

**From:**

**Subject:** APP/W9500/X/23/3321210: Haggit Howe Farm, Hawsker, Whitby

**Date:** 09 August 2023 17:07:26

**Attachments:** [image001.png](#)  
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Good afternoon,

I refer you to the appeal referenced above.

Please see attached documents that were accidentally not included with the LPA questionnaire. The final comments deadline will be extended a week to 16<sup>th</sup> August accordingly. Please ensure any final comments are provided before then.

Kind regards,

Ezra

	<p><b>Ezra Joy</b>   Enforcement Casework Officer Tel   +44 303 444 5432 Email   <a href="mailto:teame2@planninginspectorate.gov.uk">teame2@planninginspectorate.gov.uk</a> The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay, Bristol, BS16PN</p>
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DPC:76616c646f72





**North York Moors  
National Park**

**Planning Notice**

**Town and Country Planning (Development Management  
Procedure) Order 2015 Notice under Article 15**

<b>Application Number</b>	<b>NYM/2022/0780</b>
<b>Applicant</b>	<b>Mr Lisa Trotter</b>
<b>Site Address</b>	<b>Haggit Howe Farm, Hawsker</b>
<b>Proposal</b>	<b>Certificate of lawfulness for the use of land as a holiday park comprising six static caravans in excess of ten years</b>

Documents for the application(s) are available under the application reference number on the Planning Explorer section of the Authority's website which can be accessed by scanning the QR code below or at: <http://planning.northyorkmoors.org.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx>.

Any comments you may have on the application(s) should be made **within 21 days** of the date of this notice. Where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period. You may comment by using the Authority's online consultation response form, by email ([planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)), letter or fax.

Please be aware that any views submitted will be available for public inspection and will be published on the Authority's website, under the provision of the Access to Information Act.

Mr C M France  
Director of Planning  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York, YO62 5BP  
website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)  
email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
tel: 01439 772700



**Date of Notice:  
This notice may be removed  
after 30 days.**

## **List of those Notified**

Legal Services - Richard Smith  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Internal - Conservation  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Hawsker-cum-Stainsacre Parish Council  
c/o Ms Stephanie Glasby  
Gilders Holme  
Raw  
North Yorkshire  
YO22 4PP

Hilary Koll and Steve Mills  
Haggitt Howe  
Hawsker  
Whitby  
YO22 4JY

Hawsker-cum-Stainsacre Parish Council  
c/o Ms Stephanie Glasby  
Gilders Holme  
Raw  
North Yorkshire  
YO22 4PP  
Via Email:

Your ref: NYM/2022/0780

Our ref:

Date: 09 June 2023

This matter is being dealt with by: Mrs Hilary Saunders  
Direct Dial 01439 772559

Dear Sir/Madam

**Land at:** Haggit Howe Farm, Hawsker

**Proposed development:** certificate of lawfulness for the use of land as a holiday park comprising six static caravans in excess of ten years

**Appeal reference(s):** APP/W9500/X/23/3321210

**Appeal starting date:** 02/06/2023

**Appellant(s) name:** Ms Lisa Trotter

An appeal has been made to the Secretary of State in respect of the above site. The appeal follows the withholding of a Lawful Development Certificate by this Planning Authority as From the available evidence and applying a balance of probabilities test, for the period from 1 November 2018 (and most probably prior to that date) until the date of application of 25 October 2022 the claimed caravan use has not occurred or existed, following the sale of the site and separation from the earlier planning unit, and the site has during that period been used as bare land (grassland). Therefore, any earlier period of immunity that may have accrued for the site has been lost and there is no reasonable scope for the Authority to modify the description of the application. Therefore, the present application is refused.

A copy of the appeal documentation can be obtained from or viewed by prior appointment at The Old Vicarage, Bondgate, Helmsley and is available to view on the [Planning Explorer](#) section of the Authority's website under the application reference number.

The appeal is to be decided on the basis of the written representations procedure by way of an exchange of written statements by the parties.

