

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0882/FL

Development description: use of land for the siting of 2 no. shepherds huts for holiday letting purposes with associated access paths and landscaping works

Site address: Brook House Cottage, Back Lane, Hawsker

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Jill Bastow

Applicant: Mr Matthew Boyes
Brook House Cottage, Back Lane, Hawsker, Whitby, YO22 4LW

Agent: Markham IWC
fao: Mr Philip Markham, Fairfield Cottage, Throxenby Lane, Scarborough, YO12 5RE

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text										
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.										
2	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="0"> <thead> <tr> <th>Document Description</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Locatio Plan</td> <td>2 Nov 2021</td> </tr> <tr> <td>Proposed Layout</td> <td>2 Nov 2021</td> </tr> <tr> <td>Proposed Huts</td> <td>2 Nov 2021</td> </tr> <tr> <td>Location of New BioTec Sewage Treatment Plant</td> <td>30 Nov 2021</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	Date Received	Locatio Plan	2 Nov 2021	Proposed Layout	2 Nov 2021	Proposed Huts	2 Nov 2021	Location of New BioTec Sewage Treatment Plant	30 Nov 2021
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3	RSU011	The shepherd's huts 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.										
4	RSU014	The shepherd's huts hereby permitted shall form and remain part of the 'planning unit' of the existing dwelling known as Brook House Cottage and shall not be leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.										
5	GACS00	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The proposed lighting shall be of a style and luminance (typically a warm white bulb of 3000k or less and no more than 500 lumens) which minimises glare and light pollution. All lighting										

		fixtures should be shielded/fully cut off to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
6	DRGE12	The development hereby permitted shall not be brought into use until the treatment plant has been installed and is operational in accordance with the approved details.
Reason(s) for condition(s)		
Reason number	Reason code	Reason text
1	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	PLAN00	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park.
3	RSU000	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.
4	RSU000	The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling in accordance with Policy UE4 of the North York Moors Local Plan.
5	GACS00	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 and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
6	DRGE00	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.

Consultation responses

Parish

No objection

Highways

No objection

Environmental Health

No comments received

Third party responses

Ms Sandra Skates, 1 Back Lane, Hawsker

Expresses the following concerns:

My principal concern is the sewage situation. I am aware that the owner has cleared the site of trees and has done a lot of ground works prior to the application including, reportedly, unofficially connecting the house sewage to the main sewage system. I am also aware that there are building works on the site currently under construction which have not gone through planning.

A secondary concern is the impact on general amenity of the area and the house. This property has only one garden area which lies to the front of the property, and therefore visible to the road, and the proposed works will effectively take the majority of this land away from the house turning the area into a commercial zone and away from residential.

Miss Lucy Mothersdale, 57 Wagtail Crescent, Whitby

Makes the following comments:

More holiday accommodation next to a holiday park, is this necessary? Would be good if when this is passed National Parks can look at allowing those land owners in the Back Lane area permissions to build residential property that they would live in when holiday accommodation is being granted for non residents? Will the mature trees already removed to make way for this holiday accommodation be replaced?

Publicity expiry

Advertisement/site notice expiry date: 15 December 2021



View of the proposed site for the shepherd's huts beyond the trees taken from the front corner of the garden



View of the proposed site of the shepherd's huts looking back towards the highway

Background

Brook House Cottage is situated on the south side of Back Lane, set well back from the highway in a substantial plot. Immediately to the east lies the extensive York House Caravan Park.

Planning permission is sought for the change of use of a small part of the garden for the siting of two shepherd's huts. These will measure 5 metres long by 2.4 metres wide and be clad in horizontal timber boarding under a felt or shingle roof. It is proposed to locate the shepherd's huts in the southern most corner of the garden which lies at a lower level to the house and adjacent to the beck.

Main issues

The relevant policy of the Local Plan is Policy UE4 (Hew Holiday Accommodation within Residential Curtilages).

Policy UE4 only supports proposals for new camping and glamping units such as shepherd's huts within a residential curtilage where the size and layout of the residential curtilage is such that a proposal can be accommodated in a way that does not detract from the character and appearance of the locality and does not cause harm to local amenity.

In the proposed location, the southern corner of the applicant's sizeable garden, the shepherd's huts would be largely screened from public view by the mature trees alongside the beck and also alongside Back Lane to the front (northwest) of the site. Furthermore the topography of the garden is such that the proposed site is much lower than that of the house, drive and parking area which further helps screen proposed development.

There are no immediate neighbours to the south or west of the proposed site which might otherwise be affected by the proposal. There is considered to be adequate vehicle parking to the front of the applicants dwelling to serve the proposed shepherd's huts. Furthermore given the size of the applicant's garden it is not considered that the use of a small corner for the siting of two shepherd's huts would adversely affected the residential amenity.

As such the siting of two modestly sized shepherd's huts is unlikely to detract from the character and appearance of the surrounding area or adversely impact on the residential amenities enjoyed by the occupiers of neighbouring property in accordance with Policy UE4 of the Local Plan and approval 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 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.