

North York Moors National Park Authority

Plans list item 2, Planning Committee report 13 July 2023

Application reference number: NYM/2023/0139

Development description: Use of land for the siting of one touring caravan for seasonal residential use (01 April to 30 September in any one calendar year) for a temporary five year period (retrospective)

Site address: land adjacent Red Barn, Hawsker Lane, Hawsker

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Hilary Saunders

Applicant: Mr Peter Richardson, 37 Kirkcroft, Wiggington, York, North Yorkshire, YO32 2GH

Agent: Bell Snoxell Building Consultants Ltd, fao: Mr Louis Stainthorpe, Mortar Pit Farm, Sneatonthorpe, Whitby, North Yorkshire, YO22 5JG

Director of Planning's Recommendation

Refusal for the following reason(s)

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed development is considered to be contrary to Strategic Policy M and Policy CO10 of the NYM Local Plan which seeks to restrict new residential development in the open countryside to that which is essential to the needs of agricultural, forestry or other essential land management of a farming enterprise. The Local Planning Authority is not satisfied on the basis of the evidence available that there is a proven need for domestic accommodation in this location to meet such essential needs. As such, the proposal would represent sporadic residential development in the countryside which would undermine the Authority's strategic distribution of residential development.
2	The Local Planning Authority does not consider the application site to be well screened in the landscape by either existing topography, buildings or well-established vegetation such that the siting of a caravan, would significantly detract from the character and visual attractiveness of the locality. As such the proposal represents an incongruous form of sporadic development within a nationally protected landscape which would be visually intrusive and cause

Refusal reason code	Refusal reason text
	significant harm to the local landscape character contrary to Strategic Policy J and Policy UE2 of the adopted North York Moors Local Plan.
3	The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4 metres x 90 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

