

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2024/0124

**Development description:** removal of containers, erection of three cabins for holiday letting purposes with associated parking, access paths, bin store and landscaping works

**Site address:** Newton Haye, Lousy Hill Lane, Littlebeck

**Parish:** Eskdaleside-Cum-Ugglebarnby

**Case officer:** Hilary Saunders

**Applicant:** Mr Paul Beamer

Newton Haye, Foss Lane, Sneaton, North Yorkshire, YO22 5JD,

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text																					
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.																					
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Location Plan</td><td>02)001</td><td>16/02/2024</td></tr><tr><td>Proposed site plan</td><td>(02)003</td><td>16/02/2024</td></tr><tr><td>Proposed floor plans</td><td>(02)010</td><td>16/02/2024</td></tr><tr><td>Proposed Elevations</td><td>(02)011</td><td>16/02/2024</td></tr><tr><td>Proposed site section</td><td>(02)013</td><td>16/02/2024</td></tr><tr><td>Proposed bin store</td><td>(02)012</td><td>05/03/2024</td></tr></tbody></table>	Document Description	Document No.	Date Received	Site Location Plan	02)001	16/02/2024	Proposed site plan	(02)003	16/02/2024	Proposed floor plans	(02)010	16/02/2024	Proposed Elevations	(02)011	16/02/2024	Proposed site section	(02)013	16/02/2024	Proposed bin store	(02)012	05/03/2024
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3	UOR12	The 3 no. cabins hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.																					
4	UOR15	The units of holiday letting accommodation hereby permitted shall form and remain part of the current Planning Unit																					

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		presently known as Newton Haye as shown edged blue/red on the site location plan dated 29 February 2024. The holiday units shall not be let out or used in any way if the holiday letting units are functionally separated (either Freehold or Leasehold) and shall at all times remain together in the same overall Planning Unit.
5	MC00	If the use of the cabins hereby approved permanently ceases, they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.
6	AC21	Any external lighting installed on the development hereby approved shall be Dark Skies compliant and in accordance with the submitted "Outdoor Lighting Report", "Environmental Lighting Impact Assessemnt"and associated lighting details submitted 25 April 2024 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.
7	MC00	The development hereby approved shall be undertaken and thereafter so maintained in accordance with the Arboricultural Method Statement and Impact Assessment Ref: ARB/CP/3234 Dated February 2024, other than the "crown clean" which shall not be undertaken.
8	LD08	No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans without the prior written approval of the Local Planning Authority.
9	MC00	Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy that demonstrates how a minimum 10% net gain in biodiversity habitats will be achieved on site, shall be submitted to approved in writing by the Local Planning Authority. The contents of the Biodiversity Enhancement Strategy shall include the following:  a) purpose and conservation objectives for the proposed enhancement measures;

Condition number	Condition code	Condition text
		b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) details of initial aftercare and long-term maintenance (which should be for a minimum period of 30 years).
10	MISC00	The external elevations of the cabins hereby approved shall, within three months of first being brought into use, be clad in dark stained timber boarding and shall thereafter be so maintained.
11	MISC00	The external surface of the roof of the cabins hereby permitted shall be coloured and thereafter maintained dark brown and the external surface of the roof of the ancillary building hereby approved shall be coloured dark grey and they shall be maintained in that condition in perpetuity

#### 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 PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	RSN UOR11	The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
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.
5	RSN MISC00	In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York

Reason number	Reason code	Reason text
		Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.
6	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.
7 & 9	RSN LD02	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
8	RSN LD01	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
10 & 11	MISC00	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and C which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

## Consultation responses

### Parish

No objections but with the following comments:

- a) Concern about impact on water supply, which is spring fed
- b) Concern about future development in relation to tourism and impact on the environment

### Highways

No comments received.

## Natural England

No objections

## Environmental Health

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.

Residential Regulations - No objections

## Police Designing Out Crime Officer

No objections but advice provided regarding car parking safety, bike storage, lighting and doors and windows.

## Third party responses

### Name

S Walker, The Coach House, Newton House, Littlebeck (Executor to Newton House, and live in an adjoining property). Have the following concerns:

1. Worried that the capacity of the spring could be compromised by further development. It is already serving four or five permanent residential properties, Newton House Farm, a number of holiday lets and the recently developed Newton House campsite.
2. Due to the gradient of the land, concerned that the headlights of cars arriving after dark will shine directly into the upstairs windows of Newton House impacting on the quality of life and privacy of those living there. The planning application states that visitors will be reminded to dip their headlights, but this will be impossible to enforce.
3. The proposed location for bin storage is directly next to the entrance to both Newton House and The Coach House.

S & P Mitchell, of 22 Orford Avenue, Radcliffe-on-Trent, NOTTINGHAM and Newton Croft (aka "The Shack"), Foss Lane.

Object for the following reasons:-

- Newton Croft borders Newton Haye, and the site is in our line of view so concerns of overlooking, privacy and tranquillity
- Concerns about the capacity of the spring as well as other infrastructure, e.g. communications, road access and sewage.
- Environmental concerns re biodiversity, conservation and principles and aims of the National Park.

