

## North York Moors National Park Authority

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| <b>Scarborough Borough Council (North)</b><br><b>Parish: Hawsker-Cum-Stainsacre</b> | <b>App No. NYM/2017/0840/FL</b> |
|---|---------------------------------|

**Proposal:** use of land for the siting of 6 no. shepherds huts for holiday use

**Location:** Windmill Inn, Stainsacre

**Applicant:** Mr Dan Nelson, 11 Murrayfield Gardens, White Leys Road, Whitby,  
North Yorkshire, YO21 3FE

**Date for Decision:** 06 February 2018

**Grid Ref:** NZ 491302 508572

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

|    |        |   |
|----|--------|---|
| 1. | TIME01 | Standard Three Year Commencement Date   |
| 2. | PLAN02 | Strict Accordance With the Plans/Specifications or Minor Variations   |
| 3. | WPDR12 | Site Licence Required   |
| 4. | RSU00  | The letting accommodation hereby approved shall not be used for residential purposes other than holiday letting purposes and shall remain ancillary to the business known as The Windmill Inn and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority. 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. | MISC00 | If the holiday use of the huts within the unit permanently ceases, the cabins shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing.  |
| 6. | GACS07 | External Lighting – Submit Details  |
| 7. | DRGE00 | <p>No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include:</p> <ul style="list-style-type: none"> <li>i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and</li> <li>ii) the means by which the discharge rate shall be restricted to a maximum rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker .</li> </ul> <p>The site shall be developed with separate systems of drainage for foul and surface water on and off site.</p> |

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Conditions continued

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| 8.  | DRGE00 | Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.  |
| 9.  | HWAY15 | Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas at the front of the property for parking spaces, turning areas and access shall be kept available for their intended purposes at all times. |
| 10. | MISC00 | All marketing/advertising materials relating to the development hereby approved will clarify that the shepherd's huts are not to be accessed by private car.   |
| 11. | GACS00 | There shall be no BBQ's or BBQ equipment provided within the rear garden of the application site unless otherwise approved in writing by the local planning authority.   |