Certificate of lawfulness applications are not considered against the usual planning merits and policies, they are determined on whether the submitted evidence supplied proves a particular use, operation or activity as described is lawful due to the length of time the use, operation or activity has been continually undertaken, usually four or ten years or in the case of a certificate of proposed lawfulness that the use, operation or activity does not constitute development.

Working together to sustain the landscape and life of the  
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
01439 772700 [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
[planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk) [northyorkmoors.org.uk](http://northyorkmoors.org.uk)



Any comments already made following the original Certificate of Lawful Development application (unless they are expressly confidential) will be forwarded to the Planning Inspectorate, copied to the appellant and will be considered by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, you should write directly to the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or send an email to [teame2@planninginspectorate.gov.uk](mailto:teame2@planninginspectorate.gov.uk). Alternatively, you may make comments via the online [Appeal Casework Portal](#). **All representations must be made within six weeks of the appeal start date**, quoting the appeal reference number. If the Planning Inspectorate receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter however; they will ensure that it is passed on to the Inspector dealing with the appeal. Once decided a copy of the appeal decision will be published on the [Planning Explorer](#) section of the Authority's website under the application reference number and on the [Gov.UK website](#). Guidance on the appeal process can also be found on the [Gov.UK website](#).

Should you have any further questions, please do not hesitate to contact the Authority.

Yours faithfully

*Mark Hill*

Mr M Hill  
Head of Development Management

Steve Mills and Hilary Koll of Haggitt Howe, Hawsker, Whitby, YO22 4JY

1. Problem with the maps and address given on the application

Please note our house, Haggitt Howe, our permanent residence where we have lived for 22 years, is not in anyway associated with this site and, until this application we were not aware that it was known as Haggitt Howe Caravan Site. The address of 'Haggitt Howe Farm' given in the application further confuses this issue as there is NOT a farm called Haggitt (or Haggitt) Howe here. Our address is the only one that uses Haggitt Howe registered to this postcode. The inevitable confusion regarding the names, should the application ultimately be successful, is a significant concern for us.

In 2018, when there were no caravans at this site and had not been for some time, we enquired about purchasing part of the field in which the site lies, and later that year we bought land adjoining the site, meaning that our boundary now runs within a few metres of it. Thus neither the map of the site given in appendix 1 of the application nor any other supplied by the applicant shows the correct fence-line of our adjoining land. We include the land registry map of the boundary of our purchased land. [see Appendix A].

2. We dispute the fact that the site has been in continuous use or that removal of caravans was temporary

Historically, Brian Dixon of Brook House Farm who owned the site had permission for 6 caravans at this site, initially these were small tourers of their time [see photo evidence on p.46 of application] which then became statics. Mr Dixon died in July 2009. As far as we understand it, his wife Anne did not want to reapply for permission and gradually the site was closed, including the removal of all caravans, fences and gate, returning the site to being a field on which cows grazed. The applicant's insistence that there is evidence of the existence of the site 'up to current day' (1.2) suggests that the caravans have been continuously there to date, but this is not true. There have not been ANY caravans or visible pitches at the site for 5½ years and it was even before 2016 that 6 caravans were in use. [see timeline below and related evidence in Appendix A]

**Timeline:**

2009 Brian Dixon died.

The number of caravans began to dwindle and it was our understanding that Anne Dixon did not alter the permissions to her name as she did not want the site to continue.

2016 Our recollections are that by 2016 only about 3 caravans remained and this is suggested also by the applicant's photo of Oct 2016 showing 2 statics and a tourer.

By 2017 The fence around the site and the gate to it were removed allowing cows to graze, in effect returning the site to an agricultural field. [See evidence of fences and gate in 2016 photos on p14 of application]

2017 no caravans as evidenced by 17<sup>th</sup> June 2017 Google Earth satellite image [Appendix A]. Anne Dixon died.

2018 no caravans as evidenced by 1<sup>st</sup> July 2018 Google Earth satellite image and Nov 2018 CNES image. [Appendix A]. As we were purchasing land from Anne Dixon's family adjacent to the site we took further online satellite screengrabs during this period which can be supplied. We can also supply correspondence from Richardson and Smith who described the site as a 'potential caravan site' NOT an existing one.

