

North York Moors National Park Authority

Plans list item 3, Planning Committee report 22 July 2021

Application reference number: NYM/2020/0218/FL

Development description: use of land for the siting of a shepherds hut for holiday letting purposes together with construction of WC and shower facility (retrospective)

Site address: Dale Head Farm, Rosedale, Pickering

Parish: Rosedale East Side

Case officer: Miss Helen Webster

Director of Planning's Recommendation

Refusal for the following reason(s)

Refusal reason code	Refusal reason text
1.	<p>The Local Planning Authority considers that the shepherd's hut and the associated close boarded fencing, by reason of its prominent, elevated position, in front of the host property and adjacent to the public right of way significantly detracts from and undermines the landscape setting of Dale Head Farm and the wider locality of Rosedale. It would be prominent in views approaching the farm from the south as it breaks the skyline and also from the footpath to the detriment of the character and appearance of the area.</p> <p>The shepherds hut does not make use of existing screening opportunities provided by topography, vegetation or existing built development and it therefore has an adverse visual impact on the landscape of this part of the National Park and is detrimental to the character, special qualities and distinctiveness of the National Park. For the above reasons the proposal is contrary to Strategic Policies A and J and Policies UE2 and BL3 of the NYM Local Plan. The Local Planning Authority does not consider there to be any exceptional circumstances to set aside the adopted policies of the Local Plan which do not support glamping units in highly visible locations in the open countryside.</p>