### **Informatives**

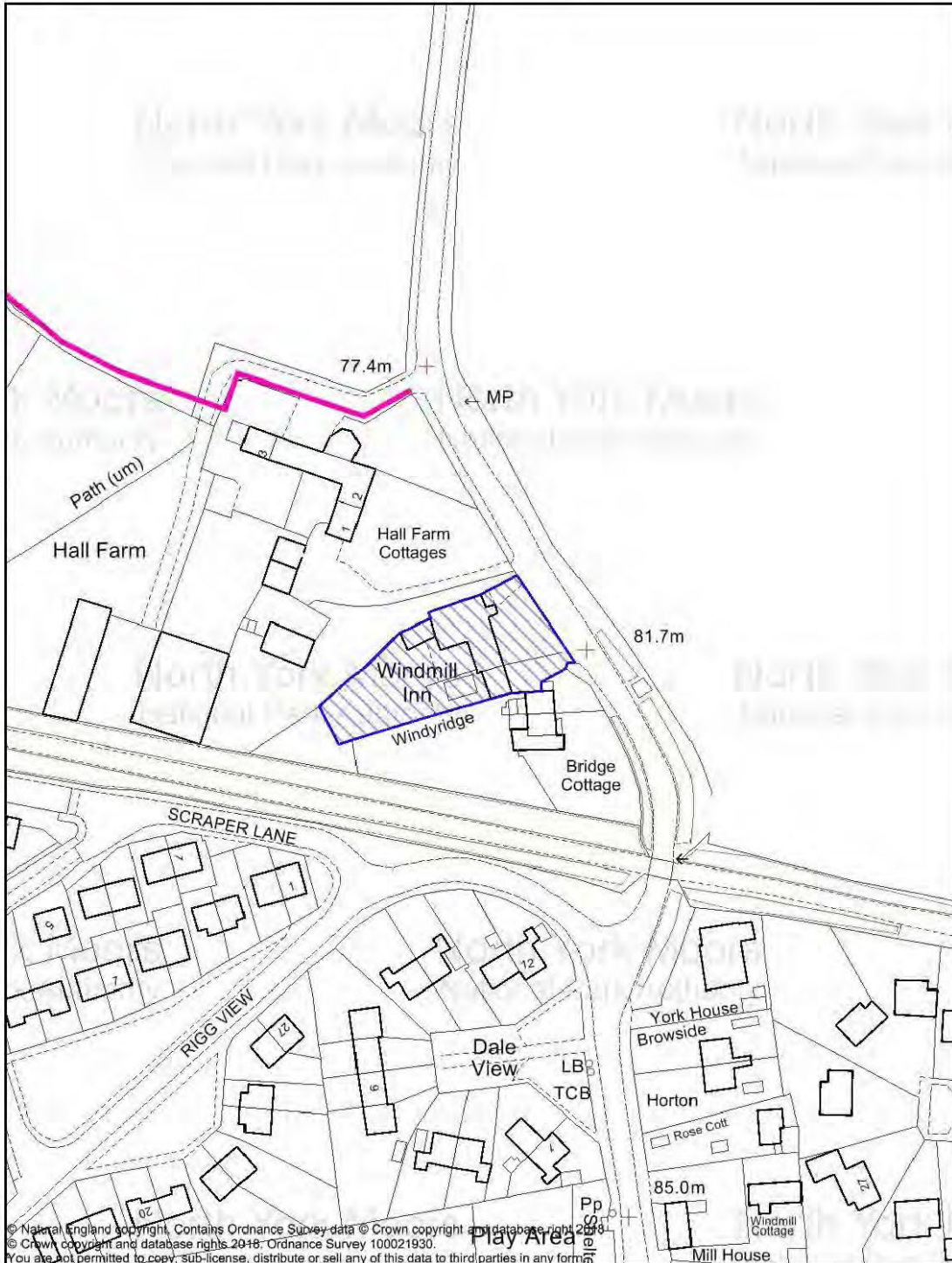
|    |   |
|----|---|
| 1. | The applicant advised that planning permission has been granted on the basis that the facility will primarily be accessible by sustainable modes of transport and that access by private car will be actively discouraged. Any intensification in use of the site by persons arriving by private car may result in an intensification of use requiring a further grant of planning permission.              |
| 2. | Development of the site should take place with separate systems for foul and surface water drainage on and off site and no discharge of surface water will be permitted to enter the foul sewer network.  |
| 3. | The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. |
| 4. | On the Statutory Sewer Map, there is a small diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000 and no protective condition is required.                         |



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2017/0840/FL

Scale: 1:1250



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Stainsacre Ln  
England  
Google, Inc.  
Street View - 051:3019

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**Consultations**

**Parish** – No objections

**Highways** – Refuse due to lack of adequate on-site parking which would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

Concerned about the amount of vehicles that will be attracted to the location compared with the amount of parking spaces. It is not considered realistic to expect that all of the customers for the huts will be vehicle free and it is not reasonable to recommend a condition stating that the owners only allow customers without a vehicle. It is feasible that each of the six huts could have a vehicle associated with it thus adding a further six vehicles at peak times.

The LHA carried out a parking survey over the weekend of Friday 16 March to Sunday 18 March 2018. The times were chosen to reflect some of the busiest times over the weekend to assess the impact additional parked vehicles in this area would be. The weather was inclement (snow) for the weekend of the survey.

|                       | cars in car park | spaces in car park | parked on highway |
|-----------------------|------------------|--------------------|-------------------|
| Friday 16 at 7pm      | 7                | 1                  | 0                 |
| Saturday 17 at 1pm    | 3                | 5                  | 2                 |
| Saturday 17 at 6:45pm | 5                | 2                  | 2                 |
| Sunday 18 at 6:30pm   | 5                | 4                  | 0                 |

In the survey, the cars that were parked on the highway may not be customers of the Public House, but these figures are an example of the demand for parking in the area and if no parking is available within the Public House car park, an extra driver wanting to be in this area is likely to park on the highway verge where there is already damage visible or on the carriageway where there is limited forward visibility. The frequency of a vehicle parked in the carriageway, is not something that the LHA would wish to be intensified.

