



The Planning Inspectorate

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Your Ref: NYM/2023/0248
Our Ref: APP/W9500/W/23/3331567

Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

29 February 2024

Dear Mrs Strangeway,

Town and Country Planning Act 1990
Appeal by Frances Lockey
Site Address: Suffield Hill, Suffield Cottage, Limestone Lane To Swang Road,
Suffield, Scarborough, North Yorkshire, YO13 OBJ

I enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely,

Hazel Stanmore-Richards
Hazel Stanmore-Richards

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Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

From: Frances Lockey
Sent: 27 February 2024 17:03
To: North1
Subject: REF APP/W9500/W/23/3331567
Attachments: Appeal by.pdf; Appeal by.pdf

You don't often get email from [redacted]. [Learn why this is important](#)

Dear Hazel Stanmore Richards

Please find attached two copies of comments on matters arising from the statement submitted by the LPA.

Yours sincerely
Frances Lockey

Appeal by: Frances Lockey

Appeal Ref: Ref AAP/W9500/W/23/3331567

Response to Local Planning Authority
Written Representations.

Introduction

I am submitting these comments in response to the NPA's written representations submitted by Mrs Jill Bastow.

For ease of reference, my paragraph numbers and headings reflect those in the NPA submission.

1.0 Introduction

No further comment.

2.0 Appeal Site and the Surrounding Area

No further comment.

3.0 Relevant Site History

No further comment.

4.0 Proposed Development and the Decision

Planning permission was originally granted for a timber garage and stables with a total footprint of 64.44m² and included the approved 'garage' of 34.2m². In part, the cabin is 0.9m wider than the approved plan however this was simply an error/oversight. The cabin which is the subject of this appeal is 42.3m² and its footprint is therefore 22.14m² smaller than the timber buildings that were originally approved.

The NPA have incorrectly stated that '*No letters were received from third parties in response to the publicity of the application*'. This is incorrect as the only neighbour (also adjoining) at Northfield Cottage, submitted a letter (18 April 2023) confirming that he had **no** objections. In addition, the same neighbour wrote a letter of support (3 October 2023) as part of the appeal process. The neighbour advised that he had no objection and that the proposal caused him no harm, no inconvenience or disturbance and that he could not hear or see the guests from his house or garden.

With the exception of the Parish Council, all consultees including North Yorkshire Councils RRM (Environmental Health) and the Highways Department raised **no** objections.

5.0 Planning Policy & Guidance

For the reasons stated in the appeal and referred to at paragraph 7.0 below, the relevant policies should also include:

UE2 Camping, Glamping, Caravans and Cabins

Policy UE2 *permits* cabin and chalet proposals when such units exceed 25 m² and states no upper size limit. The cabin meets every requirement of UE2. The original domestic boundary remains in situ.

6.0 Local Planning Authority's Case

The NPA accept that the cabin is not unduly prominent in the landscape and that it has a neutral impact.

The NPA state that the main thrust for refusal is not the landscape impact, but the intensification of activity likely to cause noise and disturbance. However, the only and immediate neighbour has written to confirm that he cannot see or hear the guests from his property. On 3 October 2023, he also wrote to confirm that the development (which had then operated for 9 months) causes him no harm, no inconvenience and no disturbance. The cabin provides a retreat for one couple/2 persons only who make no noticeable or additional noise and cause little disturbance if any, at all.

Details have already been provided to show that almost every other property in this sparse and widespread hamlet has its own form of commercial activity. Most noticeably this includes a holiday let of similar size (39m²) at the adjoining property which has already been detailed in the appeal (NYM/2018/0673/FL). When granting approval for that application, the NPA included the following rationale in their decision; *'The likely activity levels generated by such a small unit of accommodation will be very low and as such the proposal is unlikely to adversely impact on the amenity of neighbours or the local area.'* The development which is the subject of this appeal is almost identical in size, location and accepts the same number of guests i.e. 2 persons.

