

North York Moors National Park Authority

Plans list item 3, Planning Committee report 16 May 2024

Application reference number: NYM/2023/0771

Development description: Erection of five cabins for holiday letting purposes with associated access, parking and landscaping works

Site address: land at Westlands Farm, Osmotherley

Parish: Osmotherley

Case officer: Miss Megan O'Mara

Applicant: Mr Keith Austin, Westlands Farm, Osmotherley, North Yorkshire, DL6 3AR

Agent: Total Planning Solutions, fao: Fahim Farooqui, Roman Terrace, Linthorpe, Middlesbrough, TS5 5QF

Director of Planning's Recommendation

Refusal for the following reason:

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	It is considered that the proposed development, by reason of the overly formal semi circle siting and design of the proposed units, together with a distinct lack of existing natural screening, would be visully intrusive and overly suburban in appearance, therefore resulting in a harmful visual impact on the surrounding open landscape. The development would therefore be contrary to Strategic Policy A, Strategic Policy C and Policy UE2 of the Authroity's adopted policies, as set out within the Local Plan, together with Paragraph 182 of the National Planning Policy Framework.

Map showing application site



**North York Moors
National Park**

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Scale: 1:2500

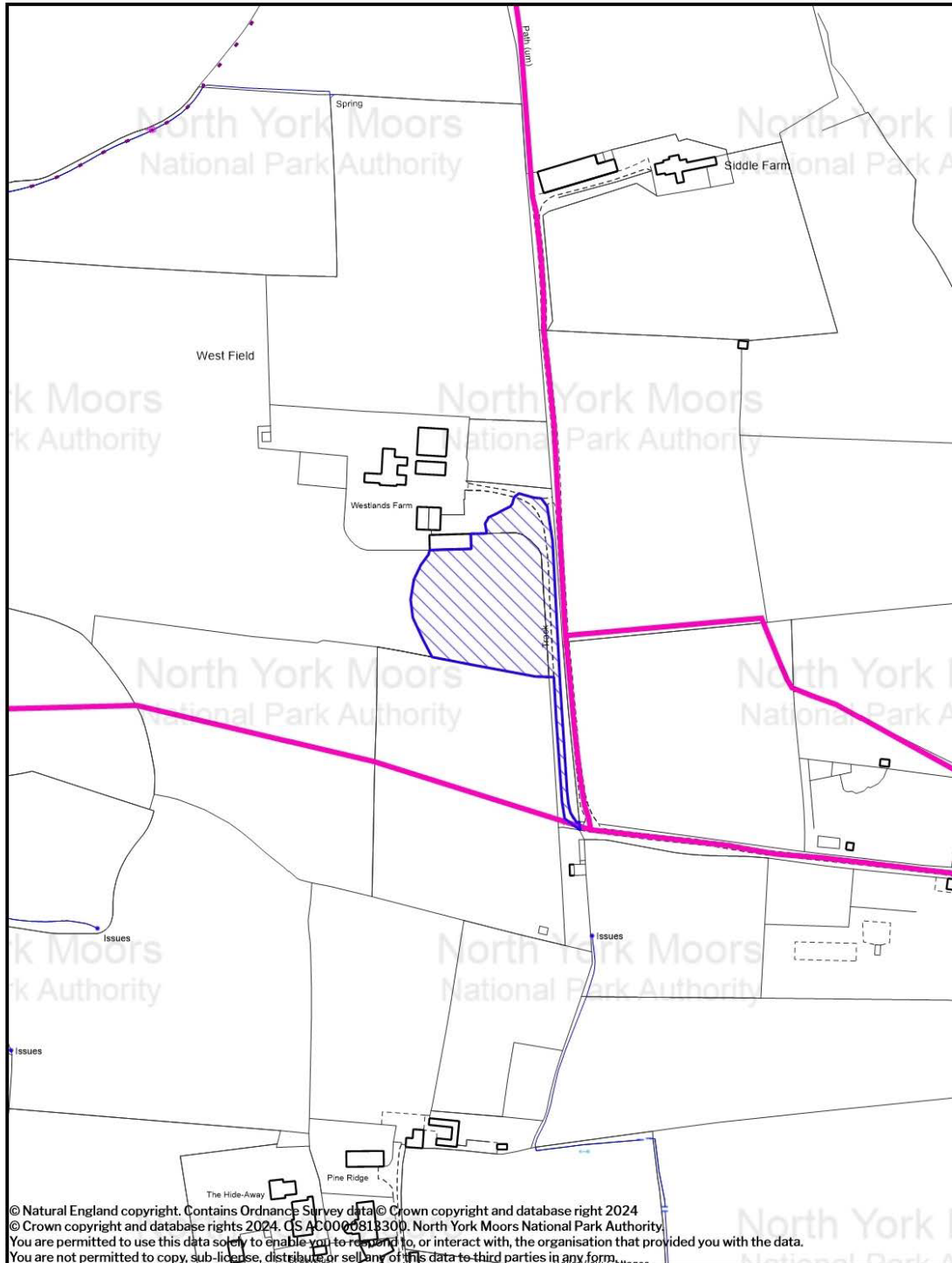


Photo showing the site as existing, looking towards the public footpath. The gate in the bottom right of the photo indicates the site access. the proposed parking would sit within the curve of the post and rail fence



This photo shows the view on approach to the site. The public footpath runs parallel to the right of the hedge



This photo shows the view from the access track across the development site, towards the farmhouse



Consultation responses

Parish

The applicant set out the quality of the proposal and the impact he hoped would be had on both the village traffic and the traffic on Cuddy Lane. The objector had concerns on the entrance and exit to Cuddy Lane and the pedestrian access to the play area, approx.100 metres from the gate. It appears there are two farms served by the road and they have helped maintain the road over the years. It has not been possible to identify the owner of the road. The Parish Council raised concerns over the increase in traffic to and from the proposed development and also the impact on the road surface, as well as pedestrians, mostly young children and parents, walking to the play area. That being said we felt that the application was a good business for the village and if conditions could be met regarding road safety and surface quality then the council had no objection to the application.

Highways

Concern must be raised with regard to the visibility available at the access from Cuddy Lane onto Clack Lane. The Highway Authority is aware that parking in the visibility splays is common especially in busier times however parking in visibility splays could not be used as a reason for refusal given the advice in Manual for Streets. There is likely to be an

