

North York Moors National Park Authority

Borough: Scarborough Borough Council (South)
Parish: Fylingdales

Application No. NYM/2017/0348/FL

Proposal: variation of condition 1 of planning permission NYM/2014/0583/OU to allow holiday use for a further three years

Location: Red House, Thorpe Lane, Fylingthorpe

Decision Date: 07 July 2017

Consultations

Parish - No objections.

Highways - Thorpe Lane does suffer from parking congestion but as this application is not increasing the current level, it is not expected to intensify the current parking issues and therefore there are no objections to the proposed development.

Environmental Health Officer -

Site Notice Expiry Date - 27 June 2017.

Others - Jo Dale, Briar Lea, Sledgates, Fylingthorpe - Support. Having visited the site I am impressed by how well kept it is and how it all fits in with the surrounding area. To renew this application will also help to boost the economy, which is essential for North Yorkshire. Red House offers the perfect opportunity for valuable family time.

Suzanne Lister, 7A Middlewood Lane, Fylingthorpe - Support. As local residents to Fylingthorpe it is refreshing to see accommodation being provided by other local residents for visitors to the area without yet another property being sold as holiday rental. The caravans are very pretty situated in a wooded area blending into the natural surroundings.

Miss Rebecca Harker, 27 Middlewood Close, Fylingthorpe - Support. As a resident of Fylingthorpe and a keen walker around the area, I think they are a lovely addition to the scenery of our village and know that they give visitors much pleasure to stay in. A wonderful alternative to the bed and breakfasts, hotels and cottages already on offer.

Director of Planning's Recommendation

Approval subject to the following conditions:

1. The permission hereby granted is valid only for three years from the date of this permission and the use shall be discontinued and the site restored to its former condition before this consent expires.

Signature:



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2. The development hereby permitted shall not be carried out other than in strict accordance with the documents approved under planning permission reference NYM/2014/0583/CU or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. **Site Licence Required**
Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
4. The use of the wagons 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.
5. The consent hereby granted relates to the use of land for the siting of 2 no. Gypsy Wagons for Holiday Use from 01 April to 31 October in the same year only. There shall be no use of the wagons for holiday purposes during the closed season.
6. **External Lighting - Submit Details**
No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7. This permission relates to the siting of traditional style bow top gypsy wagons for holiday use only. The wagons shall not be replaced with any other structure for holiday use without first obtaining prior written consent from the Local Planning Authority.
8. The gypsy wagons subject of this permission shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the parking plan approved under NYM/2014/0583/CU for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. **Trees/Hedging to be Retained**
No trees, shrubs or hedges within or on the boundaries of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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.
3. In order to enable the Local Planning Authority to retain control over future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with NYM Core Policy A and NYM Development Policy 16, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling.
5. 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.
6. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
7. In order to enable the Local Planning Authority to retain control over the size and form of caravan located on the site and to comply with the provisions of NYM Core Policy A which seeks to protect the landscape quality of the National Park.
8. 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.
9. In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.

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Background

Red House is a substantial Victorian property located on Thorpe Lane, a residential area between the main built up part of Fylingthorpe and Robin Hoods Bay. The properties on Thorpe Lane are of similar age but individually designed. The principle elevation of Red House (and many others) is to the 'rear' with a very large garden extending towards the Cinder Track, enjoying open views across the countryside to the sea. Red House has a single width vehicular access, a modest gravel parking area to the side and a single garage.

A three year permission was granted by the Authority's Planning Committee in 2014 for the change of use of two gypsy caravans sited in the lower part of the garden, to provide niche holiday letting accommodation. The caravans were brought to site in approximately 2013 with the intension of using them as 'his' and 'hers' garden cabins. However, following much interest in the structures and requests from family and friends about the possibility of using them for overnight accommodation, the applicant wishes to obtain permission to use the caravans as holiday accommodation.

The two gypsy caravans are sited close to the neighbouring boundary to the north-east in an area of the garden currently used as an orchard. The gypsy caravans have been sited with minimal permanence but can clearly be seen from the Cinder Track which is a permissive bridleway a short distance from the bottom of the garden.

This application has been submitted in anticipation of the current permission expiring and requests a further three year permission for continued use of the gypsy wagons for holiday use.

Main Issues

Chalet and camping sites are considered under Development Policy 16 of the NYM Local Development Framework. This policy covers proposals for the provision of small scale new caravan, camping and chalet sites or the expansion of existing sites and states that they will only be permitted where the site is located within an area of woodland or forest which is well established and will provide a setting for the proposed development which will enable the proposal to be accommodated within the wider landscape without harming the Park's special qualities and where arrangements for the maintenance of this in perpetuity can be demonstrated. The site should be physically and functionally linked to an existing business and can be managed appropriately without the requirement for additional permanent residential accommodation. The site should be in close proximity to the road network (categories 1, 2 or 3) and the proposal should not result in an increase in traffic generation that would be harmful to the character of the area or highway safety.

The scale of the development and the design of the structures proposed and associated works together with the anticipated levels of activity should not adversely affect the special qualities of the National Park – including the peace and tranquillity of more remote locations.

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This proposal does not completely meet the requirements of Development Policy 16 in that the location is not an established woodland. However, at the October 2014 Planning Committee, Members resolved that the large, moderately well screened garden provided sufficient setting for the wagons not to cause an unacceptable level of landscape harm. That situation has not changed in the intervening three year period up to this date. The Authority has not received any complaints in relation to the siting of the gypsy wagons and consequently Officers are satisfied that the application is not visually harmful to the landscape character of this part of the National Park.

Other concerns raised by Officers in 2014 related to the introduction of additional activity within the domestic garden and the impact that may have on neighbouring amenity. At that time, a case was put forward that many of the properties on Thorpe Lane are in fact run as guest houses and as such, the gardens either side of Red House are already in use by visitors and their proposal would not result in a significant increase or change in activity levels. The distinction to be made is that the gypsy wagons will introduce a 24 hour use of the garden however, due to the modest nature of the accommodation the associated numbers of individuals is low and again, it must be considered that no objections have been submitted to the application and no complaints of nuisance have been lodge in relation to the existing use.

Finally, the proposal seeks to retain the existing parking arrangements which were guided by the Highway Authority in 2014. The Highway Authority has been consulted again and has no objections to the proposal.

In view of the above, this low key proposal and provision of a unique form of holiday accommodation is considered to be acceptable subject to the continuation of the conditions previously imposed. The use of the site for a further three years gives the Authority the opportunity to reassess the application again in the future given its relatively sensitive domestic setting. The Parish Council and a number of neighbours are in support of the application. There being no other comments and in view of the above, the application is considered acceptable and approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Signature:



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