

**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2023/0151 - Case Officer Mrs Jill Bastow - Received from Mrs Jude Wakefield at Fylingdales Parish Council, 38 Hinderwell Lane, Runswick Bay, Saltburn by Sea, TS13 5HR  
**Date:** 05 April 2023 10:56:43

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The Parish Council feel there are 2 aspects to this application.

1. The first is for retrospective approval for an extension of the domestic curtilage .

No objection to the extension of the domestic curtilage.

2. The second is for change of use of the summer house to become a short-term holiday let.

The Parish Council would like to objection on the following grounds:

- 1.The accommodation is 45m from the owners' accommodation and described as being suitable for a small family. However, the description suggests a single room only 15.75m<sup>2</sup> (4.5m x 3.5m), with toilet and shower. The current plans give no information about how this (apparently) wooden structure would be adapted to become a safe, self-contained holiday let. Further information is required about internal layout, heating, cooking facilities, laundry, fire protection, etc. The PC feel it is too small to accommodate 4 people.
- 2.There is no direct access to the proposed accommodation other than by a shared track, which crosses neighbours' property. This would impact on neighbours in terms of noise, potential for trespass and their own security.
- 3.Maintenance of the track is shared equally by the applicant and neighbours. The plans do not address the impact of additional traffic on the track, access for emergency vehicles and subsequent maintenance costs.
- 4.The plans are very vague and the pictures are not very clear but the issue of a septic tank/septic field doesn't seem to be addressed or, is unclear and parking has not addressed at all.

Comments made by Mrs Jude Wakefield of Fylingdales Parish Council, 38 Hinderwell Lane, Runswick Bay, Saltburn by Sea, TS13 5HR

Preferred Method of Contact is Email

Comment Type is Object with comments

**From:**

**Cc:** [Planning](#)

**Subject:** NYM/2023/0151 Shambala, Fylingdales

**Date:** 31 March 2023 16:32:49

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Hi Hilary,

The application form details that the summerhouse is connected to a septic tank but does not include where this drains, nor is information provided on the capacity of the septic tank to support additional visitors. Legislation changed in 2020 meaning septic tanks are no longer permitted to discharge directly into a field drain or watercourse and it looks like there is a watercourse downhill from the site. Could we please receive clarification on where the septic tank drains, and if it has additional capacity at the moment?

Thanks,

**Zara Hanshaw ACIEEM**

**Assistant Ecologist**

[\(she/her\)](#)

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

Date: 03 April 2023  
Our ref: 426142  
Your ref: NYM/2023/0151



North York Moors National Park Authority

**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

Dear Sir or Madam,

**Planning consultation: Application for change of use of land to form extended domestic garden (retrospective) together with use of summerhouse as holiday letting accommodation(no external alterations)**

**Location: Shambala, Fylingdales**

Thank you for your consultation on the above dated 16 March 2023 which was received by Natural England on 16 March 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

##### **European sites**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

##### **Sites of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

##### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a

Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to .

Yours faithfully

Julian Clarke  
Consultations Team

## Annex A – Additional advice

Natural England offers the following additional advice:

### Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority habitats and species can be found on [Gov.uk](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

## Annex A – Additional advice

### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

### Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

## **Annex A – Additional advice**

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM23/0151/FL**

**Proposed Development:** change of use of land to form extended domestic garden (retrospective) together with use of summerhouse as holiday letting accommodation (no external alterations)

**Location:** Shambala, Fylingdales

**Applicant:** Dr Helen Ellis-Caird

**CH Ref:** **Case Officer:** Ged Lyth

**Area Ref:** 4/29/721 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 21 March 2023

**FAO:** Jill Bastow **Copies to:**

**Note to the Planning Officer:**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority (LHA) has taken into account the following matters:

The access from the A171, public highway is not shown within the red line plan as being under the control of the applicant. On the understanding that occupants and visitors of the proposed property will have a right of access between the A171 and the application site, the LHA would not anticipate this will have any impact on the public highway.

Consequently there are **no local highway authority objections** to the proposed development

<b>Signed:</b>  <p style="text-align: center;"><i>Ged Lyth</i></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<b>Issued by:</b>  Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ <b>e-mail:</b>
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**From:**  
**To:** [Planning](#)  
**Subject:** Application for change of use of land to form extended domestic garden (retrospective) together with use of summerhouse as holiday letting accommodation (no external alterations) at Shambala, Fylingdales NYM/2023/0151  
**Date:** 17 March 2023 10:43:02

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FAO Mrs Jill Bastow

**Application for change of use of land to form extended domestic garden (retrospective) together with use of summerhouse as holiday letting accommodation (no external alterations) at Shambala, Fylingdales NYM/2023/0151**

I refer to your e-mail of the 16<sup>th</sup> March 2023 regarding the above application. There are no details in respect of the summerhouse which is proposed for use as holiday accommodation; I am therefore unable to comment as to its suitability for such as use.

Thanks

Steve

Steve Reynolds DipAc, DipEH, BSc, DMS, MSc(ENG), MCIEH, CEnvH, CMIWM  
Residential Regulation Manager  
Scarborough Borough Council