

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0994/FL

Development description: demolition of nissen hut and erection of 1 no. timber cabin for holiday letting purposes

Site address: 10 The Cliff, Iburndale,

Parish: Eskdaleside-Cum-Ugglebarnby

Case officer: Mrs Helen Stephenson

Applicant: Rawson
10 The Cliff, Iburndale, Whitby, YO22 5DS

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Conditions

Condition number	Condition code	Condition text
1.	TIME01	Standard Three Year Commencement Date The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Document title

2.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1" data-bbox="564 414 1452 929"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>17 Dec 2021</td> </tr> <tr> <td>Site Plan</td> <td>N/A</td> <td>10 Dec 2021</td> </tr> <tr> <td>Access Plan</td> <td>N/A</td> <td>10 Dec 2021</td> </tr> <tr> <td>Proposed elevations & plan</td> <td>N/A</td> <td>10 Dec 2021</td> </tr> <tr> <td>Block & screening plan</td> <td>N/A</td> <td>10 Dec 2021</td> </tr> <tr> <td>Utilities & environment</td> <td>N/A</td> <td>10 Dec 2021</td> </tr> <tr> <td>Additional information</td> <td>N/A</td> <td>18 Feb 2022</td> </tr> </tbody> </table> <p>(e-mail and plan)</p> <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	Location Plan	N/A	17 Dec 2021	Site Plan	N/A	10 Dec 2021	Access Plan	N/A	10 Dec 2021	Proposed elevations & plan	N/A	10 Dec 2021	Block & screening plan	N/A	10 Dec 2021	Utilities & environment	N/A	10 Dec 2021	Additional information	N/A	18 Feb 2022
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3.	RSU012	<p>Use as Holiday Accommodation Only - Inside Villages</p> <p>The dwelling unit 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.</p>																								
4.	RSU015	<p>Holiday Unit Not Sold or Leased Separately - Inside Villages (insert)</p> <p>The holiday unit hereby permitted shall form and remain part of the curtilage of the main dwelling known as 10 The Cliff as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.</p>																								
5.	GACS07	<p>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 lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.</p>																								

6.	MATS00	No work shall commence on the cladding of the development hereby permitted until details, including the material, design, fixing and colour of the cladding including samples if so required have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7.	MATS00	The roof of the development hereby permitted shall be clad with brown, dark grey or red roofing shingles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8.	MATS60	<p>Windows and Doors - Timber</p> <p>All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
9.	HWAY00	<p>The visibility splays at the existing access must be maintained clear of any obstruction and retained for their intended purpose at all times.</p> <p>The visibility splays are to provide clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access. In measuring the splays, the eye height must be 1.05 metres and the object height must be 1.05 metres.</p>
10.	MISC00	No work shall commence to erect the screen fencing to the east, south and west boundaries of the development hereby approved until details of the fencing has been submitted to and approved in writing by the Local Planning Authority. The details shall include the height, material and design/appearance of the fence. The work shall be completed in accordance with the approved details prior to the cabin first being brought into use, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

11.	LNDS00	All hard and soft landscape works comprised in the approved details shall be carried out no later than the first planting season following the cabin first being brought into use, 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.
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Reasons for conditions

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 & 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 to 8 & 10.	MATS00	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.
9.	HWAY00	In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety.

11.	LNDS00	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan 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.
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Informatives

Informative number	Informative code	Informative text
1.	MISCINF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2.	MISCINF12	<p>Birds</p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>

3.	MISCINF00	<p>Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design</p>
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Consultation responses

Parish

Original plans – Object. The positioning of holiday accommodation adjacent to the neighbouring building will create issues; moreover, the site location is not appropriate to put any dwelling.

Amended information – No comment submitted.

Highways

Recommend condition.

Yorkshire Water

Insert

Environmental Health Officer

Original plans – Object. To prevent the spread of fire, the model standards for caravan sites require that a 3 metre wide boundary be kept clear within the inside of all boundaries. In addition, there should be 5 metres distance between the timber cabin and the neighbouring buildings. Given that the width of the site is 5.67m, and 13.16m long, as stated on the plans, the cabin is 3.5m wide and 7.5m long, these standards cannot be achieved. For the purposes of the Caravan Sites and Control of Development Act 1960, the timber cabin would meet the definition of a caravan.

If planning permission is granted, the applicants should be made aware that they will need to apply for a caravan site licence, under which licence conditions will be imposed.

Amended information - Further to my previous comments, and additional information received from the applicant, I confirm that in my opinion the proposal does not meet the definition of a caravan and I have no further objections in terms of caravan site licensing requirements.

