

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0299

**Development description:** use of land for the siting of two shepherd huts for holiday letting purposes with associated parking and septic tank

**Site address:** Cross Keld Cottage, Raw Pasture Bank, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Mr A Muir

**Applicant:** Mr Michael Parry  
Cross Keld Cottage, Whitby Road, Robin Hoods Bay, Whitby, YO22 4PE,

**Agent:**

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

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.
2	PLAN00	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	GACS00	No external lighting shall be installed in the development hereby permitted. Any variation to this will require a new grant of planning consent from the Local Planning Authority.
4	HWAY00	The development must not be brought into use until:  1. the gate across the access to the site on the west side of the Dwelling adjacent the highway will not swing open over the existing highway.  2.The first metre from ythe highway boundary should not contain any loose material that is likley to be drawn onto the highway.  All works must accord with the approved details.
5.	RSU000	The holiday units (2no. shepherds huts) hereby permitted shall be managed from and remain part of the curtilage of the existing dwelling known as Cross Keld Cottage Raw Pasture Bank Robin Hood's Bay 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 3 above without a further grant of planning permission from the Local Planning Authority.
6.	RSU000	The Shepherd 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.

7.	LNDS00	Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the bolstering and enhancement of the existing landscaping of the upper and lower shepherd huts 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 scheme shall also provide details of the hardstanding area for the parking of vehicles at the access point to the site. 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.
8	LNDS00	No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within the life time of this permission hereby approved, without the prior written approval of the local planning authority.  In this condition “retained tree” means an existing tree on site during the application process.
9	LNDS00	If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with condition 8, at such time as may be specified in writing by the local planning authority.
10	LNDS00	No digging of the land shall take place in order to lower the height of the shepherds huts. The land on which the Shepherds Huts shall remain at their existing natural levels in order to avoid the digging up and damaging the root systems of the existing trees on the site..
<b>Reason(s) for condition(s)</b>		
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	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H; Schedule 2, Part 2, Classes A to F and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
3	GACS00	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
4	HWAY00	To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5.	RSU000	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.	RSU000	The site is in a location where new residential development would be contrary to Strategic Policy M of the NYM Local Plan but permission for holiday accommodation has been permitted in accordance with NYM Policy UE4.
7.	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.
8-10	LNDS00	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.

### Informative(s)

Informative number	Informative code	Informative text
1	INFO0	The shepherds huts will require a caravan site licence from Scarborough Borough Council prior to them coming into use.

### Consultation responses

#### Parish

Objections withdrawn, email confirming no objection

#### Highways

No objection, require condition to ensure entrance gate opens inward only and first metre of hardstanding is sealed to prevent loose material being drawn onto highway.

#### Environmental Health

Request for additional information on toilet and washing facilities. This has been confirmed as the provision of washing facilities inside the shepherd's hut along with a cassette type toilet and an elsan point provided next to the dwelling as a disposal point for both. Requested an informative regarding the need for a site license.

#### Third party responses

None received

#### Publicity expiry

Site notice expiry date: 20 May 2022





Location of upper Shepherds Hut



View of upper location from PRoW



Looking down toward copse of trees where second Shepherd Hut is to be located



## Background

Cross Keld Cottage is located a half kilometre north of the upper village of Robin Hood's Bay. The development comprises of two shepherd huts located on the field sloping up to the north to the immediate rear of the dwelling. One shepherd hut is to be sited in a slight delve bounded by a hedge on its north and west sides within existing copse of trees on the upper slope of the field above the dwelling; the second unit is to be located adjacent to the east field boundary under the canopy of existing trees and to the rear the agricultural and domestic outbuildings.

The main dwelling is raised above and in front of the main highway, and the existing outbuildings are located to the rear of the main dwelling and to the rear of the adjacent dwelling to the east. The access to the proposed shepherds hut is via the field gate to the west of the dwelling. Cars will be parked within this location, with visitors walking through the sheep field to the shepherd huts. The dwelling and fields overlook the open caravan site at Hooks House Farm and Robin Hood's Bay to the south. The shepherd hut is to be sited for the purpose of holiday accommodation and as such the applicant wanted to give their customers a feeling of the traditional use of a shepherd hut located within the sheep field and being at one with their flock.