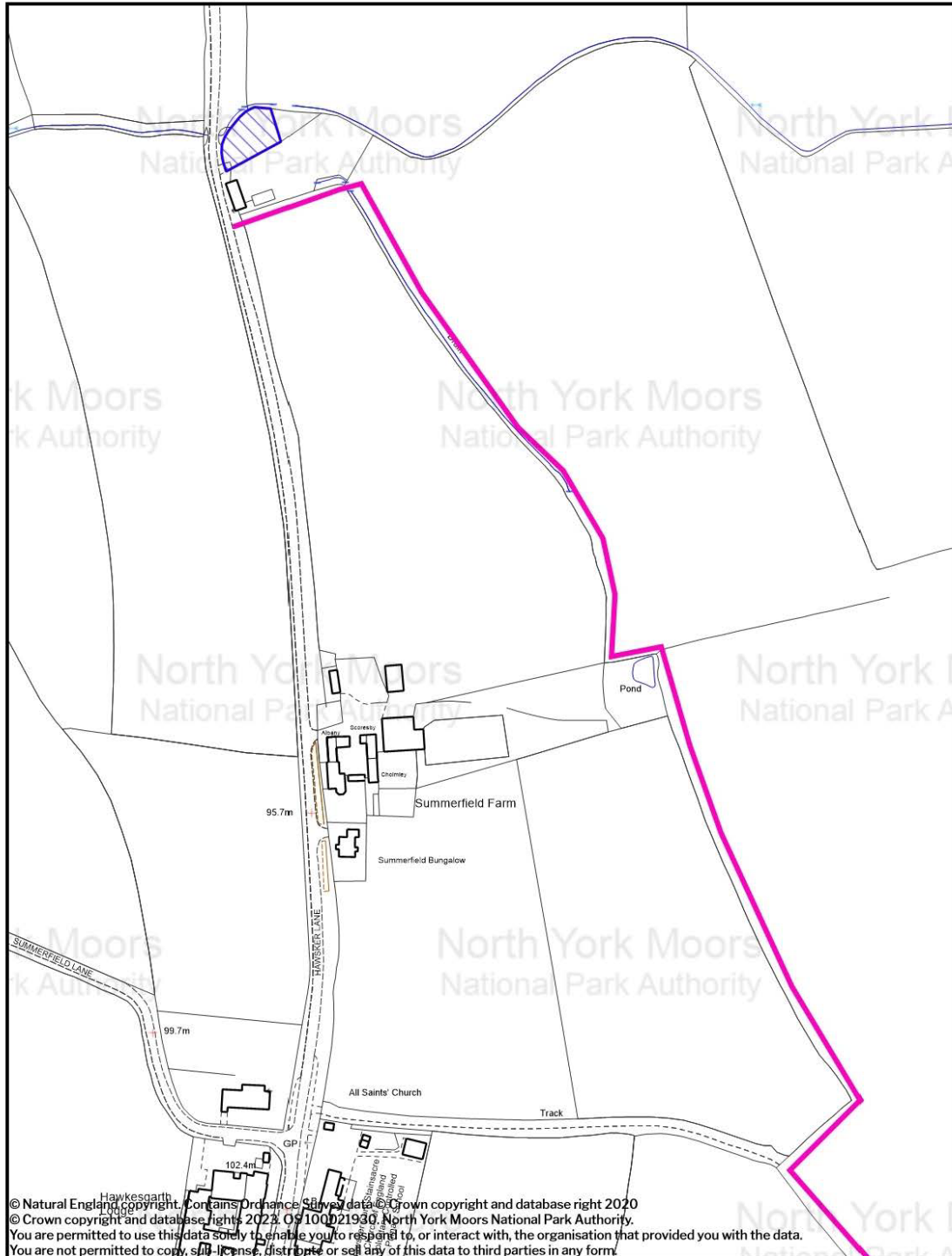
Map showing application site



**North York Moors
National Park**

Application Number: NYM/2023/0139

Scale: 1:2500



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Photo showing Red Barn (Listed Grade II) and gate into field where caravan would be located



Consultation responses

Parish

04/04/2023 - Council need clarification on if this is one caravan or a pitch that is multiple caravans over the season. It also wishes to raise the point that after a death on the corner near to the site, an increased changeover of caravans may pose a safety risk.

02/05/2023 - Council object to this application. The siting of the site entrance along the highway is not a safe exit. Replacement of caravans would cause issue and could create further danger on an already dangerous junction.

Highways

Recommend refusal. The design standard for the site is the design Manual for Roads and Bridges and the required visibility splay is 2.4 metres by 90 metres. The available visibility is 2.4 metres by 10 metres looking northwards and 2.4 metres by 30 metres looking southwards. Therefore, sightlines are unsatisfactory, and the proposed development is unacceptable in terms of highway safety.

Environmental Health

No objections. However, waste is not to be tipped down a public gully intended for rainwater.

Third party responses

The following people have written in support of the application for some or all of the following reasons: -

S Barton, 1 Mill Hill, Boulton Moor, Derby
M Mills, 72 Elvington Park, Elvington, York
M Walsh, 4a Streonshalh, Khyber Pass, Whitby
J Salmons, 66 Stockton Lane, York
A Wilson, 10 Hirstead Road, Newby, Scarborough
G Ashkenazi, 154 Scalby Road
L Peatfield, The Old School, Skirpenbeck, York
P McDonald, 13, Laburnum Avenue, Robin Hood's Bay
R Greenwood, Volunteer Crew Wetwheels Yorkshire, 16 Wrenbeck Close, Otley
M Sewell, Wetwheels supporter volunteer, 31 Runswick Lane, Hinderwell
N Lawrence, Marwood, 3 Back St Hilda's Terrace, Whitby
M Chaplin, Staxtonbury Music Festival, 139, Main Street, Cayton, Scarborough
Martin House Childrens Hospice, 8 Wheatlands Way, Harrogate
G Oliver, 33 Coach Road, Sleights
M Rhodes, Horse Mill Cottage, 2C Ryeland Lane, Ellerby, Saltburn by The Sea

- The applicant is skipper of Wetwheels Yorkshire and from May to September drives daily from York to Whitby with many hours at sea. This would allow him to be close at hand to Whitby Harbour where the craft has a permanent mooring.

- The use of a touring caravan is an ideal and cost-effective solution.
- This charity provides an opportunity for people of all ages and disabilities to access and experience the open sea safely. The charity also raises the profile of Whitby and contributes to the economy of the area. Trips are run on the specially adapted catamaran based at the wharf. It would appear that the site in question has had a residential caravan sited in it for many years.
- The siting of the caravan will only be a temporary structure and will not impact the view from the road and will effectively be screened by the barn and trees around the site. It will have no detrimental effect on the village or environment and the surrounding areas.
- Would lessen the workload of the applicant, not having to do in excess of two hours driving every day, would lessen the individual carbon footprint and free up more hours to take more people to sea. It could even facilitate extra trips utilising good conditions and meet growing demand.
- This application makes perfect sense as a base for remedial work on Red Barn and to allow the owner local accommodation whilst performing his role as Captain of Wetwheels Yorkshire.