Third party responses

Name

Julie Milnes, Cliff Farm, Iburndale – Object. Originally 8 and 10 The Cliff were in the same ownership and the Nissen hut that belonged to Cliff Farm at 8 was apportioned to 10 The Cliff when it was sold. The Nissen hut abuts our property so close that you cannot walk between the two buildings and is in effect in our paddock. Our property has bedroom windows facing the hut which sits below them. We also have a right of way out of our paddock onto our driveway. The proposed seating area is adjacent our right of way and if the guests decide to spill out they would block this right of way. Any noise made by the guests will be heard below our bedroom windows which are always open in summer months. Next to the seating area is the gate to our paddock and guests could mess with or feed our animals inappropriately as there is no barrier.

Further comments on amended information - We still feel that this fixed construction would be totally inappropriate as it is sited too close to our property. The fence screening appears to butt up to our property on two sides which would cut off our access to maintain gutting etc. It is essential to have access to the perimeter of our property at all times. Our horse has now been broken and we have a rider who will be entering and exiting via our right of way, in order to make it easier for the teenager we will be fitting a five bar gate on our driveway entrance to the right of way which would mean the cabin is visible to ourselves and passers by.

Publicity expiry

Site notice expiry date - 02 February 2022.



View of end elevation of Nissen hut from the access, showing the close physical relationship with the neighbouring building and solid boundary fence with the neighbour.



View into the site from the public road. The host property is visible on the left and to the right of the access serving 10 The Cliff is the separate access serving Cliff Farm, 8 The Cliff.

Background

10 The Cliff, Iburndale is located on the south side of the Iburndale to Ugglebarnby Road, immediately to the east of the small settlement of Iburndale. The property is set back from the road and comprises a relatively modern detached property set in generous grounds which provide extensive gardens. Also within the ownership of the property is a Nissen hut which is located to the rear of the site and which immediately abuts the range of former traditional outbuildings serving the neighbouring property; Cliff Farm. The property is not listed and not within a designated conservation area.

This application seeks full planning permission for the replacement of the Nissen hut with a smaller timber cabin to be used for holiday purposes. Following concerns raised by the owners of the neighbouring property and the Environmental Health Officer, the scheme has been updated. The applicant has confirmed that the cabin will be assembled on site over a number of days; it is not a structure that will or can be delivered in two sections. Furthermore, it will not be able to be moved once constructed (i.e. it is not a caravan).

The proposed cabin will be sited upon the existing concrete pad serving the Nissen Hut (measuring approximately 13.6 metres by 5.67 metres). The proposed cabin measures approximately 7.5 metres by 3 metres (3.6 metres wide including the roof overhang), 2.3 metres to eaves and an overall ridge height of 3 metres. The proposed cabin is therefore significantly smaller than the existing Nissen hut and therefore allows a one metre clearance around the cabin together with a small area at the front for outdoor seating.

The design is a simple ridge and gable form, constructed of non-combustible materials (to comply with building regulations) having the appearance of natural vertical timber. The scheme includes the provision of a screen fence around the three shared boundaries together with additional planting to supplement existing features.

Policy Context

The relevant Policies contained within the NYM Local Plan to consider with this application are Strategic Policy J (Tourism and Recreation), Policy UE2 (Camping, Glamping, Caravans and Cabins) together with Policy UE4 (New Holiday Accommodation within Residential Curtilages).

Strategic Policy J 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 Park's quality's 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.

Policy UE4 requires the development of new holiday accommodation within residential curtilages to: make use of an existing building which is of architectural merit; be compatible with and not detract from the character or appearance of the area; be of an appropriate scale; and, not result in unacceptable harm in terms of noise and activity on the amenity of the neighbourhood. Proposals for new camping and glamping units within a residential curtilage will only be permitted 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 locality or cause harm to local amenity.

Iburndale is not listed in the settlement hierarchy outlined in Strategic Policy B and therefore falls within the Open Countryside for planning purposes.

Main Issues

The main issues to consider with this application are whether the proposed siting, design, scale and layout of the proposed development is acceptable in landscape terms, whether it is in close enough proximity to be adequately managed and whether it would result in any adverse neighbour impact.

Principle of the Development

Although it is evident from the layout of the site and the physical relationship between the existing Nissen hut and neighbouring buildings that the hut was originally used to serve Cliff Farm, it is nevertheless within the ownership of 10 The Cliff and close to the curtilage of the property. Consequently, it is considered that both policies UE2 and UE4 are applicable.

The proposal is intended to be managed from the main dwelling known as 10 The Cliff which is within sight and sound of the site; approximately 20 metres away.

The proposed location is clearly very closely associated with existing buildings (albeit in separate ownership) and the position is set back from the road by approximately 37 metres. Glimpsed views of the existing Nissen can be obtained from the road but it is not a prominent feature. The proposed cabin is smaller than the existing structure and

would be set further toward the back of the site thus reducing views from the road. It is however, accepted that the introduction of a habitable structure for holiday letting will lead to an increase in activity which can often cause a greater visual impact (i.e. parking areas and outdoor seating), but the applicant has included the details of proposed additional planting on land within their ownership to mitigate the impacts of any visual impacts/changes.