- We are bordered on 3 sides by Newton Haye. The field the pods are proposed to be built is immediately in front of our property and across which is our view of the valley and up to the heather Goathland moor and the A169.
- Contest the claim that the development will generate 2.5 Full Time Equivalent jobs.
- There are a plethora of cottages, B&B's and campsites in the surrounding area, even on Foss Lane itself there are a number of pods and a campsite.
- Insufficient justification for this development given the objectives of the National Park Local Plan and the proximity of the site to plentiful accommodation outside the Park.
- We have serious concerns about the impact on the natural spring water supply (which all surrounding properties use). We had no running water on 4 occasions during 2023, even once during the record wet autumn 2023. We and guests have had to pack up and leave on several occasions.
- We have not objected to previous developments, however we have now reached a point where we believe the locale has already been overdeveloped, to the point where the existing water supply infrastructure cannot meet the demand, and especially with the impact of climate change ever greater.
- Foss Lane, the access road is already congested, with too much traffic using the small country lane, emitting noise, and pollution.
- Concerns that the sewage system, which is also off-grid, could be over-loaded and compromised which could result in contamination of the land.
- Contest that there are no Protected and priority species, and that there are no Designated sites, important habitats or other biodiversity features, either on the site or adjacent to.
- No bat survey has been performed and nowhere in the supporting documentation, nor in the consultations, does it mention local wildlife, whether animals, plants or fungi, or the importance and impact thereof. There is no evidence of any environmental surveys carried out.
- The interests of allowing people to enjoy the pleasantness, aesthetic and recreational possibilities of the national park are best served by minimising development and the impact of humans on the environment.
- Falling Foss and the surrounding patch of ancient woodland is one of the best, if not the best, natural woodland area the North York Moors National Park has.

### Publicity expiry

Advertisement/site notice expiry date – 10 April 2024



Arial photo showing application site in red, land in applicants' ownership and blue and the two properties expressing concern re overlooking and lighting in purple.



View from proposed parking area towards existing trees and site with associated dwelling beyond



View from lane that leads down to Falling Foss towards site which would be barely visible from this viewpoint.





Post and rail fence is bottom of neighbour's garden (photo courtesy of applicant)



Showing view from parking area towards neighbour with container to be removed



## Background

Newton Haye and the adjacent land is located within the valley that leads down to Falling Foss, on the edge of Littlebeck. The applicants land comprises a combination of mown grass, woodland and a dwelling.

This application seeks full planning permission for the siting of three one bed log cabins of contemporary design with dark exterior and slate grey roof covering with the majority of glazing on south and west elevations. The cabins would be located in the woodland area (primarily mature Oak & Sycamore).

Each cabin would have its own small terrace with balustrade. This rear terrace would be partially covered via a fixed canopy formed within the structure, to provide shelter and limit any potential evening light pollution.

To the east of the site is a farm group, with holiday cottages (Newton House Farm), a separate dwelling to the south (Newton Croft) and a substantial Grade II listed property (Newton House) to the northwest.

The nearest cabin to Newton House to north west would be approximately 50m away and to the property to the south, approx. 70m.

The site would be managed from the associated dwelling.

There are a number of footpaths and bridleways in the locality.

Access is provided through a single lane tarmac NYC adopted road off the B1416, which follows the gradient of the land until reaching the turn off to Newton Haye and the surrounding dwellings. The road then becomes of concrete construction and the private road becomes hard core before reaching the existing steel gated entrance to woodland/land of Newton Haye where the pods would be accessed from. Beyond this entrance on the private road, is the entrance to Newton House.

It is proposed to create 4 no. parking spaces, (1 of which is to be of 'accessible' size requirements and at least one EV charging point) at this field entrance with a bin store also located here.

In support of the application and in response to concerns raised, the applicant has submitted the following statement: -

- Due to the topography and layout, the proposed development would not be seen from Newton Croft.
- The water network in the area is spring fed from Newton House Farm. Newton Haye currently stores 400L of water to physically provide a break tank and separate itself from the network. This is then pumped back out to the outlets on site at Circa 5.5 Bar, in the intermediate there is a water softener and UV filter. Newton Haye has not run out of water during our time of occupation with this

system. We intend to increase the stored capacity onsite by a further 400L to accommodate the cabins/additional usage.

- Newton Hays does not operate a direct phone line; it utilises a Starlink satellite communication system, providing off grid high speed broadband. Further development of this system would not interrupt the surrounding comms network whatsoever.
- The existing septic tank is oversized (as per previous survey/Non Mains Drain form) and has capacity for additional input/load.
- To operate higher end accommodation the finer details, require to always be kept in check. Please see below requirements and note the majority will be locally placed/procured.