2019 no caravans as evidenced by 8<sup>th</sup> Sept 2019 Google Earth satellite image [Appendix A].

2020 no caravans

2021 no caravans as evidenced by photos of the flooded site in January 2021 and Google Earth satellite image of March 2021 [Appendix A].

2022 no caravans as evidenced by photos from Dec 2022 [Appendix A].

This site has NOT had ANY caravans or pitches for over 5½ years. Prior to that there were fewer than 6 static caravans for at least a further year. This is clearly not a case of them being 'temporarily removed' as stated in 2.5 of the application. The site was abandoned, fences etc. removed and we believe it was the intention of Anne Dixon to close the caravan site. In our opinion, just because those selling the land after her death referred to it

as a 'potential caravan site' it does not prove that 'clearly that there was never an intention by any party to abandon the use' as stated in 2.10 of the application.

### 3. We believe the site does not satisfy the criteria of the National Park Local Plan

To our knowledge no more recent permission has been granted for this site by North York Moors National Park (that was properly advertised with a chance of objection) since that time, so we do not agree with the applicant's suggestion that just because SBC has reissued a permit this should automatically force NYMNP into approval of the caravans.

Just because there was the legal existence of a site from 1967 to 2009 it should surely not mean the NYMNP must automatically grant this in 2023, particularly given the National Park Local Plan (July 2020) stating in 5.14 '*The policy does not allow for the provision of new static caravans except where existing sites are being remodeled in order to bring about environmental improvement.*' The plan also states (Strategic Policy J) that development will be supported only when '*it does not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood*' and '*...will not undermine the quality of life of residents.*'. We believe this proposed development does not satisfy these criteria and will be detrimental.

#### Will this benefit tourism and the community?

We say no because there is no established need for more of the sort of accommodation in the area. Within a **2-mile radius** there currently are already almost 300 static caravans (see section below), many owned by the applicant at the nearby Highgate Howe already. To create another site in the headland countryside for 6 static vans seems unnecessary, causing more disruption and degradation to the local residents on the lane and for walkers enjoying the landscape.

In addition to the 300 static caravans there are over 800 pitches for seasonal touring caravans and motorhomes. The headland is bursting with vans and allowing another separate area to be impacted for 6 more seems short-sighted. It would seem to us that adding 6 more to a current site would be less harmful all round.

As far as we can see no employment for the local community would come from the approval of this as a static caravan site at all.

We believe using this site for static caravans would be detrimental to the experiences of visitors to the National Park. The North York Moors walks Ordnance Survey Pathfinder guide has a guided walk (Walk 7) that goes right past the site and many other visitors use the lane when going from Whitby to Robin Hood's Bay. Having a small group of haphazardly arranged caravans and associated cars, generators, satellite dishes and so forth surely showcases the worst parts of the National Park that the Authority should be keen to avoid.

#### Impact on Landscape and views

The site and our house are already surrounded by many caravan parks within a 2-mile radius and the headland now hosts several large festivals each year, including Whitby Dreams (at Easter), Whitby Historic Experience (summer) and Whitby Traction Engine Rally, to name a few. All this negatively impacts on the lives of local residents such as ourselves through increased traffic, pollution, footfall and noise. We have lived here for over 22 years and year-on-year the headland becomes more and more crowded.

In addition to the many holiday lets on the headland (two of which are almost touching our house) the number of static caravans and pitches to our knowledge is:

- Abbey Farm Seasonal Showground: **700** pitches for tourers, caravans and tents (<1.5mile)

Within 1 mile of our house we estimate there are:

- Highgate Howe Holiday Park; **89 static caravans** (<0.5 mile)
- Whitby Holiday Park: **130 static caravans** and **100+** pitches for tourers (<1mile)
- Stoupe Cross Holiday Park: **77 static caravans**, **10** tourers (<1mile)
- Brook House Farm: **1 static caravan**, **6** tourers (<0.5 mile)
- Manor Farm seasonal park: **35** tourers, (<1mile)

Estimated totals: 297 static caravans, 851 pitches for tourers, caravans and tents



### Access along the track leading to the site and vehicular impact

In addition to the two new holiday lets next to our house recently approved by NYMNP, granting this permission would mean that up to 16 more vehicles than previously will be travelling up and down the track (up to 2 per caravan or let). The track is single-track and already very pot-holed and in poor condition and as an unadopted road, the cost of upkeep and repair often falls to residents or the RNLI who have a lighthouse at the end of the lane. None of the residents along the lane will benefit in any way from permission being granted for the static caravans. Note the applicant does NOT live along the lane.