**Environmental Health** – No objections in principle to the granting of planning consent. The huts meet the statutory definition of a caravan and therefore the owners should be made aware of the need to obtain a caravan site licence.

**Yorkshire Water** – No objections subject to conditions.

**Site Notice Expiry Date** – 12 January 2018

**Others – Jamie & Lisa McLaren, Hall Farm, Stainsacre** – Object as the land at the rear of the pub backs right onto our back garden and feels that having people that close at night time is uneasy for my young children. There will also be the addition of noise late at night.

**Background**

This application relates to The Windmill Inn within the village of Stainsacre, approximately 2 miles to the south west of Whitby.

The pub is located on the edge of the village, with a small number of residential properties and holiday cottages adjacent to it. It has a hard surfaced parking area at the front of the site and a large enclosed pub garden at the rear of the pub.

The pub garden is accessed either via the inside of the pub, or through a passageway at the left hand side of the pub building.

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**Background continued**

This application seeks permission to site six timber shepherd's huts within the rear pub garden. The huts would provide accommodation for two people in each unit, and will provide bed and breakfast tourist accommodation.

In support of the proposals, the applicant has stated the following: -

The idea of the shepherd's huts is to get rid of additional cars parking on the car park in favour of cyclist and walkers and for people to turn up and use the facilities not bring a car with beer and BBQ meat.

We are trying to sustain the pub for the community and visitors. The idea is to have bicycle racks attached to each hut, for security and to solve having bicycles in the car park. We will be advertising in bicycle and walking magazines, and will update our Facebook page as shepherd's huts for cyclist and walkers. The idea is to catch people at the end legs of the coast to coast walk and cycle routes, providing lower cost accommodation. We have history of people not having anywhere to stay in summer on the last leg of the coast to coast walk and have had to give them the sofa in our on residence as there weren't any rooms in Whitby to stay in.

The car parking issues do not exist; there are no lines throughout the whole of the village and plenty of parking on our large carpark out front of the pub. The Parish Council think the shepherds huts are a good idea, and the parking wasn't brought up in the Parish Council meeting at all.

We will not be able to sustain the pub any longer than about two years without the income from these shepherds' huts and the wet and dry sales which would benefit from it.

I read in the publican times that forty three pubs a week shutdown last year and we do not want to be part of this statistic over an issue of parking that does not exist.

### **Main Issues**

#### **Policy Context**

Core Policy A of the NYM Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Core Policy H of the NYM Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including allowing new employment development in Whitby Business Park, service villages and local service villages.

Core Policy I of the NYM Local Development Framework seeks to resist the loss of community facilities unless it can be demonstrated that it is no longer viable.

Development Policy 14 of the NYM Local Development Framework seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; and

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**Main Issues continued**

where it will make use of existing buildings. New built development is only permitted where the facility cannot be satisfactorily accommodated in an existing building.

Development Policy 15 of the NYM Local Development Framework acknowledges that the tourism sector has an important role in the local economy and therefore the Authority seeks to retain existing facilities unless it can be robustly demonstrated that the business is no longer economically viable.

Development Policy 16 of the NYM Local Development Framework seeks to permit proposals for the provision of small scale new caravan, camping and chalet sites only where the site is located within an established woodland or forest; where the site is physically and functionally linked to an existing business and can be managed without the need for additional permanent residential accommodation; where the site is in close proximity to the road network and would not result in an increase in traffic that would be harmful to the area; the scale of development would not be out of character with the area and the proposals would be designed in such a way as to minimise the level of permanency so that buildings can be removed when they are no longer required.