The only neighbour in close proximity has confirmed that he has not suffered any detriment and that he **supports** the proposal. No resident of Suffield has objected to the application.

7.0 Comments on Grounds of Appeal

The Local Plan 2020, Strategic Policy B identifies open countryside where there is an essential need for development to meet the needs of farming, forestry and other **rural enterprise** or land management activities. The appeal site had an 'existing rural business' however the NPA have disregarded this stating *'the presence of such a low-key ancillary business is not considered to be an essential rural business'*.

The Local Plan does not specify which 'rural businesses' it supports within its policies. Whilst the NPA may consider the existing bed & breakfast business to be low key, the latest 'Rural Business Statistics' published by the Dept for Environment, Food and Rural Affairs in May 2022 (for 2020/2021) show that 'Accommodation and food service activities' account for 6% of registered businesses in rural areas which is almost half that of the largest sector of 'Agriculture, forestry and fishing' businesses which account for 14% of the registered businesses in rural areas. Therefore, the provision of rural accommodation businesses should not be considered as 'low-key' when compared to the largest sector of agriculture, forestry and fishing. Businesses that provide accommodation are quite clearly essential to the rural economy and to ensure that the objectives of the Local Plan 2020 are met.

The NPA also state that it is *'not in a position to advise how to circumnavigate planning policy to the detriment of the National Park'*. It should be noted that the NPA did advise that the domestic boundary should be repositioned to accept the proposal for a timber garage and stables. Given that the original boundary remains in situ, it would have been reasonable that, in a similar manner, the NPA would advise

that the original boundary could be reinstated. Alternatively, the NPA could at least consider the provisions of policy UE2 for the cabin proposal given that the original boundary still exists.

It is denied that the cabin causes any detriment to the National Park.

At the time the appeal was submitted, the cabin had accepted guests for 8 months during which time there was no detriment to the National Park or any resident of Suffield. The cabin has in fact made a positive contribution to the 'Understanding and Enjoyment' of the National Park as detailed in the Local Plan 2020 Strategic Policy J - Tourism and Recreation. The cabin promotes the 'Dark Skies', the wonderful countryside and local businesses. At the time the appeal was submitted the cabin had accommodated 73 stays, 67 of which had received the highest rating review of 5 stars. Far from being detrimental to the National Park as inferred by the NPA, the cabin has made a positive contribution to the rural economy and Strategic Policy J of the Local Plan 2020.

Finally, the NPA has stated that *'Environmental Health (Commercial Regulation) do acknowledge that holiday lets have the potential to be noisy and disruptive given that they are occupied by visitors on holiday, although they did not comment on the appeal proposal'*. This comment is misleading because North Yorkshire Councils Environmental Health did comment, and they raised no objections. The RRM provided the response rather than the CRM, presumably because North Yorkshire Council deemed one response would suffice.

The bed & breakfast business ceased when the cabin began accepting guests. The potential for noise and disruption at the cabin is no greater than the potential presented by the previous bed & breakfast business.

The NPA have responded to other planning approvals which are referred to in this appeal. Each of those developments carry the same potential for noise and disturbance and yet, they have been granted approval.

8.0 Conclusion

The intensification and potential for noise and disruption from a couples retreat are negligible. This has been recognised by the NPA when granting approval in other similar applications, particularly that of the adjoining property NYM/2018/0673/FL. It is Environmental Health who is best placed to comment regarding potential noise however, whilst the RRM (Environmental Health) did respond, he did not raise any objections. The only neighbour in close proximity has written a letter of support whilst confirming that he has not encountered any harm, inconvenience, disturbance or invasion of privacy.

Consideration should also have been given to Policy UE2 as an appropriate policy.

The NPA can approve or refuse any future application for additional structures.

Grounds 1 and 2 for refusal are therefore not appropriate.

I am agreeable to the conditions contained in Appendix G.

Frances Lockey

26 February 2024

Appeal by: Frances Lockey

Appeal Ref: Ref AAP/W9500/W/23/3331567

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