

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Aislaby</b>	<b>App Num. NYM/2012/0612/FL</b>
--	----------------------------------

**Proposal:** Siting of 3 no. log cabins for holiday use and associated access road

**Location:** Land off Moor Lane, Aislaby

**Applicant:** Mr & Mrs Craven, Eskdale Stone, Moor Lane, Whitby, North Yorkshire, YO21 1SZ

**Agent:** Studio Stead, fao: Miss Sarah Stead, Barclays Bank House, Baxtergate, Whitby, North Yorkshire, YO21 1BW

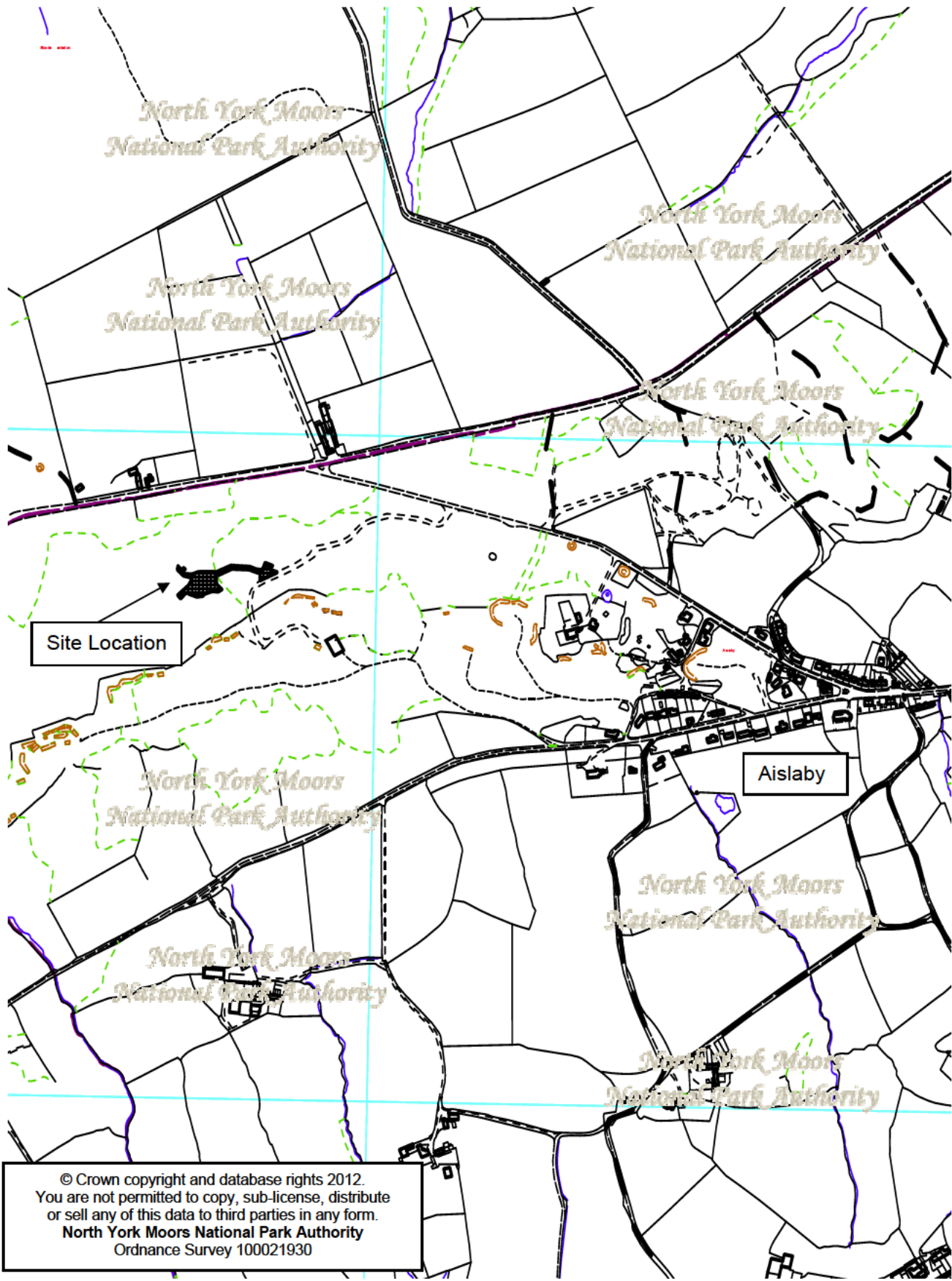
**Date for Decision:** 05 April 2013

**Grid Ref:** NZ 84684 08803

### Director of Planning's Recommendation


**Approval** subject to the following condition(s) and subject to a Section 106 Agreement to ensure ownership remains as part of Aislaby Quarry (Eskdale Stone) and to ensure the management of the adjoining woodland in accordance with the submitted Management Plan:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. WPDR14 Withdrawal of PD Part 43 - Non-Domestic Renewable Energy
4. RSUO11 Use as Holiday Accommodation Only - Outside Villages
5. RSUO00 The timber cabins hereby approved shall not be occupied at all between 14 January and 10 February inclusive.
6. MATS21 Roof Slate to be Agreed
7. MATS28 Timber Cladding Samples
8. MATS44 Windows - Specify Details of Colour/Finish (dark grey)
9. DRGE01 Surface Water and Foul Drainage Details
10. HWAY00 There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority. The development shall not be brought into use until the approved access is available for use.
11. LNDS10 Details of Hardsurfacing to be Submitted
12. LNDS11 Details of Access Surfacing to be Submitted
13. ARCH02 Archaeological Interest Requiring Full Survey
14. MISC00 Prior to the development first being brought into use details of the construction and in particular foundation design of the cabins hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
15. MISC00 No work shall commence to clear the site in preparation for the development hereby permitted until full details of a method of supplying the cabins with a potable water supply have been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the water supply has been completed in accordance with the approved details.
16. MISC00 Ground works shall only take place on the site between 31 August and the end of October unless otherwise agreed in writing with the Local Planning Authority.



North York Moors National Park Authority  
 The Old Vicarage  
 Bondgate  
 Helmsley  
 York  
 YO62 5BP  
 Tel: 01439 770657

Application No:  
 NYM/2012/0612/FL

Scale: 1:8001 



---

**Application No:** NYM/2012/0612/FL

---

## Conditions (continued)

17. MISC00 The proposed mitigation works identified in the Phase I Habitat Ecology Survey received at the National Park Authority on 25 July 2013 shall be strictly adhered to and the ten bird boxes shall be installed on the land within one month of the first occupation of the first holiday cabin, unless otherwise agreed in writing with the Local Planning Authority. Full details of the location of the bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to siting.