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intensification of use of the junction however this is unlikely to be a material increase, and the figures shown in the Transport Statement that has been submitted to support the application indicate the levels associated with the proposal to be modest. The Transport Statement goes on to describe the opportunities to pass each other on Cuddy Lane however this is a private road and not in the control of the Highway Authority.

Having considered the contents of the Transport Statement and the advice in the National Planning Policy Framework in terms of only refusing development if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, a highway refusal would be difficult to sustain on this occasion.

Environmental Health

No objection subject to an informative.

Forestry Commission

No comments received

Police – Traffic

No comments received

Third party responses

The following people **support** the application:

Ian Sinclair, 4 Grant Close, Osmotherley, DL63BD

Andrew Sharpe, 34 West End, Osmotherley, DL6 3AA

H Webster, 8 Oswaldene, Osmotherley, North Yorkshire, DL6 3AD

N & M Young, Osmotherley Fish and Chip Shop, West End, Osmotherley, DL6 3AG

Osmotherley Coffee Shop, 4 West End, Osmotherley, DL6 3AA

M Brown, Keepers Cottage Thimbleby, DL6 3PY

C Connelly, Golden Lion, Osmotherley

The comments received support the application for one or more of the following reasons:

- The proposed development appears to be of a high build quality and high-quality appearance.
- The proposed development would provide much needed additional holiday letting accommodation to the village for walkers and cyclists.
- The proposed development would lead to an increase in tourism to the area which would support and boost local businesses in the area.

The following people **object** to the application:

Occupier of 83 South End, Osmotherley

T Hobbs, The Old Police House, 58 West End, Osmotherley

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C Dennison, 56 West End, Osmotherley, DL6 3AA
S Pitts, 40 West End, Osmotherley, DL6 3AA
Mr & Mrs J. A. Blythe, Siddle Farm, Osmotherley, DL6 3AR
S Allan, 52 West End, Osmotherley
R Wright, 8 North End, Osmotherley, DL6 3BB
A Pinkney 33 West End, Osmotherley, DL6 3AE

The comments received object to the application for one or more of the following reasons:

- The proposed site access would lead to an intensification of traffic on Cuddy Lane which is a single-track lane with no passing places.
- Cuddy Lane leads to a play area and therefore increased traffic levels would be dangerous for pedestrians entering/exiting the play area.
- The surface of Cuddy Lane is not suitable for increased levels of traffic and frequently floods.
- The entrance to Cuddy Lane from the main road is dangerous due to its location on the brow of the hill which leads to poor visibility and is exacerbated by high levels of car parking on West End.
- There is already a large quantity of holiday accommodation in the village, including caravan park and holiday cottages.
- Noise pollution and littering arising from the site would impact the tranquillity of the village.
- Light pollution from the site would impact the dark skies qualities of the area.
- Cuddy Lane has a "no bridleway or cyclists" sign and therefore walkers/cyclists are prohibited from using the private lane.