Consultation expiry

7 April 2023

Background

This application was considered at the 18 May 2023 Planning Committee where members resolved to refuse the application in line with the officer recommendation. However, at that committee meeting, the applicant, in his presentation to members, stated his concern that it was not evident that an assessment of Public Sector Equality Duty imposed by section 149 of the Equality Act 2010 had been undertaken.

Accordingly, the matter is being brought back to Committee with a clearer explanation of the assessment of the duty, and this is set out in detail in the main issues below.

Red Barn is a Grade II Listed Building and is a brick-built barn with pantile roof, dating back to the mid-18th Century. It occupies an isolated position in the open countryside and is visually prominent, adjacent Hawsker Lane (that leads to Whitby Abbey) with a public footpath running along the southern boundary.

This application relates to grassland immediately adjacent to the north, which forms the curtilage of this Listed Barn.

This application seeks a five-year planning permission for the siting of a seasonal touring caravan on this land between 1 April and 30 September each year; for the sole residential use of the applicant, with a view to undertaking repairs to the Listed Building and submitting an application for its conversion.

The site has a lengthy history, including in relation to the curtilage land, to which this current application relates. Temporary planning consents were granted between 1968 and 1998 for the siting of one static caravan for holiday use. However, in 2002, a personal planning permission was granted to the owner and occupier of Summerfield Farm (due to the background of the site and policy of managed retreat from static caravans on temporary permissions). It was set out in the report that the purpose of that condition was to ensure that any future prospective owners were aware of the situation with the caravan so they could discount it from their future plans, because the caravan was considered to be harmful.

There is also a history of planning refusals and dismissed appeals in relation to the conversion of the barn.

The current applicant did seek pre-application advice in 2021 prior to purchasing the site and was advised that whilst the owners desire to find some short-term accommodation in order to manage his business was appreciated, he did not meet any of the criteria in relation to the circumstances where essential rural worker accommodation might be permitted in the open countryside.

He was also advised that it was because the previous caravan was considered to cause harm that the siting was tied to the previous owner only and had to be removed from the site if the site was sold.

With regards to the Listed Barn, the current applicant was also advised of the history of refusals and dismissed appeals and explained that due to the constraints of the building (its spatially isolated location and listed status) there would be very little opportunity for development here. The building is not considered suitable for conversion to domestic use due the lack of openings, internal open nature (which subdivision would harm), utilitarian character, harm to fabric from works needed for residential use (insulation, services, windows etc) and the sensitivities of its remote agricultural setting.

It should be noted that the asking price for Red Barn when it was on the market in 2021 was around £115,000. At the current time there are a number of flats and apartments for sale in Whitby with a lower asking price.

In support of the application the applicant's agent has set out the following: -

Red Barn is in need of works to repair and maintain its important historic fabric, in turn ensuring its stability. Such works are very costly. The applicant intends to undertake a large proportion of the works to overcome the significant financial obstacle, but to do this they need to be onsite. Travelling to and from York adds substantial cost, wastes time and massively hinders the objective of putting Red Barn into good condition.

The other key driver for the proposal is the applicant's involvement in the charity Wetwheels, which is a specially adapted, fully accessible powered Catamaran.

Finding the right people with suitable qualifications, experience, licenses and skill set for working with disabled participants for the Wetwheels operation running out of Whitby harbour has proved far more difficult than envisaged. The applicant has had to dedicate far more time and effort as a result and skipper the vast majority of outings. This dedication has resulted in the operation taking out thousands of disabled people and their families onto the water from Whitby since it launched in 2018. Having a seasonal base in close proximity to Whitby supports the ongoing viability of this charity and all the benefits this unique experience offers participants.

Main issues

Local Plan

Strategic Policy M – Housing seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development of sites, which in the open countryside would only be where it would help meet the needs of agricultural, forestry or other essential land management.

Policy CO10 – Housing in Open Countryside seeks to ensure that in order to maintain the quality of the National Park landscape, housing development in Open Countryside will only be permitted where there is an essential need to support established farming, forestry or other essential land management activities, where an existing dwelling is to be replaced; or where a rural building is of architectural or historic interest and is to be converted. Occupancy will be restricted to agricultural, forestry or other essential land management workers.

Policy UE2 – Camping, Glamping, Caravan 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 the open countryside, is not isolated from an existing business or residential unit which will be used to manage the accommodation. Furthermore, in order to respect the sensitivity of the local landscape character type all sites must be screened by existing topography, buildings or adequate well-established vegetation which is within the applicant's control.