18. MISC00 In the event that the cabins hereby approved are no longer required for holiday letting purposes they shall be removed from the site within a period of six months of last use and the site shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority.

**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 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.
4. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
5. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
6. 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 building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 7 & 8. 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.
9. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
10. In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 11 & 12. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
13. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

---

**Application No:** NYM/2012/0612/FL

---

**Reasons for Conditions (continued)**

14. To protect the visual amenity, ecology and the character of this part of the National Park and to ensure compliance with Development Policy 16.
15. In order to comply with the provision of NYM Development Policy 1 in respect of sufficient infrastructure capacity.
- 16 & 17. To protect the ecology and habitats on the site in accordance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment of the National Park.
18. To protect the visual amenity, ecology and the character of this part of the National Park and to ensure compliance with Development Policy 16.

**Consultations****Parish** - Strongly objects to the application for the following reasons:

- Adverse impact on the environment in particular the ecology of the area.
- It will have a visible impact from the elevated positions of Skelder Car Park and the A171 and will affect wildlife and birds and their habitats including deer, badgers, deer, foxes, adders, barn owls, hawks etc by the installation of roads, paths and buildings on bases. The installation of water, electric, drainage and septic tanks may affect all of these species and habitats and no details are submitted and no ecology report has been submitted.
- Light pollution will be caused by lighting to road ways and the access.
- The application will be contrary to the 'conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park'.
- The area is designated as Section 3 Moorland.
- The proposal is contrary to Core Policies A, C and G and Development Policy 1.
- There are concerns about access and highway safety and the mix of quarry traffic and holiday users is considered to be inappropriate.
- No justification has been given.
- There is an oversupply of this type of accommodation in Aislaby eg Lady Cross only 2 miles away plus 40 new cabins at Raithwaite Hall.
- Concerned about the long term aim to have more cabins here in the future.