There are no public rights of way adjacent of near to the site. Access will be via the existing private drive and parking will be provided within the existing curtilage.

For the above reasons, the site is considered acceptable in principle for the siting of a small-scale holiday unit subject to the assessment of design and neighbour impacts.

Siting and Design

The site is currently served by a large Nissen hut which is starting to deteriorate and adds very little to the character of the area. It is therefore anticipated that the replacement of the existing hut with a modest well-designed cabin will result in a small visual enhancement to the site.

The design is a relatively simple ridge and gable structure clad in vertical cladding to reflect ancillary agricultural and domestic structures. The fenestration pattern is relatively simple with the main outlook provided over the open fields. One small window is proposed to the rear elevation facing the neighbouring buildings but the gable elevations are solid. The absence of windows in the road facing gable helps to reduce the impact of the proposal from the main public viewpoint.

Although a natural timber construction material would be preferred, following the EHO's concerns, the applicant has amended the external materials to a non-combustible fibre cement cladding in timber effect. In this particular location, close to neighbouring buildings, outside a conservation area and away from public view, such cladding is considered to be acceptable in principle subject to the final details being reserved by condition.

Neighbour impact

It is noted that the Parish Council and owners of the neighbouring site have objected to the proposal based on the proposed use and proximity to other properties.

The Parish Council has stated that the positioning of holiday accommodation adjacent to a neighbouring building will create issues and the location is not appropriate to put any dwelling. The Parish Council has declined to comment on the amended information due to the consultation period ending before the date of their next meeting. Officers have considered the comments and note that the adjacent, neighbouring building is in fact used as holiday accommodation and the application is not for a dwelling.

Having regard to the objections raised by the owners of the neighbouring property which also relate to the impact of the proposed holiday use upon the amenities of their property, Officers have considered the details. As stated above, the former outbuildings to which the site is adjacent to are run as three units of holiday letting accommodation and therefore, for planning purposes, have a commercial use rather than domestic residential. Furthermore, although there are rooflights serving this side of the former barns/holiday cottages, the plans submitted with the application for their conversion confirm that there are no windows in the elevations facing the Nissen hut. Consequently, it is not considered that there would be any level of overlooking as a result of this development.

The introduction of another, modest unit of holiday accommodation adjacent to an established holiday use is therefore not considered to be incompatible. The owner's main residence is separated from the proposed cabin site by the existing holiday cottages (owned by them) and the rear elevation of the proposed cabin is obscured by the large stable block, also within the ownership of No. 8 Cliff Farm. Consequently, any activity arising from the proposed cabin is not considered likely to have an unacceptable effect on the private residential amenities of the main house.

The remaining matters raised by the neighbouring are not regarded as material planning reasons but instead would be civil matters (i.e. rights of access, land ownership/boundaries and concern for the welfare of animals).

However, the proposal is considered likely to result in a modest enhancement to the issue of building maintenance which was raised in the initial response. It is understood from the Officer's site visit and based on the information submitted with this application, the neighbour's archived application and neighbour's consultation comments that the Nissen hut immediately abuts the traditional buildings meaning that access for maintenance purposes is either impossible or extremely difficult. The introduction of a one metre clear perimeter for the cabin will therefore provide the opportunity for the proper maintenance of both buildings subject to neighbour cooperation.

The applicant has acknowledged the neighbour's right of access in the submitted plans, confirming that it will be available for use at all times. On the basis that this is a private access agreement it is a civil matter which does not constitute a planning constraint or a matter that would prevent the determination of the application. Similarly, whilst the concerns regarding the possibility of holiday guests feeding animals kept in the adjoining paddock is understood, this is not a material planning consideration. In other similar situations, animal owners have taken steps to ensure the safety of their livestock is continued and owners of the holiday accommodation will have a similar responsibility to ensure their guests are aware of the dangers posed to them by animals and the dangers they pose through inappropriate behaviour/feeding.

Conclusion

On balance, the proposal is considered to comply with the relevant policy requirements of Strategic Policy J and Policies UE2 and UE4 of the NYM Local Plan.

The proposal is not considered likely to result in any undue landscape impact or have an adverse effect upon the residential amenities of the area which already accommodates a number of existing holiday lets. The site is related to and will be managed from the host property and seen in the context of existing buildings.

Although the application has attracted objection from the Parish Council and the owners of the neighbouring site, it is considered that the relevant parts of the consultation comments have either been satisfactorily addressed by the amended information or have been conditioned to ensure the development is acceptable.

In view of the above, 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 identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.