### Wildlife and biodiversity

At a time when our natural world should be being preserved and protected, we believe the approval of static caravans at this site together with the associated vehicular access, will be detrimental to the soil, vegetation and surrounding habitats and will increase disturbance of wildlife in the area.

The site floods regularly (for example in Oct 2000, Nov 2012, Jan 2016 and 17, Jan 2021 (see Appendix A). At least one of the caravans was flooded more than once when the site was in existence.

The old quarry site, prior to the incredibly regular mowing that has taken place since the change of ownership, used to have many native wildflowers including birds-foot trefoil, yarrow and harebells.

The scrub is used by blackbirds, dunnocks and linnets as a nesting site and we have camera evidence that the area is used by hares, badgers and deer.

What is clearly apparent is that there is no suggestion of biodiversity gain.

### Impact on our house and the holiday lets

Noise from the caravans is an issue. Not only the impact of many families visiting or living there during the season, previous caravans on the site had generators that ran day and night which disturbed those living in houses nearby, particularly during the summer months when windows were open. The generators, intoxicated revellers and rowdy barbeques that took place (given the site is without supervision) caused sleepless nights and much distress to ourselves and residents of Brook House Barn. We, at Haggitt Howe, had incidents when visitors to the caravans entered our property without permission, the noise of generators was a disturbance and on one occasion we witnessed a fire that began due to the ashes of an unattended barbeque which could have been potentially dangerous had it not been for the quick actions of a resident of Brook House Barn at the time.

Being an unsupervised site, people visited and even lived in caravans at all times of year, which is another concern for us.