**Further Comments** - There remain a number of concerns:

- Detrimental impact on wildlife and habitats.
- Detrimental impact on the archaeology of the area.
- Justification for the development which seems to be founded on the lack of business of the quarry due to the current recession and competition rather than upon the proven demand or need by tourists. There is already adequate accommodation of this type in the area. The report does not claim any benefits to the community or new employment.
- Very concerned about the mix of quarry and tourist traffic using the same access.
- There will be pressure for additional development in the woodland if this consent is granted.

**Highways** - Conditional approval.

**Yorkshire Water** - It is the developer's responsibility to ensure an adequate supply of water can be made available. The proposal is not served by the public sewerage network.

**Environmental Health Officer** - No objections. A caravan site licence will be required and the cabins should be provided with a potable water supply and provision for foul drainage should be made.

---

**Application No:** NYM/2012/0612/FL

---

**Natural England** - The application does not fall within the scope of the consultations that Natural England would routinely comment on.

**Further Comments** - The proposed amendments relate largely to design and are unlikely to have any different impacts on the natural environment than the original proposal.

**Site Notice Expiry Date** - 18 March 2013.

### **Background**

Aislaby Quarry is located to the west of Aislaby village. There have been quarries in the locality since the 11<sup>th</sup> Century when stone was provided to build Whitby Abbey. Stone from the quarry has been used in London for bridges and uses in Whitby and Scarborough and Tangier harbours. The recent history dates from the working of the quarry in 2002 and was renewed again in 2004 and 2006. The current permission for the quarry expires in December 2013 and the applicant intends to apply to further extend the planning consent. The applicant's agent states that not all of the current quarry consent area has been used and at the present time the rate of quarrying means that the approved section of the quarry will have many years of active life. It is served by an access off Moor Lane close to its junction with the A171 to the east of Skelder Car Park. The access track leads down to the applicant's working stone yard and business known as Eskdale Stone. To the north of the access track on more elevated land is a large area of woodland which is designated Section 3 Moorland. The moorland is not now heather moorland and has naturally regenerated with birch scrub woodland which now screens the access and quarry from any public view points. The woodland is now approximately 40 years old and is therefore well established in the landscape. The applicant owns all the land between the quarry site and the main A171 Whitby road.

This application relates to the siting of three timber holiday cabins within the existing woodland area. All the proposed cabins are to be clustered together and are to be single storey with a double slate pitched roof and dark grey coloured uPVC windows. It is proposed to provide one three bedroom cabin with a floor area of 12 metres by 6 metres and two smaller two bedroomed cabins with floor areas of 10 metres by 6 metres. All cabins are to have small areas of external decking for outdoor seating. A new access is to be formed into the woodland from the existing quarry access track. The applicant is to manage the cabin site from the quarry and from his home in the nearby Aislaby village.

The cabins are to be timber framed on a chassis floor system enabling the cabins to be demountable so that they can be removed when they are no longer required without damaging the natural landscape. The proposal makes use of an existing clearing adjacent to the existing quarry access for the proposed access and parking area. The applicant indicates that all access and hardstanding areas are to be constructed using sandstone rubble from the quarry. The siting of the cabins will involve localised removal of birch scrub.

Following detailed discussions with the applicant's agent amended information has been submitted to reduce the impact of the development on the landscape and to ensure that the proposals remain in a managed woodland setting. The amended information covers the following areas;

- Amended plans showing how the three proposed cabins will sit within the contours of the land and below the existing tree canopy.
- A reduced area of new access road is proposed within the woodland to allow for a turning area following drop off at the cabins with the main parking area close to the existing quarry road.
- A full Woodland Management Plan has been provided which specifies that the area around the proposed cabins will be regularly managed with particular emphasis on those trees identified in the plan as being retained. The Management Plan also includes a 50 metre zone outside the development area where more limited tree management will take place with additional planting taking place on the periphery of the site to ensure that any glimpses of the development from the A171 are reduced together with additional planting at the entrance of the site and adjacent to the proposed parking area.

