

**PLANNING STATEMENT**

**Proposal:** Wooden gazebo and stationing of a timber faced steel container  
**Site:** Beech Hill, 3 Main Road, Aislaby, Nr Whitby YO21 1SW  
**Applicant:** Mr R Horncastle  
**Authority:** North York Moors National Park Authority  
**Our Ref:** NYM/09/007/PS  
**Date:** November 2009



**Preliminary Matters**

1. This statement considers the planning issues attached to an application for retrospective planning permission for the erection of a wooden gazebo and the stationing of a timber faced steel container on which the gazebo partly rests. The gazebo and sitting out area has specifically been provided for the tourists using the former stable cottages. The arrangement is illustrated in the drawings and photographs attached with this application.
2. Mr Horncastle was not aware when constructing the gazebo, a timber structure to the rear of his buildings, that planning permission would be required. In providing this facility for the guests at the cottages, Mr Horncastle was under the impression that he would benefit from his permitted development rights under Class A Part E of the General Permitted Development Order (GPDO) 1995. However, the 2009 Amendments provided for development not being permitted on land within the curtilage of a dwellinghouse which is Article 1(5)(Land) if any part of the building would be situated on land between the side elevation of the dwellinghouse and the boundary or curtilage of the dwellinghouse.

**The Site and Its Surroundings**

3. Beech Hill is a large stone built detached property with a single storey extension and outbuildings, well set back on the south side of Main Road, with extensive grounds front and the rear. The built development presents a relatively low profile to the streetscene and the land slopes down away from the main road. This gives an open feel to this part of the Conservation Area.
4. Beech Hill forms part of a loose knit arrangement of properties located at the eastern part of the village of Aislaby. The residential curtilage of the property is bounded to the north and front by an original stone boundary wall and to the south by a line extended from Aislaby Hall along a 'ha-ha' feature. It is bounded to the east by Aislaby Hall, to the north by Main Road and the Coach House, to the west by Park Lodge and to the south by a paddock.
5. Beech Hill has proved to be a popular tourist accommodation location. It has many advantages including its setting and position close to Whitby. The accommodation includes two holiday cottages converted from former stables. The National Park Authority have given planning permission for two further cottages to the rear of the main building adjoining the eastern site boundary (ref: NYM/2008/0524/FL).

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6. The site is secluded with spectacular south facing views.



*View 1*

### **Proposal**

7. The development for which planning permission is being sought is a timber gazebo enclosed on two sides, with a timber decking over a steel container which is to be timber faced. The gazebo and timber decking are for sitting out space for guests using the cottages. Mr & Mrs Horncastle spend some time discussing the requirements of guests generally. With regard to those using the cottages, a small sitting out area from which the users could enjoy the view was requested. Mr & Mrs Horncastle could see the sense in the suggestion and provided it, partly over a steel container that was used for storage.
8. The steel container has been on site for some time. It previously stood in the car park of the public house. It is used for the secure storage of items attached to the holiday accommodation business. It is located in the corner of the ménage area which cannot be seen from any public vantage point.
9. We do not consider that a formal Design & Access Statement is required to support this planning application, as the development in question is such a small scale. However in support of the proposal, the design is fit for its purpose and reflects the use of Beech Hill for holiday accommodation. It is an unobtrusive addition which will provide benefits to holiday visitors using the cottages. Its design reflects a gazebo structure one could expect to find in a large garden.

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View2

**Main Issue**

- 10. It seems to us that the main issue in this case is whether the proposal would improve the tourist facilities of the site without effecting the character and appearance of the area.

**Planning Policy**

- 11. We understand that the relevant Development Plan provisions are the Local Development Framework (LDF) Core Strategy and Development Policies Development Plan Document adopted by the NPA in November 2008. The most relevant policies in the LDF would appear to be Development Policy 4, which deals with Conservation Areas and Development Policy 14 which covers tourism and recreation.
- 12. National Advice on Conservation Areas is contained within PPG15: *Planning and the Historic Environment*. This states in paragraph 4.20 that the objective of preservation can be achieved by development which leaves character and appearance unharmed.

**Improving Tourist Accommodation on an Established Site**

- 13. Beech Hill Manor and cottages have become established as providing high quality tourist accommodation serving the National Park, within three miles of services and other attractions in Whitby. From monitoring the guests using the accommodation, it became apparent to Mr & Mrs Horncastle that the facilities of the cottages would be enhanced if guests felt that they had a sitting out area from which they could enjoy the extensive views to the south; a space that was obviously for the cottages.

14. With this in mind and believing that no planning permission would be needed, the timber decking and small gazebo has been erected, partly on the corner of the ménage area close to the existing stables. The gazebo is open to the south and east but is sheltered from the north and west by timber boards. It has proved to be a very popular facility by guests. The site is secluded and affords panoramic views in a relatively sheltered location for the guests.
15. The container is needed for essential items that cannot be stored within the existing holiday cottages but need a secure location. The steel container provides ideal space for such items. By improving the facilities available to the business, it follows that in our opinion, it would improve the level of tourist accommodation that is available on the site.
16. Although modest, the gazebo facility will enable visitors to increase their awareness and understanding of the special qualities of the National Park and to do so in a way that would not undermine the special qualities of the National Park. The development would not generate any increased level of activity. It simply improves the level of facilities for the visitor. To that extent we believe it is in accordance with LDF policy DP14.

#### **Effect on the Character and Appearance of the Area**

17. The site lies with the Aislaby Conservation Area whose southern boundary follows the southern curtilage of Beech Hill. The village is generally a linear form along the Main Road, although the development pattern around Beech Hill is irregular, with Beech Hill one of the larger properties being well set back from the road. The ground falls away to the south from the main road and the gazebo is located to the south of the stable block. A glimpsed view of it is possible along the line of the right of way that runs immediately to the west of the Coach House but given the general topography and existing hedgerow and trees, coupled with the small size of the gazebo itself, it would not be, in our opinion, noticeable. Even glimpsed views would be of a structure that would not be unexpected within the grounds of a large house. Constructed from stained timber with a dark grey felt roof, it would not have a significant effect into the immediate area. The structure would be seen by guests but since its purpose and the benefits it provides are for them, we believe it is something that would not be out of keeping with the grounds and the area.
18. Should the gazebo be immediately behind the dwelling, then it would seem to fall within the Class A Part E Permitted Development Rights. To that extent the issue really is whether the present location would be that significantly different from that on which permitted development rights could be enjoyed. In our opinion, there would be little difference.
19. The container would be timber faced and located at the corner of the ménage area below the level of the wall. It could not be seen from the main road because of the land topography. The container would leave the character or appearance of the Conservation Area unharmed. Taken together with the gazebo, in our opinion, the proposal has a neutral effect on the Conservation Area and as such it would be acceptable under the advice in PPG15 para 4.20. It seems to us that the proposal would have no material effect on the Conservation Area and therefore its character and appearance would be preserved.

20. The buildings and grounds are maintained to the highest quality. The attraction of the site appears to have been enhanced by the development. We believe that the proposal would improve the tourist facilities for Beech Hill without effecting the character and appearance of the area.

**Summary**

21. The proposal is acceptable in principle. It enables the better functioning of the existing tourist accommodation by providing space for visitors to sit and appreciate the moors to the south. It is a modest structure that would not affect the character and appearance of the Conservation Area or the surrounding area in general. We ask that the application be approved.

