

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0392

**Development description:** variation of condition 2 (material amendment) of planning approval NYM/2021/0647/FL to allow revised site positions of two approved lodges

**Site address:** land south of Middlewood Farm Holiday Park, Middlewood Lane, Fylingthorpe

**Parish:** Fylingdales

**Case officer:** Mrs Hilary Saunders

**Applicant:** Messrs David and R Islip  
Hilda Cottage, Shell Hill, Robin Hoods Bay, YO224SL

**Agent:** Venture Architectural  
fao: Mr Richard Smallwood, The Elms, Manor View, Caunton, Newark, NG236AW

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text						
1	TIME15	The development hereby permitted shall be commenced before the 16 February 2025.						
2	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="0"><tr><td>Document Description</td><td>Document No.</td><td>Date Received</td></tr><tr><td>Scheme Design</td><td>917-02C</td><td>18 May 2022</td></tr></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Scheme Design	917-02C	18 May 2022
Document Description	Document No.	Date Received						
Scheme Design	917-02C	18 May 2022						
3	MISC00	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	MISC00	The holiday lodges 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	MISC00	The holiday lodges hereby permitted shall only be occupied whilst there is a comprehensive 24 hr, 7 days a week local management contract in place. The owner/operators shall provide details of the management arrangement on request at all reasonable times to the Local Planning Authority. The managing company's contact details shall be physically displayed at the site for the local community's information.
6	MISC00	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 (lighting will only be considered acceptable if it is of a style and luminance which minimises glare and light pollution with all bulbs shielded to prevent upward and minimise horizontal light spill ).The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7	MISC00	The external surface of the roof of the building 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	MISC00	The external elevations of the lodges hereby approved shall within three months of first being brought into use, be clad with timber boarding to be either dark stained or left to weather naturally and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MISC00	All new window frames in the development hereby approved shall be coloured sage green or grey 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	MISC00	The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and

		<p>Private Street Works” published by the Local Highway Authority and the</p> <p>following requirements:</p> <p>The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E50A and the following requirements.</p> <ul style="list-style-type: none"> <li>- Any gates or barriers must be erected off the highway verge and must not be able to swing over the existing highway.</li> <li>- Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed to prevent such discharges.</li> <li>- The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.</li> </ul> <p>All works must accord with the approved details.</p>
11	MISC00	<p>There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>- Vehicular access</li> </ul> <p>No part of the development must be brought into use until the vehicle access has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
12	MISC00	<p>No trees, shrubs, or hedges along the boundaries of the site shall be felled, uprooted, wilfully damaged, or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed, or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>

13	MISC00	<p>No work shall commence to clear the site in preparation for the development hereby permitted 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 (herein after called the 'Tree Protection Scheme'). The scheme shall provide for a protection zone around each tree, hedge or shrub to be set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations and shall provide for the erection of protective fencing to consist of a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) to delineate each protection zone.</p> <p>No work including tree felling or pruning, demolition work, soil moving, temporary access or construction and/or widening or any operations involving the use of motorised vehicles or construction machinery shall commence on site in connection with the development until the protection works required by the Tree Protection Scheme have been fully installed in accordance with the approved details.</p> <p>No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone or otherwise protected in the approved Tree Protection Scheme.</p> <p>The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.</p>
14	MISC00	<p>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.</p>
15	MISC00	<p>No work shall commence to lay any hard surfaces or plant any soft landscaping for the development hereby permitted until full details of the hard surfacing and soft landscaping to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The landscaping works shall</p>

		then be implemented in accordance with the approved details and be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
16	MISC00	<p>No work shall commence in preparation for the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of:</p> <p>i) implementation, supervision and monitoring of the approved tree protection scheme and/or tree pruning/felling specification;</p> <p>ii) implementation, supervision and monitoring of all approved construction works within any tree protection zone or otherwise protected in the approved tree protection scheme;</p> <p>iii) timing and phasing of arboricultural works in relation to the approved development and details of communication between the interested parties.</p>

**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	MISC00	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 Strategic Policies A and C and Policy UE2 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.

4	MISC00	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 to provide facilities for visitors in line with Policy UE2 of the Local Plan.
5	MISC00	In order to ensure that the development is appropriately managed without causing harm to local amenity, in accordance with Policy UE2 of the NYM Local Plan.
6	MISC00	In order to comply with the provisions of Strategic Policy A and ENV4 of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.
7-9	MISC00	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.
10 &10	MISC00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
12&13	MISC00	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 Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
14	MISC00	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
15	MISC00	In the interests of the satisfactory appearance and biodiversity enhancement of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
16	MISC00	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.
<b>Informative(s)</b>		
Informative number	Informative code	Informative text
1	INFO0	<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The ‘Specification for Housing and</p> <p>Industrial Estate Roads and</p> <p>Private Street Works’ published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council’s website.</p> <p>The Local Highway Authority will also be pleased to provide the detailed</p> <p>constructional specifications referred to in this condition.</p>
2	INFO0	<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 NaturalEngland. Further information on wildlife legislation relating to birds can be accessed from the RSPB.</p> <p>If advice is needed, please contact the National Park Authority’s Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>.</p>
3	INFO0	In connection with condition 15 above in relation to hardsurfacing, the applicant’s attention is drawn to the need for a grass cellular system rather than a bitmac finish.

## Consultation responses

### Parish

No objections

### Highways

No objections subject to conditions

## Third party responses

None

## Publicity expiry

Site notice expiry date – 4 July 2022



Photo showing location of site in wider context. Application site is on left hand side of road, just beyond the existing static caravans and opposite the cricket pavilion.



## Background

The application site lies to south of the main built-up part of Middlewood Lane in Fylingthorpe and immediately bounds the southern boundary of the large static caravan site at Middlewood Farm. It also lies opposite the village cricket field and pavilion.

The site comprises an unused triangular area of grassland, bounded to the east and west by substantial hedged/treed boundaries. Beyond the eastern hedge/tree line is the Cinder Track cycle/footpath maintained by Scarborough Council and to the west by the highway verge of Middlewood Lane.

Planning permission was granted earlier this year for the siting of two timber framed holiday lodges, comprising two bedrooms, bathroom, and open plan living room/dining/kitchen area.

This application seeks a minor re-siting of the two holiday units to provide for better on-site circulation and to enable the positioning of the units to be kept clear of the existing trees and hedgerows on and around the application site.

## Main issues

### Local Plan

Strategic Policy G – Landscape - gives weight to the landscape impact of proposals and seeks to 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 and is 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, have 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.

Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity - seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity, and geodiversity in the North York Moors National Park is given great weight in decision making.

Policy CO2 - Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety.

#### Material Considerations

The principle of this development has already been established through the earlier decision, and this proposal for minor re-siting of the units would not increase the visibility of the development or have a detrimental impact on the locality. Consequently, approval is recommended.

#### Pre-commencement conditions

N/A

#### Explanation of how the Authority has worked positively with the applicant/agent

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.