---

**Application No:** NYM/2012/0612/FL

---

**Background (continued)**

- An aerial photograph has been submitted indicating that the proposed site is a distance of 345 metres from Skelder Car Park and is some 130 metres from the A171 Whitby road. The photograph shows the density of the woodland and tree management zones. The photograph also identifies that the quarry gates are to be re located to the immediate west of the new entrance to the cabin development to ensure that access to the quarry is closed after working hours so that the security of the quarry is ensured and so that visitors cannot access the unattended quarry.
- An Archaeological Survey has been submitted which concludes that any future works to banks which are thought to represent the boundaries of areas to be quarried by different companies should be the subject of further archaeological investigation.
- An Ecology Survey has been submitted in response to the concerns of the Parish Council which confirms that the proposals will not have any impact on the following species: badgers, great crested newts, brown hare, hazel dormouse, otter, red squirrel or water vole. Overall the report confirms that the proposals will have no significant impact on either protected species or habitat on the application site or in the surrounding area provided the nesting period is avoided, that ten bird boxes are installed and that ground excavation is avoided during the reptile hibernating period. Ground works should therefore be completed between 31 August and late October.
- A plan showing the position of low level lighting along the access road has been submitted, together with details of the down lighters to be fixed to the cabins.
- The applicant has submitted a letter to provide additional information to support the application which states that he has been involved with the quarrying business for over 20 years in the past four years his business has declined due to falling demand and due to competition within the National Park. This combined with increased running costs has resulted in a major reduction in profit levels to the point that the stone business is no longer viable. The proposal is a diversification proposal to supplement his existing business. The applicant considers that his proposal is in accordance with the advice contained within the NPPF and Core Policy H (Rural Economy) and Development Policies 13 (Rural Diversification) and Development Policy 14 (Tourism and Recreation) and Development Policy 16 (Chalet Sites) of the Local Development Framework.
- The applicant states that the management of the site would be undertaken on a straight forward basis with keys being available on a key code box fitted to each cabin and daily visits would be made by the applicant. Constant supervision would be possible as the owners live within a few minutes and there is a presence at the nearby quarry.
- With regards to the Parish Council's comments in relation to a possible over supply of holiday cabins in the area the applicant states that by the nature of the small quantity of the cabins the site will offer a more unique and secluded holiday experience than other holiday cabin destinations in the area. It will be a woodland experience, rather than staying in a cabin located within an existing purpose built holiday park. The applicant states that the intention is that the visitor is immersed in the wildlife and nature of this area, which is to be enhanced in accordance with the submitted woodland management plan proposals.

**Main Issues****Relevant Policies**

Development Policy 3 of the NYM Local Development Framework seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

---

**Application No:** NYM/2012/0612/FL

---

**Relevant Policies (continued)**

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; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

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 area of 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 should 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.

**Policy Compliance**

The site is located within an existing woodland area which is owned and managed by the applicant. The trees within the site are not old but are well established. The site has suffered from a lack of management over the years, prior to the applicant's purchase of the land, which has resulted in the establishment of a woodland rather than moorland. The Authority's Ecologist has indicated that with appropriate management it is possible that heathland elements could be returned and has expressed the concern that the construction of the proposed cabins would remove that opportunity. If the application were to be approved however the Ecologist considers that a Management Plan could be drawn up which could ensure the opportunity to enhance the remaining habitats and this could be achieved through a legal agreement with the applicant.

The woodland area including the application site is registered Common Land and the applicant is currently progressing an application for 'Enclosure' to the Planning Inspectorate. This is a separate process to the current planning application. The Authority's Access Officer has confirmed that as Common Land it has open access rights under the CROW Act. In this respect the development will lead to a loss of open access as the land covered by the development and 20 metres around it will be 'excepted land'. There are a number of used informal and non-definitive paths over the land and these may be lost if part of the land becomes 'excepted'. Such matters are to be considered as part of the Enclosure application which will be required to be submitted to the Planning Inspectorate.

The site is closely related to an established working stone quarrying business which already attracts a low level of activity to the area. Whilst there is no dwelling associated with the existing business there is a daily presence at the site by the applicant and his employees and the applicant lives nearby in Aislaby village. The site is well served by an existing track leading into the woodland and down to the working quarry area. It is readily accessible from the main A171 a main arterial route through the National Park and there are no highway objections to the application. It is not considered that three cabins, served off the existing quarry track would generate unacceptable levels of additional traffic such that it would be harmful to the area, given that this is an existing business and its proximity to the busy A171.