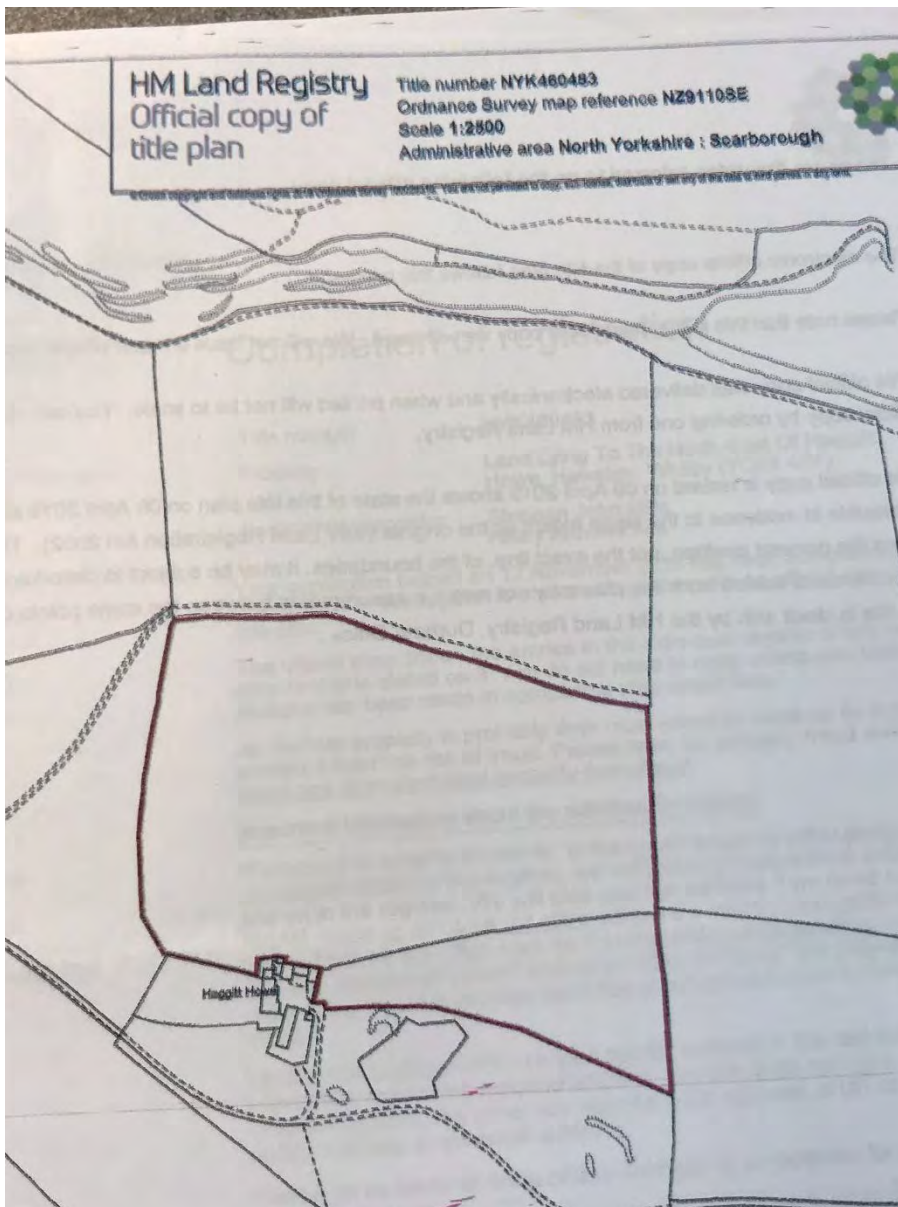
### Summary

Our objections to the 6 static caravans on an unsupervised site are that they will:

- negatively impact the landscape of the National Park
- negatively impact wildlife and native plants in the vicinity
- negatively impact the condition of the unadopted lane with the increased traffic
- negatively impact the adjacent properties of Haggitt Howe (our home) and visitors to Brook House Barn
- **not** provide any positive benefits to local residents along the lane
- **not** benefit wildlife or provide biodiversity gain
- **not** provide employment for anyone