Development Policy 23 of the NYM Local Development Framework seeks to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park by permitting development where its location is capable of being accessed by public transport, walking or cycling, where there are existing Public Rights of Way, and it is of a scale where the adjacent road network has the capacity to serve without detriment to highway safety.

**Material Considerations****Facilities**

The development would serve an existing tourism and community facility and tourism business and would be likely to enhance its long term viability. It is considered to be of an appropriate scale to serve the existing pub, and there is sufficient space within the rear garden to accommodate it. Stainsacre itself is located immediately adjacent the main road to Whitby which is less than two miles away. It is also adjacent to the old railway line which is used as long distance cycle track as well as long distance footpaths also being in the locality.

It is considered to be of an appropriate scale in that context, and is being focused primarily at walkers and cyclists using these long distance routes.

**Impact on Neighboring Properties**

The occupiers of one neighboring property are concerned that the proposal will have a detrimental impact on their amenities with regards to noise disturbance.

However, at present the application site forms the pub garden of a long established pub which in previous years has hosted weddings and birthday parties, both of which would utilise the pub garden. The garden can be used all day and into the evening to provide outside seating and is an expected disturbance adjacent to a pub. In view of this it is not considered that the use of the shepherds hut for overnight accommodation for a small number of people who have been walking and cycling and eating in the pub (rather than BBQing at the huts) would be likely to generate unacceptable levels of activity and noise. Members will be aware that there is 'statutory nuisance' legislation which would allow the EHO to serve abatement notices and for the police to serve 'Premise Licensing' restrictions if

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**Main Issues continued**

the predicted low levels of impact on residential amenity are eventually found to be unfounded.

No objections have been received from Environmental Health.

**Design, Materials and Impact on Character of the Area**

The huts proposed are traditional shepherds huts, enclosed within the rear garden of the site. The garden is sheltered from neighboring properties by high fencing and some tree planting and is screened from the road by the pub itself.

It is considered that this is an appropriate use to improve the viability of the existing pub business and would not have a detrimental impact on the character of the area.

**Access and Parking**

Whilst the target clientele is for walkers and cyclists, the Local Highway Authority's main concern is the lack of adequate car parking spaces and where drivers would park if the car park is full. They are concerned that other than the pub car park, there are no close locations on the street that would be suitable for parking. The Highway Authority is concerned that the grass verges opposite the pub has visible damage from vehicles parking on them and that any further increase in vehicles visiting this location is likely to intensify this damage.

However, Officers consider that the applicant has satisfactorily demonstrated that the customers who this is targeted for will be cyclists and walkers and that the use of cars will be actively discouraged as it is considered that if visitors were coming by car they are more likely to provide their own food and drink and therefore not spend money in the pub. Furthermore, other activities that could happen at the pub such as weddings and birthday parties would generate significantly more traffic to the pub.

Several policies are contained within the Local Development Plan and the Management Plan, to support development utilizing sustainable forms of transport such as cycling and walking and it is unfortunate that a development such as proposed here, which is trying to achieve that aim, is not supported by the Highway Authority.

**Recommendation**

It is considered that the proposed development would provide an additional form of tourist accommodation in this coastal tourist location, and will also provide an additional income source to secure the financial viability of the business, which is both a community facility as well as a tourist facility. Furthermore, the facility itself is to serve and support an existing and locally important tourist facility, without resulting in an unacceptable activity levels. With the decline of many public houses in current times, it is considered that ensuring the long term viability of such a business is extremely important.

Having given consideration to all the issues above, it is considered that approval should be recommended.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy B4 and C6 which seeks to improve the quality and variety of tourism accommodation and ensuring the retention of village facilities such as pubs together with helping to meet the Authority's aspiration for another 1.6m visitors.



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**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 maintain the economic, social and environmental conditions of the area.