The following comments were received following the submission of an additional Landscape Assessment and Highway Technical Statement:

Ms Christine Dennison of 56 west end, Osmotherley, Northallerton, DL6 3AA

There are several discrepancies within the additional documentation submitted. There are no passing places on Cuddy Lane, these are private accesses/land/property and not permitted to be used as passing places. The entrance onto and off Cuddy Lane is onto a 40mph road not a 20mph as stated. This is also on the brow of a hill with limited access onto the main road. Mr Keith Austin does not own the bottom part of this lane and has private access to his farm on the track only

Margaret and Tony Hobbs, The Old Police House, 58 West End Osmotherley DL6 3AA

There are no passing places on Cuddy Lane. The five 'passing places' as identified by the applicant on drawing 2400801 in Appendix B consist of: a private residential driveway (I note the applicant uses an incorrect photo here to support their application), access to the children's play area, private access to field (located on blind corner), private access to field (too narrow of a strip to facilitate any passing) and a junction of lanes on a blind corner. Cuddy Lane connects to the highway network at Clack Lane within a 30mph

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speed restriction not a 20mph limit. Concern that development will result in danger to the mix of pushchairs, prams and young children created by a 280% increase in traffic along Cuddy Lane to the children's play area.

Occupier of 83 South End, Osmotherley

There are no passing places on Cuddy Lane. One passing place shown in the supporting information is an access to my private field and I do not give permission for it to be used in this way.

Tony Blythe, Siddle Farm, Osmotherley, Northallerton, North Yorkshire, DL6 3AR

Highlights a number of discrepancies within the supporting information and adds that visibility from Cuddy Lane is very often extremely restricted due to parked cars, buildings, the brow of the hill and made dangerous because of the speed of passing traffic. The speed limit on West End at the junction with Cuddy Lane is 30mph. Cuddy Lane is a public footpath, which is not permitted to be used for horse riding or cycling.

Miss Lauren Dennison (on behalf of Mr & Mrs R Pattison) of 56 West End, Osmotherley, North Yorkshire, DL6 3AA

I wish to highlight the "restricted" rights of access the applicant has to their property across our section of the lane (see map attached of our ownership highlighted in red). Furthermore, the lane has never been used for leisure purposes and only for residential and agricultural use. The information submitted regarding the proposed passing places is incorrect and unjustifiable. The increase in traffic will result in the lane requiring significant upgrading which would destroy the natural image of the track, which would be unsightly for the National Parks.

Consultation expiry

31 January 2024

Background

Westlands Farm is located within the open countryside accessed off Cuddy Lane, approximately 0.5km northwest of the main built-up area of Osmotherley. The approach to the site is down a long single width track. The development site to which this application relates comprises a piece of land south of the farmhouse. The development site is currently an open field, with a lawful use for agricultural purposes.

The farmhouse, associated buildings and development site are surrounded by open fields, with a public footpath running parallel 7m west of the of the development site, and another running perpendicular 70m south of the development site. The Cleveland Way also sits in an elevated position approximately 300m northeast of the development site.

This application seeks planning permission for the siting of five cabins for holiday letting purposes with associated access, parking and landscaping works. It is proposed that five, one-and-a-half storey cabins, would be sited in a semi-circle with associated access track and parking area. Each cabin will measure 3.4m high from ground level and 7m long with a width of 3.2m. Internally, the cabins will provide a lounge area, two bedrooms (one at mezzanine level), kitchen and bathroom. Externally, each cabin will have a timber

decking area with glazed balustrades. Each cabin will have a maximum occupancy level of two-three people.

Main issues

Local Plan

Strategic Policy A relates to Achieving National Park Purposes and Sustainable Development. Within the North York Moors National Park, a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy UE2 relates specifically to Camping, Glamping, Caravans and Cabins. The policy states that development will only be permitted for small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) where it is within Helmsley or the main built up area of a settlement listed in the hierarchy outlined in Strategic Policy B and it is in close proximity to an existing residential unit which will be used to manage the accommodation, or; where it is in Open Countryside and is not isolated from an existing business or residential unit which will be used to manage the accommodation. The development must not cause unacceptable harm in terms of noise and activity on the immediate area or detract from the character, tranquillity or visual attractiveness of the area. The accommodation should be of a high-quality design which complements its surroundings.