The cabins and the associated access roads have been designed in such a way as to take advantage of the contours of the site, the existing clearings in the woodland and sited so as to avoid the more established trees in the woodland. The cabins are to be designed in such a way as to minimise ground disturbance and to be removable if no longer required.

---

**Application No:** NYM/2012/0612/FL

---

**Policy Compliance (continued)**

The materials of timber, slate and dark grey windows should ensure that they are appropriate to their setting and should not be obtrusive because of their muted tones. The cabins will not be visible from Skelder Car Park because of the distance involved and because of the denseness of the woodland, which it is proposed to retain and support. At their closest the cabins will be 130 metres from the A171, with approximately 110 metres of woodland between the open edge of the woodland and the 3 cabins. The applicant has indicated in the proposed management plan that the open edge of the woodland adjacent to the A171 will be supplemented by additional planting so that any possible glimpses of the cabins from this point are further screened. It is considered unlikely that any such open views of the proposed cabins would be afforded at this distance and that the existing woodland will substantially screen the site.

The proposal is presented by the applicant as a diversification scheme to supplement his existing stone quarrying business which provides a wealth of appropriate local sandstone to new developments in the National Park. Applications for holiday cabins are most likely to be submitted by businesses already operating within the holiday accommodation market e.g. those with an existing caravan sites or by those with in the hospitality trade e.g. hotels and public houses. Such proposals are a natural expansion of these businesses and the proposed relationship between the applicant's business and the proposed holiday cabins is therefore unusual. Members may recall however that a similar planning consent was granted in 2009 for the erection of a small scale log cabin development at Spaunton Quarry to support and diversify the Estate and the re-use of the closed quarry.

Development Policy 14 is generally supportive of new tourism proposals where it does not harm the character of the area. Development Policy 16 is specifically relates to new chalet type development and it states that it should be physically and functionally linked to an existing business and can be managed without the need for additional permanent residential accommodation. The policy does not specifically state the nature of the existing business. The quarry business is closely related to the proposed site sharing the same access and woodland location. The applicant states that it would be serviced and managed by himself and his wife in association with the running of the quarrying business. The quarry is visited daily by the applicant and his employees there is therefore a functional link between the existing business and the proposed cabins. The quarry is managed without an on-site dwelling as the applicant lives nearby and the proposed log cabins will be similarly managed.

In addition the applicant states that the proposals will provide him with an additional source of income to support his struggling stone business. The stone business provides an essential resource in terms of providing matching stone for new developments in the National Park. It was originally consented in order to ensure that developers had availability of matching stone as there was, at that time, a lack of appropriate stone for new developments. Whilst there are additional stone providers of both new and reclaimed stone in the National Park it is still considered to be important to maintain businesses supplying appropriate stone to new developments as this can have a significant impact on the appearance of the built environment of the National Park and thus support the built environment objectives of the North York Moors Management Plan.

**Conclusions**

It is considered therefore that subject to the amended and supplemented information and subject to the proposed Woodland Management Plan that the development of three log cabins in the location identified is considered to be an acceptable form of diversification to provide a small scale tourist facility in this location. The proposals will help to maintain an important business in the National Park and the development will not detract from the character of appearance of the landscape or give rise to a harmful additional level of activity in the area given the existing activity generated by the existing business taking place on the site. The development has been designed in a low key way to ensure that its impact on the landscape and ecology is minimised by reason of appropriate siting and with the use of appropriate materials.



---

**Application No:** NYM/2012/0612/FL

---

**Conclusions (continued)**

In these respects the development is considered to be in accordance with Development Policies 3, 14 and 16 of the Local Development Framework.

Approval is recommended subject to a legal agreement to secure the suitable management of the adjoining woodland in accordance with the submitted Management Plan and to tie the holiday cabins to the quarry business and subject to conditions to ensure that the cabins are only occupied as holiday accommodation together with conditions requiring archaeological survey work, ecology mitigation and the appropriate use of materials.

**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 recommended changes to the proposal including the woodland/heath management plan so as to deliver sustainable development.