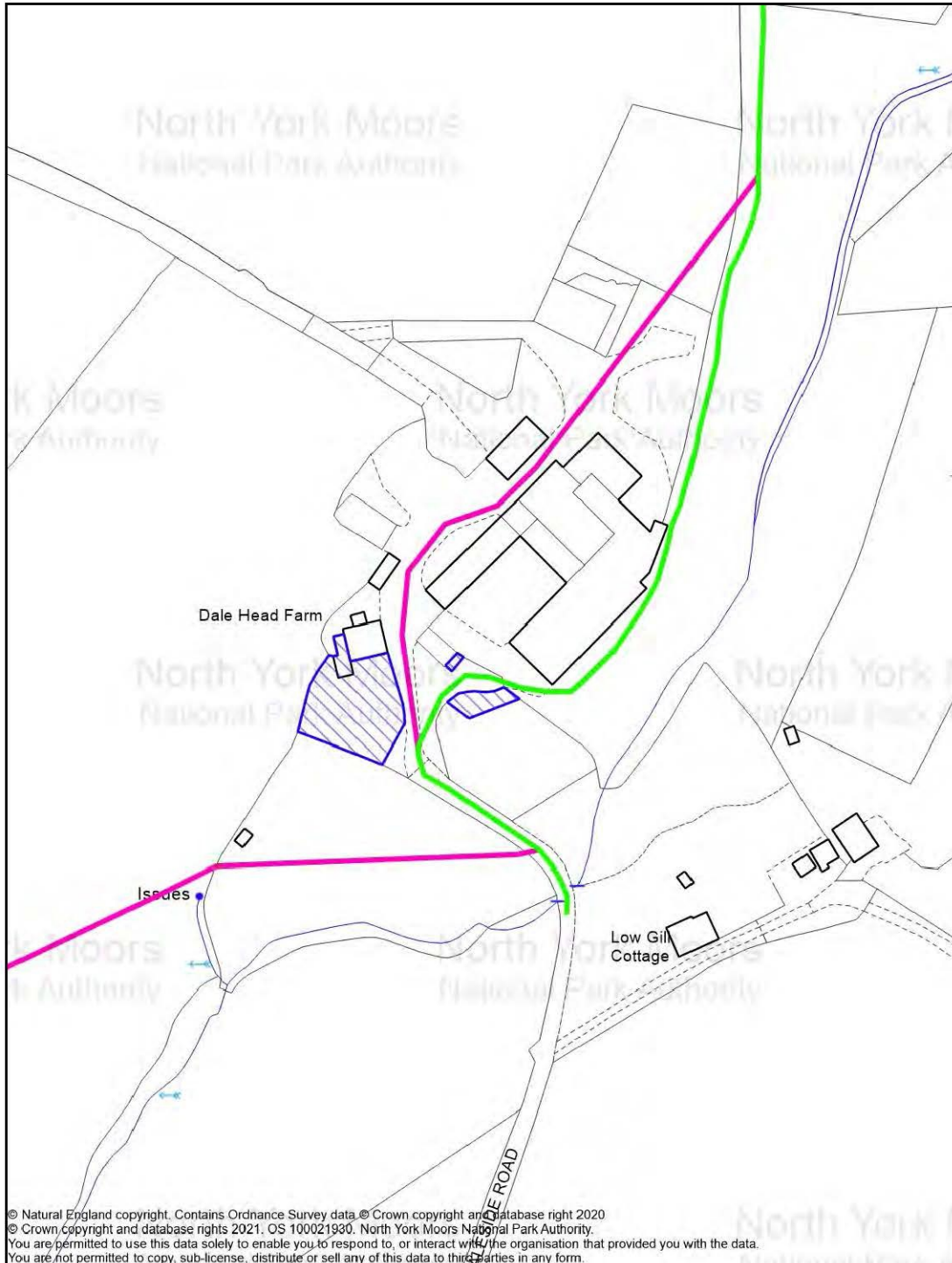
Map showing application site



North York Moors
National Park
Authority

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Scale: 1:1250



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View of shepherds hut from public road



Consultation responses

Parish

Highways

No objection

North Yorkshire Fire & Rescue Service

No objection/observation

Natural England

No objection

Police (Designing out crime)

Environmental Health

Third party responses

Dr Simon Bell, 48 Seymour Avenue, Bristol

Support. The siting of the hut is discreet and completely respectful of the historical setting and understandable protections required in a national park; the vehicular traffic is limited (many travel in by foot or bicycle) and perhaps most importantly, the Dalehead Farm facility makes it easier for young and old, able bodied and less so, to enjoy the glory of the Moors. Limiting the scope of economic ventures such as this leads to a risk of rural communities ceasing to be productive and merely being residential in nature.

The ventures at Dalehead employ several people and I think this economic benefit needs to be noted.

Dalehead appears to be a true success in terms of rural diversification, and from my perspective at least, appears to be engaged not only in activities which are sensitively and proudly aligned with the history and cultural values of the region, but to be promoting those important Yorkshire values of hospitality and respect far and wide.

Janette O'Dwyer, The Holiday Property Bond, Rosedale Abbey

Many of our guests enjoy walking in and around Rosedale and they often comment on the beautiful and unique setting of the shepherd's hut. I believe the shepherds hut is a vital contribution to tourism in Rosedale.

Jonathan Steele, Kelcbar Close, Tadcaster

Support. The area is stunning and is a perfect back drop to situate a shepherds hut showcasing the beautiful North York Moors at its best

I believe that both the shepherds hut would be an enhancement to an already beautiful area, proudly sharing and promoting Rosedale to many new visitors which can only be a positive for the North York Moors

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Julie Davies, 10 River Way, Apperly Bridge, Bradford

Support. My husband and I recently stayed at the shepherds hut. Not only was it a wonderful and unique place to stay, it was sited in a perfect spot to fully appreciate the North Yorkshire Moors at their best. A big part of the experience for us was that this was a shepherds hut, overlooking the sheep in the fields and the Dales, and sympathetic to its surroundings and the history of farming in the area. It was a holiday we will always remember!

I believe that the Shepherds hut can only be an enhancement to this beautiful area and that it will help to attract many new visitors, including people like me that want somewhere unique to stay that is sympathetic to its environment. This can only be a positive for the North Yorkshire Moors and the Rosedale area.

Rupert Drury, Rosedale Estate

I am writing on behalf of the Rosedale Estate to say that we have no objection to the shepherds hut being located on the farm. Its current position, close to the farmstead and house, would seem a sensible location from a logistical and landscape perspective.

The Estate supports small scale diversification ventures like this as it brings another much needed income stream into the farm business in these challenging times.

Consultation expiry

11 June 2020

Background

Dale head Farm is located at the northern end of Rosedale in a remote area of open countryside. The property is a working livestock farm with several traditional and modern buildings located to the east of the farm yard which extends to the rear (north) of the house. The farm is situated on raised ground at the junction of two footpaths and a bridleway at the end of Daleside Road; an unclassified road. The main farmhouse has a pleasant front garden and at the other side of the access track is an open paddock providing a simple setting for the property. However, the farmyard is characterised by a number of areas used as open storage of machinery, implements and other items which results in a sprawling yard which is very visible in the wider landscape and results in an incongruous and untidy scene marring the upper Dale.

