressed concerns in the past as the junction onto the A171 has below standard visibility, there are no recorded accidents in the last 5 years. Although any increase in the amount of traffic is increasing the risk, the LHA would not see this application as making a significant increase compared to the amount of traffic that currently uses Bridge Holm Lane. It should be noted that the LHA does have concerns about types of vehicles using the junction onto the A171. For this reason the LHA would object to any future proposals for a caravan site off Bridge Holm Lane.

Forestry Commission – 21 December 2020 – Standing advice re ancient woodland

CPRE North Yorkshire – 15 December 2020 – No comments

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Environmental Health Officer – 8 December 2020 – No objections. However, it would appear that the property is served by a private water supply and the applicant should discuss this with Environmental Health.

Site Notice/Advertisement Expiry Date – 5 January 2021



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Background

Hogarth Hill is situated in an isolated location accessed by a private track that leads from the road to Boggle Hole in Fylingdales. It is predominantly a hill farm from which a livestock business is in operation. It consists of a 55 hectare unit with 280 ewes (40 replacement 2018), 10 tups and 250 lambs. However, it also comprises a small complex of buildings including the main house, modern agricultural buildings and the range of former hotel buildings approximately 70 metres to the south east of the house. The site has been in mixed agricultural and tourist accommodation since the 1960's.

The main house has for many years been used to provide bed and breakfast facilities and then permission was granted for it to operate as a hotel. Subsequently the detached range of buildings was also extended, including a substantial flat roof stone built extension (approximately 30 years ago) to provide a large dedicated function room. However, in the early 90's the hotel business ceased and the detached range of buildings were converted into cottages which are still in the ownership of Hogarth Hill and let out on long term lets. The function room was converted into garages but has since been converted into 2 four bedroom dwellings for the applicants 2 children and their families.

This application seeks permission to further diversify the tourism and agricultural businesses at the site, in the form of nine x 2 bed timber holiday chalets, to be sited in a valley side location, screened from wider views by both woodland and topography. There is a public footpath further to the east of the site, but this has views screened by woodland.

This proposal also includes an element of track which has already been laid as a bypass of the existing cottages and allow access to the land for farm purposes.

Each lodge would be self-contained and be positioned with ample space between them. Each unit would be single storey and measure 10.3 metres long x 6.42 metres wide with a 2.05 metre overhang incorporating an undercover balcony. The structures would be clad in vertical timber boarding under a dark grey roof.

Each cabin would have an area of hardstanding for vehicle parking. One parking space would be allocated to each cabin and the required access road within the site would be constructed with twin trod.

The site would be managed by the applicant's, alongside the farm, cottages and a bed and breakfast facilities so there is no requirement for additional accommodation from which to manage the site.

In support of the application the applicant's agent states that:-

The proposed track is part of the proposal but is partly retrospective as it is predominantly existing infrastructure which is already in use to support the farming enterprise and for getting fodder/feeding to livestock in the outlying fields below. The track was initially put in some years ago to avoid conflict with the residential amenity of the adjacent cottages. The track previously went through the curtilage of the nearby cottages and caused issues with the occupiers.

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During the winter the track has become badly eroded. It is due to the steep gradient of the field and the continued need to access the lower part of the farm that some improvements were inevitably made to form more of a solid track. This has proved to be more useful rather than creating deep ruts and further erosion of the adjacent field/landscape and to avoid creating further tracks when one becomes unpassable.

Track specification:

- Length: 137 metres
 - Width: 3 metres
 - Construction materials: broken concrete topped with tarmac (no membrane)
- Landscaping has taken place to either side of the track which includes Oak and Willow trees which once established will completely screen the track.

A formal car parking area has been eliminated for reasons of visual impact and to avoid a large area of hard surfacing from which surface water migration could take place.

Main Issues**Local Plan**

Strategic Policy G – Landscape - gives weight to the landscape impact of proposals and seeks control the location, scale and detailed design of any proposal to ensure the scheme respects and enhances the local landscape character type.

Strategic Policy J - Tourism and Recreation - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

Policy UE2 - Camping, Glamping, Caravans and Cabins – seeks to permit small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where if in Open Countryside, is not isolated from an existing business or residential unit which will be used to manage the accommodation.

In order to respect the sensitivity of the local landscape character type all sites must be screened by existing topography, buildings or adequate well established vegetation which is within the applicant's control. The accommodation should avoid extensive alteration to ground levels, has a low environmental impact, does not lead to unacceptable harm in terms of noise and activity on the immediate area; does not detract from the character, tranquillity or visual attractiveness of the area; and is of a high quality design which complements its surroundings.

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For camping and glamping proposals the net floor space of each unit should be less than 25sq.m and the development is not connected to a foul drainage system. Accommodation which exceeds these requirements will be considered as a cabin and chalet proposal. For cabin and chalet proposals the development should be in close proximity to and adequately accessible to the existing road network; and the site provides adequate levels of car parking that is sympathetically designed to complement the site and its surroundings.

Policy BL3 - Rural Diversification seeks to support development for the diversification of existing agricultural, forestry and land-based businesses. New buildings will only be permitted if the diversified use cannot be suitably accommodated through the conversion or alteration of an existing building and where the site is not isolated from existing buildings associated with the business; the proposed use is compatible with and ancillary to the existing farming or forestry activity in terms of physical scale, activity and function; the proposal is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; existing access arrangements are appropriate for the proposed use and the site can be safely accessed by the existing road network; and there are satisfactory arrangements for storage, parking and the manoeuvring of vehicles

Material Considerations

The site is set against the backdrop of woodland, with a narrow tree belt running through the middle of the proposed development, breaking up the units. In addition to being screened by woodland, the site is also screened by the local topography; with a sloping site, the development would not be prominent from immediate or wider views. Whilst glimpses may be seen from the footpath at the bottom of the valley, this is unlikely due to the intervening woodland and also as the cabins would be set against the backdrop of well-established trees.

The proposed cabins will sit on a brick plinth with very little ground works associated with the proposal and conditions have been proposed which require the cabins to be removed from the site when no longer in use, to return the ground back to its former state.

The site is located close to the applicant's family's house and existing holiday business from which the site would be managed and therefore it can be managed without the need for additional permanent residential accommodation. The development also provides a further source of diversified income for this farm business.

There are already a network of tracks on site and the additional surfacing for parking and access for these to the cabins would be twin trod and not prominent in the immediate and wider landscape.

The Authority's ecologist and Woodland Officer have no objections to the proposals and appropriate conditions have been included as recommended.

The proposed site is not located close to residential properties and no objections have been received from third parties. However, the Parish Council have objected expressing concerns regarding visual impact, light pollution, damage to the landscape, and traffic issues.

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However, as set out above, the development is well screened from wider views by both woodland and topography, as required by Policy UE2 and the Authority's Ecologist and Woodland have no concerns recharging damage to the local landscape and bio-diversity. In terms of light pollution, this would be controlled by condition, restricting external lighting. The Highway Authority has raised no objections which would make refusal on highway safety grounds impossible to defend. .

Conclusion

The level of activity on the site is considered to be acceptable and it will not have an adverse impact on the landscape or character of the locality. The proposal is therefore considered to meet the requirements of Strategic Policy J, and Policies UE2 and BL3 of the Local Plan and approval is recommended.

Pre-commencement Conditions

N/A

Decision under the Temporary Scheme of Delegation

Yes

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (No Amendments Required)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.