APPENDIX A

1. The land we purchased in Nov 2018 is shown in red



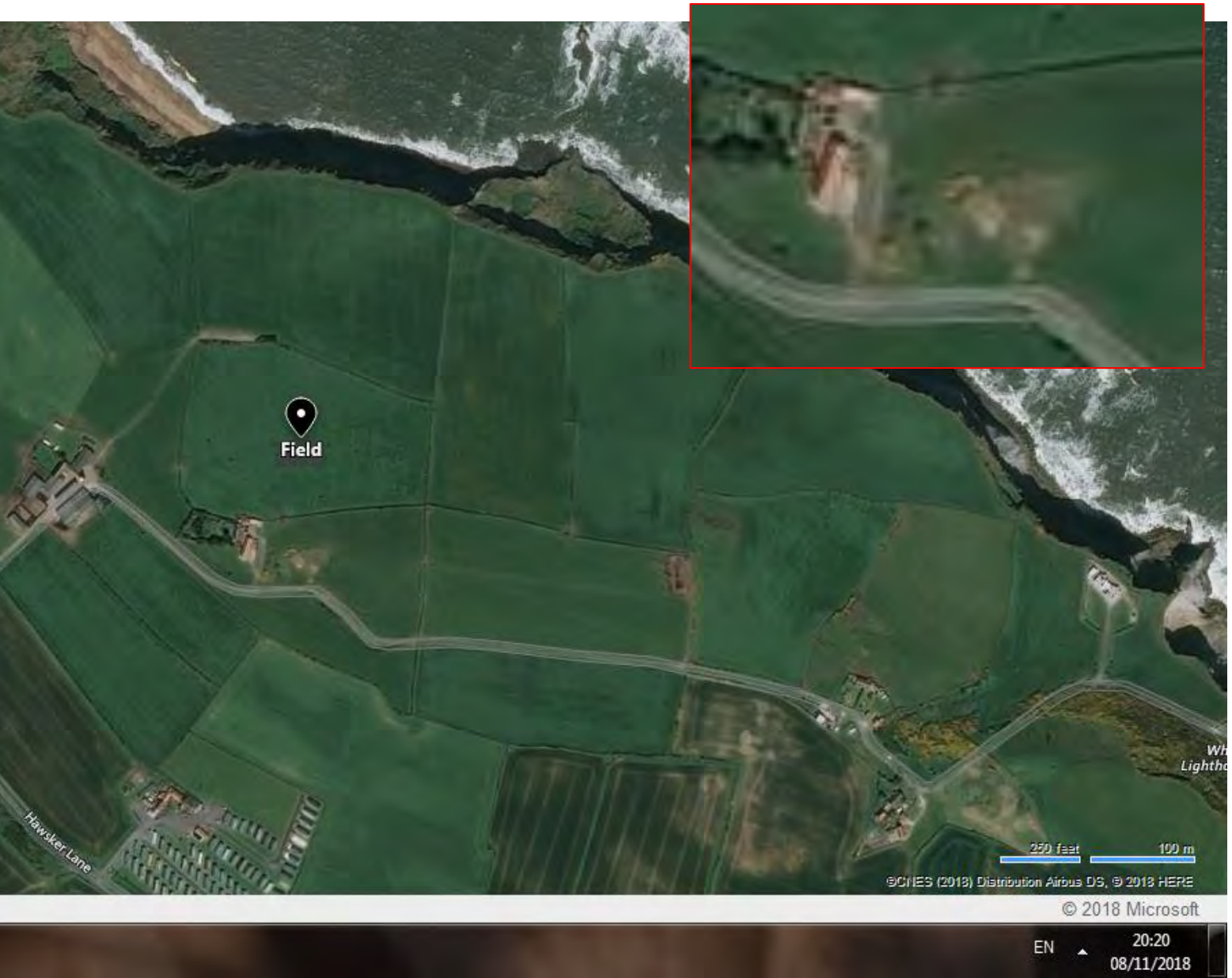
2. Google Earth image of 17-6-2017 showing no caravans, pitches, fences or a gate, but rather an agricultural field with cows grazing.