A two year temporary planning permission was granted in 2009 for the use of land in front of the farmhouse as a tea garden. That permission was tightly conditioned to restrict the number of covers, type of food served and the type of garden furniture used. The tea garden use has continued since that time and the business has expanded without further planning permission being obtained involving the erection of a poor quality lean-to café attached to the side of the farmhouse. However, the applicant is now in discussion with the Authority regarding the unauthorised development of the business which will be the subject of a separate planning application.

This application seeks retrospective planning permission for the siting of a shepherds hut on land to the east of the farmhouse for short-term holiday accommodation, together with the construction of a timber extension to a traditional agricultural building to provide toilet and shower facilities.

Policy context

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy J (Tourism and Recreation), Policy UE2 (Camping, Glamping, Caravans and Cabins) and Policy BL3 (Rural Diversification).

SPA states that a positive approach to new development within the National Park will be taken in line with the presumption in favour of sustainable development and where decisions are consistent with National Park Statutory Purposes (applying the Sandford Principle if necessary). Development will be supported where it: is a high quality of design which respects the local landscape and built heritage; supports the function and vitality of communities; protects or enhances natural capital and ecosystem services; maintains and enhances geodiversity and biodiversity through conservation; builds resilience to climate change; makes sustainable use of resources and; does not reduce the quality of soil, air and water in and around the National Park.

SPJ is supportive of tourism and recreational development where it is consistent with the principles of sustainable tourism; it does not lead to unacceptable landscape harm; it provides and protects opportunities for all people to increase their awareness, understanding and enjoyment of the National Park, without detriment to the enjoyment of the National Park's special qualities by other users or residents; it is of an appropriate quality and scale; accommodation is only used for short-term stays; it does not compromise the enjoyment of existing facilities and Public Rights of Way; and, it does not lead to unacceptable harm in terms of noise and harm to the immediate neighbourhood.

Policy UE2 is supportive of a range of small scale holiday accommodation, favouring small units of high quality design (i.e. pods, yurts, cabins, chalets, caravans and motorhomes) rather than static caravans which significantly detract from the landscape. In the open countryside, the policy advises that development will be permitted provided it is not isolated from an existing business or residential unit from which the site can be managed. In order to respect the sensitivity of the local landscape, all sites must be screened by existing topography, buildings or adequate well-established vegetation. Proposals for new static caravans or the conversion of existing camping or caravanning sites to statics will not be permitted. However, exceptions will be considered where the proposal will reduce the visual impact of the site in the wider landscape.

Policy BL3 seeks to support proposals for the diversification of existing agricultural or land-based businesses where: the scheme is well designed and makes use of an existing building and complies with Policy CO12; the proposed use is compatible with and ancillary to the existing farming activity; the proposal is of a quality, scale and design that takes into account the sensitivity of the local landscape; existing access

arrangements are appropriate for the proposed use and there are satisfactory arrangements for the storage, parking and manoeuvring of vehicles.

Main Issues

The main issues to consider for this application are whether there is support in principle for another form of diversification at the site and whether it is in a location and of a size, scale and nature which is appropriate for the setting.

Discussion

The Authority's adopted planning policies are generally supportive of the principle small-scale farm diversification enterprises, recognising that it is sometimes necessary for some farming and forestry businesses to broaden their activities to ensure continued viability. However, it is essential to ensure that other activities do not lead to an increased level of activity which could risk undermining National Park purposes that the physical development does not detract from the quality of the National Park's landscape and environment.

The proposed shepherds hut is already on site and has been operating as holiday accommodation without planning permission for some time. Although the structure itself is considered to be of an acceptable design, its prominent position is not sufficiently sensitive to the landscape and fails to comply with the screening requirements of the policy. It is located to the south-east of the main farmhouse and in front of the agricultural buildings occupying an elevated position. The location is very prominent and not only is it visible in the main approach to the property but it is also visible from the surrounding public footpaths and bridleways which run through the site. The structure does not have sufficient existing context (either from existing landscaping or topography) to sufficiently mitigate its visual impact as required by Policy UE2.

Officers have been in lengthy negotiations with the applicant and their agent and have requested the hut to be relocated to a more sensitive better screened position to comply with the relevant policies. Throughout the discussions, the applicant has continued to undertake further work and development at the site in order to try and mitigate the visual impact of the hut. Since the application was submitted, the applicant has laid the lower field boundary hedge, planted three fruit trees in the paddock in front of the hut, proposed additional planting along the upper field boundary and more recently constructed a close boarded fence at the side of the hut.