-Initial Construction, Tree Care, Electrical Safety Certificates, General maintenance and repairs to interiors and exteriors, Window Cleaning, External Cladding/Façade Cleaning, Garden/Ground Maintenance, Changeovers and Internal Cleaning, Bookings & communications, Social media and Web design

- At least one cabin will be as close to DOC M compliant as possible c/w disabled parking bay. This will achieve criteria for 'ambulant' needs at a minimum. There is very little in the way of accessible accommodation in the area.
- Site will not be visible to Newton Croft. The aim of the cabins/pods being within the tree canopy and utilising similar colours and textures to mimic the surroundings is to ensure there is little/no impact to others and the surroundings. It is very unlikely you would be able to see the pods from the A169, for example you can only just make out the coastliner bus on the A169 from here.
- Outside of bank holiday weekends with favourable weather Foss Lane is typically very quiet. During these peak events Mr Forster (local farmer) opens up his field for overflow parking for a small charge. Outside of these events, the lane is frequented by the few residents and visitors to the forest for dog walking etc. Visitors are typically parked up for a number of hours, rather than toing and froing. An additional 3 no. vehicles staying for long durations will not impact this, especially as they are likely to be arriving/departing outside of typical usage hours by others.
- Local wildlife is both diverse and beautiful, to be enjoyed by all. All requested surveys by NYMNP have been carried out to ensure we are limiting the impact on the local environment as much as possible.
- Sadly, the trees which have died were destroyed by previous owners allowing horses to chew at the bark. Regardless of planning outcome these will be felled as they pose a health and safety issue.

- We have considered concerns re car headlights and will advise of dipped beams. There perhaps could be further measures we could take to ensure this won't affect her/residents of Newton House. There is already foliage and trees on the boundary, however this could be increased to provide a denser barrier, mitigating the issue.
- The bin store is within the boundary wall and would unlikely be visible to others.

## Main issues

### Local Plan

Strategic Policy G – Landscape - gives weight to the landscape impact of proposals and seeks control the location, scale and detailed design of any proposal to ensure the scheme respects and enhances the local landscape character type.

Strategic Policy J - Tourism and Recreation - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy UE2 - Camping, Glamping, Caravans and Cabins – seeks to permit 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 village and it is in close proximity to an existing residential unit which will be used to manage the accommodation, or it is in Open Countryside and is not isolated from an existing business or residential unit which will be used to manage the accommodation.

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. The accommodation should avoid extensive alteration to ground levels, has a low environmental impact, does not lead to unacceptable harm in terms of noise and activity on the immediate area; does not detract from the character, tranquillity or visual attractiveness of the area; and is of a high quality design which complements its surroundings.

Policy ENV11 (Historic Settlements and Built Heritage) This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

#### Material considerations

The site would be located within a loosely wooded area, but in a wider woodland context and would be screened from wider views. Whilst glimpses may be seen from the footpath at the bottom of the valley, these would not be visually intrusive as the cabins would be dark in colour and set against the backdrop of well-established trees and buildings. When looking down towards the site from the road that leads to Falling Foss, due to sloping topography and surrounding woodland, the development would not be visible.

The proposed cabins would sit on the surface of the ground and set into the ground with stilts, to accommodate the slope in the ground. The foul sewage would be fed to a package treatment plant. Consequently, there would be minimal little ground works associated with the proposal and conditions have been proposed which require the cabins to be removed from the site when no longer in use, to return the ground back to its former state.

The site is located adjacent the applicant's family's house from which the site would be managed and therefore it can be managed without the need for additional permanent residential accommodation.

Proposed parking would be sited in a field, but only 4 spaces are proposed, and they would be immediately adjacent the existing access track and due to the drop in ground levels, this parking area would not be visually prominent in the immediate and wider landscape. Whilst concern has been expressed by the neighbour regarding potential car headlights, it is considered that due to existing screening this would be minimal. Whilst



the applicant has advised that visitors will be requested to dip their lights this could not be enforced through a planning condition.

In terms of the setting of the Grade II Listed Newton House building, the site is on historic parkland .. Therefore, this application has been determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and Policy ENV11 of the North York Moors National Park Authority Local Plan.

Whilst the site itself belongs to a mid-20th century dwelling it can be seen on the OS 1854 Map and so has the opportunity to affect the setting of the listed building.

The proposed holiday cabins will be sited in-between mature trees and so will be partially screened. The main concerns are any strong lighting that could cause dominance in the parkland and affect the setting of the listed building or any formal access track.

This is addressed by conditions relating to external lighting and retention of boundary treatments. In addition, no formal driveway is being proposed.

The Authority's ecologist has no objections to the proposals and landscaping conditions have been included as recommended by the Authority's Woodland Officer.

In terms of trees on site, the Authority's Arboriculturist has been consulted and has advised that the methods of construction proposed means almost no disturbance of the root protection areas. Furthermore, there is little woodland ground flora of interest. The woodland management plan covers all concerns.

In terms of ecological interest, a pre-commencement condition to required Bio-diversity Net Gain information has been agreed by the applicant. There is ample space within the applicant's ownership to address this and the application was submitted prior to this being a legal requirement.

Concerns regarding the capacity of the local water supply have been addressed by the applicants with details of their own water storage capacity but is also a private civil matter between the landowners.

## Conclusion

The level of activity on the site is considered to be acceptable and it will not have an adverse impact on the landscape or character of the locality. The proposal is therefore considered to meet the requirements of Strategic Policy J and Policy UE2 of the Local Plan and approval is recommended.

## 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

Condition 9 is a pre-commencement conditions and have been agreed in writing with the applicant/agent.

### 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.