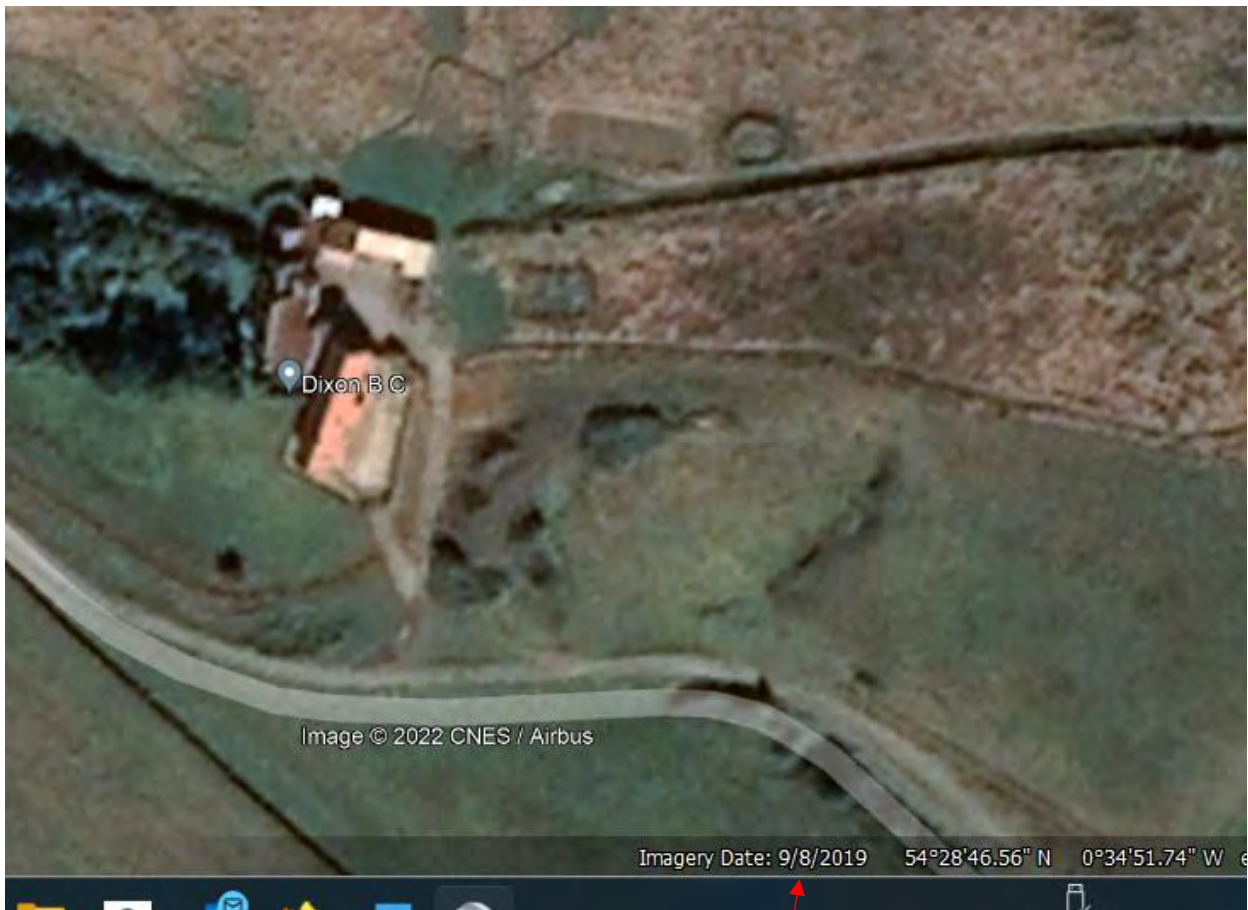
3. Google Earth image of 1<sup>st</sup> July 2018 showing no caravans, no evidence of pitches, fence or gate.



- 4. CNES Imagery of 2018 which we screengrabbed in November 2018 when corresponding over our potential purchase - showing no caravans. [plus zoomed image]



5. Google Earth (CNES) image of 8<sup>th</sup> September 2019 showing no caravans or pitches.



6. Photos from 8 January 2021 [between 15:37-15:41] showing flooded site with no caravans. Also showing close proximity of the site to our house (with the 3 chimneys).



7. Google Earth (CNES) image of 17<sup>th</sup> March 2021 showing no caravans or pitches.





8. Photos taken on 9-12-22 showing no caravans or pitches.



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**From:** Richard Smith

**Sent:** 02 December 2022 17:11

**To:** Hilary Saunders

**Subject:** RE:

Sorry, meant to add, just for reference, that my conclusion on the case law is that the Ellis case from 2010 remains the relevant law, and I believe that case establishes that,

-as per T&CPA 1990- S171 B)3) and S191(1) and S191(4)

-where there has been 10 years unlawful use in breach of a condition or limitation but that unlawful use does not exist at the time of application, immunity is lost and the application should be refused

-where there has been 10 years unlawful use by virtue of some other material change of use, immunity is only considered lost at the time of application if there has been either abandonment of the unlawful use, a new planning unit has formed, or there has been some further material change of use.

As I mentioned, I find this an irritating and technical differentiation but I believe that is where the law is at with this.

Richard

---

**From:** Richard Smith  
**Sent:** 02 December 2022 17:00  
**To:** 'Hilary Saunders'  
**Subject:**

Hilary,

Re: Haggit Howe

Further to our conversation, this is my rough draft of words to work with. . . .

From the available evidence and applying a balance of probabilities test, for the period from (date?) until the date of application (date?) the claimed caravan use has not occurred or existed, following the sale of the site and separation from the earlier planning unit, and the site has during that period been used as bare land (grassland). Therefore any earlier period of immunity that may have accrued for the site has been lost and there is no reasonable scope for the Authority to modify the description of the application. Therefore the present application is refused.

Richard

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