The proposed shepherd hut has a floor area of 13.92 sq. metres each. The proposed huts are to be 5.8m in length, 2.4m wide and 2.7m high. The huts will have their wheels removed once sited to further lower their profile.

## Main issues

The primary concerns are whether the development is of an appropriate design and is of a high quality in terms of the materials and design details; whether the open countryside development can be managed from the site; and that it does not have a detrimental impact on the locality or highway safety.

## Local Plan

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout, and density together with carefully considered scale, height, massing, and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy UE2 relates specifically to Camping, Glamping, Caravans, and Cabins. The policy states that development will only be permitted for small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where it is within Helmsley or the main built up area of a settlement listed in the hierarchy outlined in Strategic Policy B and it is in close proximity to an existing residential unit which will be used to manage the accommodation, or; where it is in Open Countryside and is not isolated from an existing business or residential unit which will be used to manage the accommodation. The development must not cause unacceptable harm in terms of noise and activity on the immediate area or detract from the character, tranquillity, or visual attractiveness of the area. The accommodation should be of a high-quality design which complements its surroundings.

Policy ENV4 relates to the dark night skies and maintaining these through minimising light pollution through good design and lighting management. The policy stipulates that external lighting in open countryside will only be permitted if demonstrated that it is essential for safety and security reasons. Only lighting that meets or exceeds the details as set out in the Authority's adopted lighting guidance.

The proposed shepherd huts are primarily of timber construction and designed to be functional holiday letting units. The units are mobile and can be removed from site when required and stored within the confines of the dwelling curtilage. As holiday accommodation these will provide modest living area incorporating sleeping arrangements and a separate bathroom. The wheels on the unit can easily be removed and the unit's axels can rest on blocks to lower their profile. In addition, the applicant has agreed to bolster the existing landscaping should this be required to further limit any visual impact that they may cause. The Parish Council has raised its appearance as a concern. To ensure that any visual intrusion is limited a landscaping condition will be applied to any permission granted which will improve the natural landscaping and habitat in this location. Furthermore, a condition has been attached to prevent any external lighting to further reduce any night-time landscape and dark night skies impacts.

The applicant has advised that they will be managing the huts from the on-site dwelling and will be undertaking the servicing of the accommodation for the customers. To simplify this the applicant is to install an elsan point close to the rear of the dwelling so that black and grey waste can easily be disposed of. The huts will be powered by batteries which can be charged in the applicant's home, when removed during the accommodation service or by way of solar panel.

The huts will be accessed by the existing field entrance to the west of the dwelling. There will be a reinforced mesh system to support the existing grass in this location for the parking of the customer's car. Planning permission has previously been granted for this form of development at this location when permission was granted for a cattery for up to 10-12 cats on land to the immediate northeast of the dwelling in March 1989.

There is a dwelling to the east of the main dwelling and a further dwelling which forms Hooks House Farm and Caravan Site to the south on the other side of the highway. Due to the location of the huts, the topography of the land, it is not considered that any increase in activity and noise associated with the use of the huts would have a detrimental impact on the surrounding area.

Environmental Health and Natural England have not raised any objections in principle to the proposed development and the additional information regarding the toilet and washing facilities has been provided to Environmental Health. The Highways Authority has no objections in principle to the development but has requested that the access gate to the parking only opens inwards and that there is no loose surfacing in the first metre from the back edge of the highway verge.

In view of the above, it is considered that the proposed development adheres to Strategic Policy C, Policy UE2 and Policy ENV4 of the Authority's adopted Local Plan. Therefore, the application is recommended for approval.

#### Pre-commencement conditions

N/A

#### Contribution to Management Plan objectives

Approval is considered likely to help meet Objective 9 which seeks to increase the intrinsic darkness of the National Park International Dark Skies Reserve, and Objective 17 which seeks to establish regenerative tourism.

#### 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.