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From:

Sent: Friday, March 8, 2024 2:44 PM

To: Planning

Subject: Comments on NYM/2024/0065 - Case Officer Mrs Jill Bastow - Received from Ms Sally Mallard at 1 Coastguard Cottages, Robin Hoods Bay, Whitby, YO22 4SY

Several comments:

1) It is not true that this land has been used as a private garden since 1998. The Haven is a holiday let (and therefore a business not a private dwelling). I stayed there with my children circa 2008 and it was not a private garden then. In fact, as I recall (although my memory may be faulty), the only way to access it was quite a walk up King Street via the access to the sea wall.

2) It HAS been used as a recreational area by residents and visitors alike for many years who were able to access the area from the path to the sea wall. Access to the land has recently been stopped, presumably by the owners of The Haven. There are precious few grassy areas such as this in RHB and the ones that there are should be preserved for the common good.

3) It seems that this land was purchased from the Council. How? Shouldn't it have gone out to tender? I, amongst many others in the village would gladly have purchased and donated it for the use of residents and visitors to RHB. Why wasn't the land made available for purchase given that it has been used for public recreation for many years, not as a private garden as stated in the application. No doubt visitors to The Haven did use it - but so did lots of other people! See extract below from Local Government Lawyer website:

"There are particular requirements in relation to assets of community value under the Localism Act 2011. An asset of community value is land that a local authority considers has community value on the basis that the primary current use of the land furthers the social well-being or social interests of the local community or that it has in the past and it is realistic to think it could do again within the next five years. Local authorities are obliged to maintain a list of assets of community value in their area. If a local authority is disposing of land which is on the list, it will be obliged to notify of its intention to dispose of the asset. This will ensure that community interest groups are aware of the proposed disposal and can bid if they wish to do so. Moratorium periods are then imposed on the disposal to enable community groups to have sufficient time to bid and raise the necessary funds."

In relation to this see: <https://www.northyorks.gov.uk/community-and-volunteering/community-rights/assets-community-value>

This land definitely has community value. Presumably it was not registered, but it would have been had it been known a 'land-grab' was in the offing! And had notice of its sale been given then residents would have been alerted and able to make the Council aware of its community value in advance of the sale.

4) The fencing off of this area will make The Haven a much more attractive property for holiday makers from which the owners will no doubt benefit. It is simply wrong that a business, owned by people who don't even live in the area, should benefit at the expense of the many locals, as well as visitors, who have used this area for many years.

5) Technical point and I don't know if it makes a difference, but the restrictive covenant they seem to be relying on for justification specifies "domestic garden" - not "private garden". Are 'domestic' and 'private' the same?

Comments made by Ms Sally Mallard of 1 Coastguard Cottages, Robin Hoods Bay, Whitby, YO22 4SY  
Preferred Method of Contact is Email

Comment Type is Strongly Object

**From:**

**To:**

**Subject:** Comments on NYM/2024/0065 - Case Officer Mrs Jill Bastow - Received from Mr Iain Lambeth at 116 Birmingham Road, Aldridge, Walsall, West Midlands, WS9 0AQ

**Date:** 07 March 2024 20:05:43

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I would like to raise an objection to the application to "formally adopt" the area of green (grassed) space, above the inner wall of the Sea Wall walk (namely the plot of land listed in the application) as a "Private Garden" for the use of ONLY the owners (or residents) of The Haven, Robin Hood's Bay.

It is claimed that this plot of land has been used as a "private garden for in excess of 10 years".

It would appear that this message has been articulated, as such, to the Council's Planning Officer (Mrs Jill Baston - per the Pre-Application Advice #NYM/2023/ENQ/20097).

This claim is simply not true.

We have had our own property interests in Robin Hood's Bay since April 2022 & to my personal knowledge, the plot of land - known locally as "the grass knoll" - has been used, by the general public, to sit on, during sunny days and to listen to music events, taking place on the top of the Sea Wall area.

I have personally attended 4 of these events, in the last 2 years & am aware, from talking with residents of Robin Hood's Bay, of many more events, stretching back over many years.

I have concerns that the plot of land seems to have been purchased (by the applicant) - (according to the dates shown on the Land Registry documents) during the period of time that the Sea Wall area was closed off, to allow for Sea Wall repairs.

Again, this seems to have come as surprise to several of the residents of Lower Bay & there are questions as to whether the sale was legitimate - with the correct notifications issued, prior to sale.

Notwithstanding the legitimacy of the sale, the applicant seems to be relying on the Restrictive Covenant stating "not to use the property....to be used for any other purpose whatsoever than that of a domestic garden...only in connection with the adjoining premises known as The Haven....".

Whilst this restrictive covenant is clearly in place to avoid any "business activities" taking place on the land, it does detract from the pleasure and enjoyment of this piece of land, for members of the public, visiting the area of the Sea Wall.

It is possible, if this application is granted, that the owner will look, in the future to "fence off" (or in some other way restrict physical or viewable access to) this area - being one of the last remaining "open grassed areas" of Lower Robin Hood's Bay

This will clearly risk - further negatively impacting on the enjoyment of this area, by such members of the public.

My final objection regards the "adoption of this plot of land" as a "domestic garden".

The property: The Haven - is currently operated as a "Furnished Holiday Let".

It is NOT a domestic property - but indeed is being used as a "commercial property" - for the commercial activity of "Holiday Rentals".

As such, the application is illegitimate & should not be accepted.

Comments made by Mr Iain Lambeth of 116 Birmingham Road, Aldridge, Walsall, West Midlands, WS9 0AQ

Preferred Method of Contact is Email

Comment Type is Object with comments