Material considerations

Siting of caravan for seasonal accommodation

The intention of policy UE2 is to allow for the provision of small scale and sensitively designed holiday accommodation to support local businesses and allow people to enjoy the special qualities of the National Park whilst avoiding sporadic development in unsuitable and unsustainable locations. In the Open Countryside the policy directs new holiday accommodation to where there is already an existing business or dwelling which can be used to manage the site, such as a farm or at a public house; parcels of

land isolated from the managing unit are not considered to be suitable locations for development.

The proposed development does not meet any of the above criteria, as it would be visually intrusive from both the public highway and the public footpath and is not associated with any existing business or residential development on site. It would consequently result in unacceptable sporadic development in the open countryside.

However, whilst this application is for a caravan, what is sought is seasonal accommodation for the applicant, in order to be closer to run his business/charity in the town centre of Whitby than his current home in York.

Whilst it is not contested that the Wetwheels business is a valuable enterprise in Whitby, and an asset serving vulnerable people, this is not considered to be suitable justification for allowing inappropriate and sporadic development in the open countryside, contrary to both Strategic Policy M and Policies CO10 and UE2 of the NYM Local Plan. The personal circumstances of an applicant will seldom outweigh strong countryside restraint policies, any weight is usually given when the harm and benefits are closely balanced, and the personal circumstances can be given modest weight to tip a narrow balance.

If the applicant needs to be close to his business in Whitby, it would be expected that he considers accommodation through existing accommodation or caravan sites in or around Whitby, which are available at a similar or lower price than the cost has been of purchasing Red Barn.

Need for caravan to live on site to undertake repairs and to submit an application for conversion of Listed Building

Listed Building consent is likely to be required for extensive repairs to Red Barn and planning and Listed Building consent will also be required for the conversion of the barn to a dwelling. It is highly unlikely that any such consent would be granted for the reasons set out above and in earlier refusals and site history.

No applications have yet been submitted and consequently, there is no justification for approval of a caravan on site to undertake repairs and conversion works to a building where there are no planning permissions or Listed Building consents.

Highway safety

Sightlines out of the access are severely restricted by the barn itself and the Highway Authority have advised that the required visibility splay is 2.4 metres by 90 metres. The available visibility is 2.4 metres by 10 metres looking northwards and 2.4 metres by 30 metres looking southwards.

This is 80m short in one direction and 60m short in the other, which cannot be improved satisfactorily.

This would therefore represent development that would lead to an unacceptable impact to highway safety.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The Equality Act 2010 established the ‘public sector equality duty’ on public authorities. The duty is that a public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

One of the “protected characteristics” is disability.

The assessment of every planning application includes an assessment of this duty, and elements of the duty can be a material planning consideration in any application, depending on the facts and circumstances of each matter. Whilst there does not need to be express reference to this duty in the assessment of every application the applicant in his presentation, when he spoke at Planning Committee on 18 May 2023, stated his concern that it was not evident that an assessment of the duty had taken place. Accordingly, the matter is being brought back to Committee with a clearer explanation of the assessment of the duty.

Considering the impact of a refusal of this planning application on people with disability and, in particular, those people with disability that use the service provided by the applicant, the assessment is that there is a broad range of reasonable existing alternative accommodation options available to the applicant (at a similar or lesser price than the cost was of purchasing Red Barn), that any impact of refusal on people with disability is therefore indirect and not significant. Furthermore, the applicant has been operating the business in Whitby, whilst living in York since Wetwheels Yorkshire opened in 2018 and there is no evidence to suggest that the business is in danger of ceasing if the owner doesn’t move. Consequently, in the overall ‘planning balance’, any impact, when considered in conjunction with all other material considerations cited in this report, does not outweigh the conflict with planning policy and is not of sufficient weight to justify a departure from planning policy.

Conclusion

Whilst it is accepted that the applicant would benefit from living closer to Whitby than York to operate his business/charity, in planning terms there is not an exceptional need to live in this location in the open countryside, particularly as there are other options within Whitby which were available to the applicant, rather than purchasing this barn.

Furthermore, there is also no justification to live on site to undertake works to the Listed Building and no consents for such works are in place.

In view of the above the proposal is considered to be harmful and contrary to the Policies contained on the North York Moors Local Plan as outlined above and refusal is recommended.

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 concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.