

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2024/0008

**Development description:** use of land for the siting of a static caravan for residential purposes (retrospective)

**Site address:** Crosswinds, Summerfield Lane, Stainscare

**Parish:** Hawsker-Cum-Stainsacre

**Case officer:** Hilary Saunders

**Applicant:** Mr John McAndrew

Crosswinds, Summerfield Lane, Stainscare, Whitby, YO22 4PA

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text
1	TM07	The use hereby permitted shall be for a limited period being the period of two years from the date of this decision, or when it is no longer required for the purpose set out in the application documents, whichever is the sooner. The caravan shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition on or before 1 May 2026.
2	AC16	No more than one caravan shall be stationed on the land at any time.
3	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
4	UOR11	The caravan hereby permitted shall not be occupied at any time other than by the applicant or his immediate family, for

Condition number	Condition code	Condition text
		purposes ancillary to the residential use of the dwelling known as Crosswinds.

#### Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN AC03	In order to ensure that the caravans and associated levels of activity are not occupied on a year round basis when tree cover in minimal and in order to comply with Strategic Policy A of the North York Moors Local Plan.
3	RSN AC01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
4	RSN UOR09	The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan.

#### Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	These works may include repairing damage to part of the highway verges to the proper line and level. You are advised that a separate licence will be required from the Highway Authority to allow any works in the adopted highway to be carried out by approved Contractors. The local office of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this informative.

## Consultation responses

### Parish

Council has no objections to the planning application; however, it would like to know the time scale to which the temporary element of this application will be held to?

### Highways

On the clear understanding that the static caravan is a temporary measure and is intended to be an alternative accommodation to the main building rather than an additional residence, the LHA would not view this application as increasing the use of journeys to and from the public highway. As the caravan is a static, the LHA would not anticipate the caravan moving on and off the site other than the final removal.

Therefore, no additional verge crossing would be required. The LHA would want to see that the verge is not damaged following the removal of the caravan therefore an inspection would be required upon notification that the caravan has been removed and any damage to the verge repaired at the applicant's cost.

### Environmental Health

I recommend that the applicant submit a report from a competent individual/organisation giving details of the light impact of the proposed development on nearby properties in accordance with the Guidance Notes for the Reduction of Light Pollution 2000, produced by the Institution of Lighting Engineers.

### Third party responses

None received.

### Publicity expiry

Advertisement/site notice expiry date – 10 April 2024

Static caravan as viewed from roadside



In the context of associated bungalow – caravan to the right



Street view photo from junction with A 171



## Background

Crosswinds comprises a modest bungalow of artificial stone and pantile construction, located on the corner of the junction between Summerfield Lane that leads into Stainsacre and the main A171 that leads to Whitby. The property is located an established commercial garage.

This application seeks a retrospective and temporary permission for the retention of a static caravan in the side garden of the bungalow, whilst the bungalow itself is being renovated. The applicant has stated that the caravan is required for his elderly mother to provide warm and safe accommodation, a shower and wheelchair/safe access (there is a ramp access to the caravan) whilst renovation works are being undertaken on the bungalow to make it more suitable for their needs and to make it habitable.

## Main issues

### Local Plan

Strategic Policy A (National Park Purposes) seeks to take a positive approach to new development, in line with the presumption in favour of sustainable development and where decisions are consistent with National Park statutory purposes.

Sustainable development is set out in the Policy and includes development which supports the function and vitality of communities by providing appropriate and accessible development to help meet local need for housing or services.

Strategic Policy C (Design) seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Policy CO17 (Householder Development) seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will only be permitted where the scale, height, form, position and design do not detract from the character and form of the original dwelling or its setting in the landscape; does not adversely affect the residential amenity of neighbouring occupiers and reflects the principles outlined in the Authority's Design Guide.

In the case of the development of new outbuildings, the outbuilding should be required for purposes incidental to the residential use of the main dwelling; any new or extended outbuilding should be proportionate in size and clearly subservient to the main dwelling; new outbuildings should be located in close proximity to existing buildings.

Policy CO18 (Residential Annexes) seeks to permit residential annexes only where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use; a clear functional need for the ancillary accommodation is demonstrated; and in the case of a new build annexe, it is physically attached to the main dwelling with an interconnecting door.

#### Material considerations

Whilst generally the siting of static caravans to meet overflow accommodation needs would not be supported, there are a specific circumstances in this case to allow a two-year temporary consent for essential works to be undertaken to the host dwelling to improve its habitability for the old and infirm.

The temporary caravan is sited within the domestic curtilage of the host dwelling, and at the time of the Officers site visit, it was in place and presumably occupied (the application has been submitted retrospectively following an Enforcement investigation). Whilst within the curtilage, it is visible from the adjacent highway.

The caravan is not particularly attractive and is fitted with a raised area of decking with timber balustrades and an access ramp and it is not a wholly sensitive addition or siting

in the wider context. However, it is understood and appreciated that the structure is only required for a temporary period of time until the main house is safe for occupation by the applicants' elderly mother.

The applicant has not provided any detail in relation to the period of time the unit is required, however; on the basis there are no current planning applications relating to extensions, alterations or conversion of any outbuildings, the works at Crosswinds appear to be repair or maintenance. On this basis, a temporary permission for two years is recommended (with a caveat that if the house is habitable before that date, the caravan is removed before the two-year time period. This is considered to be a reasonable and pragmatic approach in this instance and should be more than sufficient time to undertake the necessary works and will allow the Authority to retain an element of planning control.

The Parish Council and Highway Authority have no objections.

#### Conclusion

In summary the proposal is only acceptable on a temporary basis and it would be unreasonable in the circumstances to require the immediate removal of the caravan.

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

The proposal provides essential accommodation for an elderly person and meets the duties imposed by the above to not unduly affect any people with protected characteristics.

#### Pre-commencement conditions

Not applicable.

#### 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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.