

North York Moors National Park Authority

District/Borough: Scarborough Borough Council (South) Parish: Hackness	Application No. NYM/2016/0832/FL
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Proposal: siting of 1 no. shepherds hut for domestic purposes (retrospective)

**Location: land opposite Garage Cottage
Hackness**

Decision Date: 02 March 2017

Consultations

Parish – No objections

Highways – No objections

Advertisement Expiry Date – 23 February 2017

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	PLAN 01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Document Description</th> <th style="text-align: left; border-bottom: 1px solid black;">Document No.</th> <th style="text-align: left; border-bottom: 1px solid black;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>Ordnance survey map</td> <td>27 February 2017</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location Plan	Ordnance survey map	27 February 2017
Document Description	Document No.	Date Received						
Location Plan	Ordnance survey map	27 February 2017						
2.	RSUO00	<p>The shepherd's hut hereby approved shall be used for domestic purposes only incidental to the occupation of the adjacent dwelling known as Garage Cottage and for no other purpose and shall remain ancillary to the use of that dwelling.</p>						
3.	RSUO00	<p>The shepherd's hut hereby approved shall not be used other than as domestic garden room and shall not be used for any other purpose and shall not be used to provide any form of overnight living accommodation. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.</p>						
4.	WPDR 00	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes E and F (or any order revoking and re-enacting that Order), no erection of domestic outbuildings or laying of hard surfacing shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>						
5.	GACS00	<p>No external paraphernalia shall be installed in the development hereby permitted without a further grant of planning permission being obtained from the Local Planning Authority.</p>						
6.	MATS 27	<p>The external finish of the shepherd's hut hereby approved shall be maintained dark green or stained dark brown and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>						
7.	MISC 00	<p>If the use of the shepherd's hut for ancillary domestic purposes permanently</p>						

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ceases, the shepherd's hut shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place.

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Reason for Condition(s)

1.	RSN PLAN 01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2&3	RSU000	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park
4.	RSN WPDR 01	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 NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
5.	GACS02	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
6.	MATS 02	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
7.	MISC 03	In order to comply with the provisions of NYM Development Policy 12 which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.

Background

This application seeks retrospective planning permission for change of use of land to a small domestic garden area along with the siting of a shepherd's hut used as a summer house/garden room ancillary to the occupation of Garage Cottage on the opposite side of the road in Hackness.

The shepherd's hut has been stained dark green and is set on a higher ground level than the adjacent road.

The site is enclosed by a timber post and rail fence and gate with screen planting on the western side.

Immediately adjacent the site is a listed stone pinfold and the cottages on the opposite side of the road are also listed.

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Main Issues

Core Policy G of the Local Development Plan seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas, Listed Buildings, Historic Parks and Gardens or Scheduled Monuments and other sites of archaeological importance.

Development Policy 5 of the Local Development Plan only permits extensions or changes of use of a Listed Building, or the construction of any structure within its curtilage where such development will not have an unacceptable impact on the special historic or architectural interest, or the setting of the listed building.

Development Policy 20 of the NYM Local Development Framework states that proposals for the extension of existing domestic curtilages will only be permitted where the land does not form an important amenity or open space and where the change of use of domestic curtilage will not have an adverse impact on the character of the landscape.

The extension of domestic curtilage into open countryside is generally discouraged due to the undeveloped presence of an area which is considered to add to the open rural qualities of the rural villages. It also creates a natural transition into the developed nature of the village.

Whilst there are some concerns that a domestic garden setting has a detrimental impact on the setting of the adjacent listed stone-walled pound, this is not considered to be substantial.

However, the proposed extent of curtilage extension is modest in nature and contained within some existing screen planting and is not considered to detract from the open character of the area to such an extent to justify a refusal or take enforcement action to ensure the removal of the hut. It is considered that provided conditions are attached which remove the ability to add any further buildings or paraphernalia onto the site, the proposal will not cause unacceptable harm to the character of the area.

In conclusion it is considered that the development can be assimilated into the landscape without undue harm and will sit comfortably in its location. The scheme meets the criteria set out in Core Policy G and Development Polices 5 and 20 of the NYM Local Development Framework.

In view of the above it is considered that the proposal will not harm the special qualities of the National Park and as such approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (No Amendments Required)**

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.

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