Paragraph 182 of the National Planning Policy Framework states that Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development

within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Discussion

Principle of development

Policy UE2 relates specifically to small scale holiday accommodation such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc. The intention of this policy is to allow for 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. The policy directs new holiday accommodation to the main built-up area of listed settlements or areas where there is already an existing business or dwelling which can be used to manage the site. This could include on a farm or at a public house for example. This is to ensure there is adequate and active management of the site to prevent any local amenity issues such as noise or other disturbance from occurring. A key criteria is that the units would be screened by existing buildings, topography or vegetation.

The policy states that development can only be supported where the units of accommodation would not be isolated from an existing business or residential unit which will be used to manage the accommodation. In this instance, the development site is located within the open countryside and as such, the principle of sensitively siting a small number of units, of appropriate scale and design, could be acceptable. Therefore, it is important to clarify that with this particular application, the Authority is not objecting to the proposed introduction of holiday accommodation at Westlands Farm. The Authority is objecting to the scale, design and siting of the proposed accommodation and the resultant harm that would have on the surrounding landscape.

It is Officer opinion that a reduced number of cabins or pods in an alternative, better layout and siting tucked into the track hedge or close to the existing buildings, could be acceptable. The proposed semi-circle arrangement is overly formal and jarring in landscape terms

Wider landscape impact

This application has been brought to Members with a recommendation for refusal due to the wider visual impact of the proposed development (in the context of the level of support for the scheme). It is considered that the proposed development fails to meet the requirements of Strategic Policy A, Strategic Policy C, Policy UE2 and Paragraph 182 of the National Planning Policy Framework.

Policy UE2 clearly states that 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 and where arrangements for its long-term maintenance can be demonstrated. The supporting information and visuals submitted show the site to be well screened with vegetation and

trees, however this is not the case. There are sporadically placed large mature trees that offer no screening below the crown, together with hedgerows that run along the site boundaries. There is a hedgerow that sits between the development site and the adjacent public footpath; however, it was clear from the Case Officer's visit that the views above and between gaps of this hedgerow towards the site were uninterrupted and therefore walkers would have a clear view of the site. It was also clear from the site visit that a number of young trees have been planted along the site boundary, but again, these young trees offer little screening. Due to the sparsity of natural screening, the development site is also visible from the Cleveland Way National Trail due to its elevated position above the site.

It is appreciated that the applicants have proposed a landscaping scheme in order to better screen the proposed development in the future, however in order that the visual impact can be appropriately assessed, the vegetation and planting must be existing as the screen could take years to establish and there is the uncertainty of the quality of the planting and its survival rate in this area. As such it is not possible to guarantee that the proposed screening would sufficiently screen the site from the views from the Cleveland Way footpath. It is also noted that the Authority's Woodland Officer has concerns regarding the level of the proposed planting and the impact this would have on the character of the surrounding area. The landscape immediately surrounding the development site is characterised by open fields with intermittent trees and hedgerows along the boundaries.

The proposed layout of the cabins results in an overly suburban appearance, within a very agricultural setting. Features such as the decked areas and glazed balustrading, together with the semi-circular layout, pathway and formal parking area results in a scheme that has a very formal, suburban feel and appearance. It is expected that cabin or pod development within the National Park would reflect the surrounding setting in terms of materials, siting and scale. Formal layouts such as the proposed semicircle can appear alien within a landscape characterised by its historic irregular open field system. The applicants have declined to amend the layout.

The design of the units themselves is also rather suburban, with pale grey roof, light coloured timber cladding, circular windows and large glazed openings. The height of the proposed units, which is a result of the internal mezzanine bedroom, is also considered to be excessive and due to the undulating topography of the land, would sit particularly high within the landscape. It is therefore considered that cabins of this design and height would fail to sit comfortably or sensitively in the natural setting of the open agricultural fields. The light-coloured surface of the proposed pathway and parking area would also be visually intrusive.

Other matters

There has been a number of objections submitted in response to the application. The objectors consistently raise concerns regarding the impact that the development will have on highway safety, on West End and Cuddy Lane. It is considered by third parties that the development would result in increased traffic levels and activity and whilst the

Authority can appreciate these concerns, the Local Highways Authority have explained that it would be difficult to sustain a refusal in this instance following consideration of the additional highways assessments submitted by the applicants.

Conclusion

As set out previously, the principle of introducing small scale holiday accommodation of appropriate design and siting is not objected to at Westlands Farm. However, it is considered that due to the design, scale and siting of the development, the proposed cabins would be visually intrusive, overly suburban and inadequately screened resulting in unacceptable harm to the surrounding landscape and this is therefore not a suitable site.

In view of the above, it is considered that the proposed development fails to adhere to the Authority's adopted policies, as set out within the Local Plan and as such, the application is recommended for refusal.

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

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

Not applicable.

Contribution to Management Plan objectives

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 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.