The Director of Planning and Head of Development Management have recently visited the site and discussed alternative locations elsewhere on the holding with the applicant.

The applicant and their agent have since confirmed that the other locations to the rear of the farm are unsuitable for a number of reasons as summarised below:

- The Ash trees that have been suggested would provide useful screening have Ash dieback and the sycamore trees in the same group are also dying and will need to be removed.

- To site the shepherds hut within falling distance of trees and branches would be a safeguarding issue.
- This site carries too many tree and biodiversity issues and presumably would need a tree survey to be carried out.
- The location suggested by Officers would involve taking guests through the farm yard where tractors and machinery are used and they would need to pass livestock handling facilities. The route would also take visitors past the sheep dipping pens which are highly dangerous.
- The hut, toilet and shower facilities are purposely sited close to the farmhouse and each other. Siting the hut 450 yards away under the trees poses a further Health and Safety issue for visitors needing to access these facilities, especially during the night.
- The site suggested is close to the silage pit/bale storage – which can emit unpleasant smells.
- The site close to the trees is far more visible in wider landscape views and would introduce views from the west side railway trail which the applicant does not want.

The applicant's agent has therefore confirmed that the applicant wishes to retain the hut where it is at present. In support of the application, the applicant's agent has advised that the current visual impact is not considered to be problematic in the wider landscape. Furthermore, it is considered to be safe and close to existing buildings which assist in shielding the hut. The applicant is prepared to carry out the following mitigation measures:

- Paint the roof of the hut black to further lessen its impact.
- Paint the whole of the shepherds hut a dark colour if considered necessary by Officers/Members.

The agent has confirmed that the following work has been completed on site to screen the hut:

- The erection of a close boarded fence to a height of 4ft (approximately 1.2m) painted dark brown around the shepherds hut.
- Planting of a hawthorn hedge between the fence and the path.
- Fruit trees have been introduced in the orchard.

In conclusion the agent is of the opinion that the shepherds hut is appropriately placed and that adequate screening is in place, in accordance with the NYM Local Plan which requires the development to respect the sensitivity of the local landscape character type by existing topography (east), buildings (north) and well established vegetation (south and west) all of which are within the applicants control for long term maintenance.

Although there is support in principle to the provision of an individual shepherds hut at the site in support of the agricultural enterprise, the proposal is not considered to meet the fundamental policy requirements in relation to sensitive siting within this protected NYM/2020/0218/FL

landscape. Furthermore, the recently erected fence comprising standard panels of domestic close boarded fencing is considered to add to the visual harm of the development by reason of its sub-urban character and appearance.

By reason of its position at the highest point of the paddock, the proposal is not screened by topography; the buildings to the north are not in sufficiently close proximity to provide an adequate context or backdrop for the hut and the vegetation to the south is newly planted and therefore not sufficiently well-established to meet the policy requirements. None of the above matters, alone or in combination are considered to offer the level of screening sought by NYM Local Plan Policy UE2 and the hut is prominent in the landscape, especially from the nearby public footpath and bridleway.

The Authority's policy (UE2) is very clear on this point and states:

“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...”

Siting a glamping unit without such screening and then planting or erecting screening afterwards undermines the whole aim of the policy and would set a precedent for its implementation elsewhere. Officers do not agree that an alternative suitable location somewhere on this holding could not be made available to site the shepherd's hut so that it is policy compliant and believe that potential options would become available if the extensive agricultural machinery and materials dumped around the farm were tidied up. It is not considered to be acceptable that creating a visually harmful environment through poor practices should justify unauthorised development that is not supported by the Local Plan.

Having regard to the proposed toilet and shower facilities, these are to be located as an extension to an existing traditional agricultural building north-west of the hut. The applicant has provided a photograph showing the foundations of the structure but no plans have been submitted to provide details of the elevations, design and materials which reflects the lack of willingness to engage with the planning process prior to undertaking development.

Details of the proposed septic tank have now been received and are under consideration by the Authority's Ecologist. Members will be updated at the meeting.

The location of the proposed shepherd's hut is contrary to NYM Local Plan Policies SPA, SPJ, UE2 and BL3 by reason of its prominent position which is insensitive to the

local landscape character. The hut is not adequately well screened from public view by existing features or by well-established vegetation and the close boarded timber fence that has since been erected is not of a design expected for open countryside locations. For the clear policy conflict reasons above, refusal is recommended.

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 identifying matters of concern with the proposal and discussing those
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with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.