

North York Moors National Park Authority

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| Scarborough Borough Council Parish: Grosmont | App Num. NYM/2014/0051/FL |
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Proposal: **Erection of a fishing shelter (retrospective)**

Location: **Old Scrap Yard, Grosmont Bridge, Grosmont**

Applicant: **Grosmont Estate, Aldby Park, Buttercrambe, York, North Yorkshire, YO41 1XU**

Agent: **Mr George Winn-Darley, GMV Winn & Co, Aldby Park, Buttercrambe, York, YO41 1XU**

Date for Decision: **28 March 2014**

Grid Ref: **NZ 482473 505491**

Director of Planning's Recommendation

Refusal for the following reason:

1. The Local Planning Authority does not consider there is a genuine overriding need for an isolated structure to support the function of the Grosmont Estate or for any other reason in the public interest. The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development however the proposed shelter whether for fishing or any other use by reason is not considered to be a necessity for this remote location. Together with its excessive scale if permitted it would have an unacceptable and harmful impact on the character and setting of this tranquil part of the River Esk and on the National Park landscape. As such it is the Authority's duty to seek to resist isolated structures such as this and to prevent the incremental spread of unjustified developments in the National Park. The development is not considered to be a sustainable development in line with the National Planning Policy Framework and is not deemed to be in accordance with Core Policy A of the NYM Local Development Framework.

Consultations

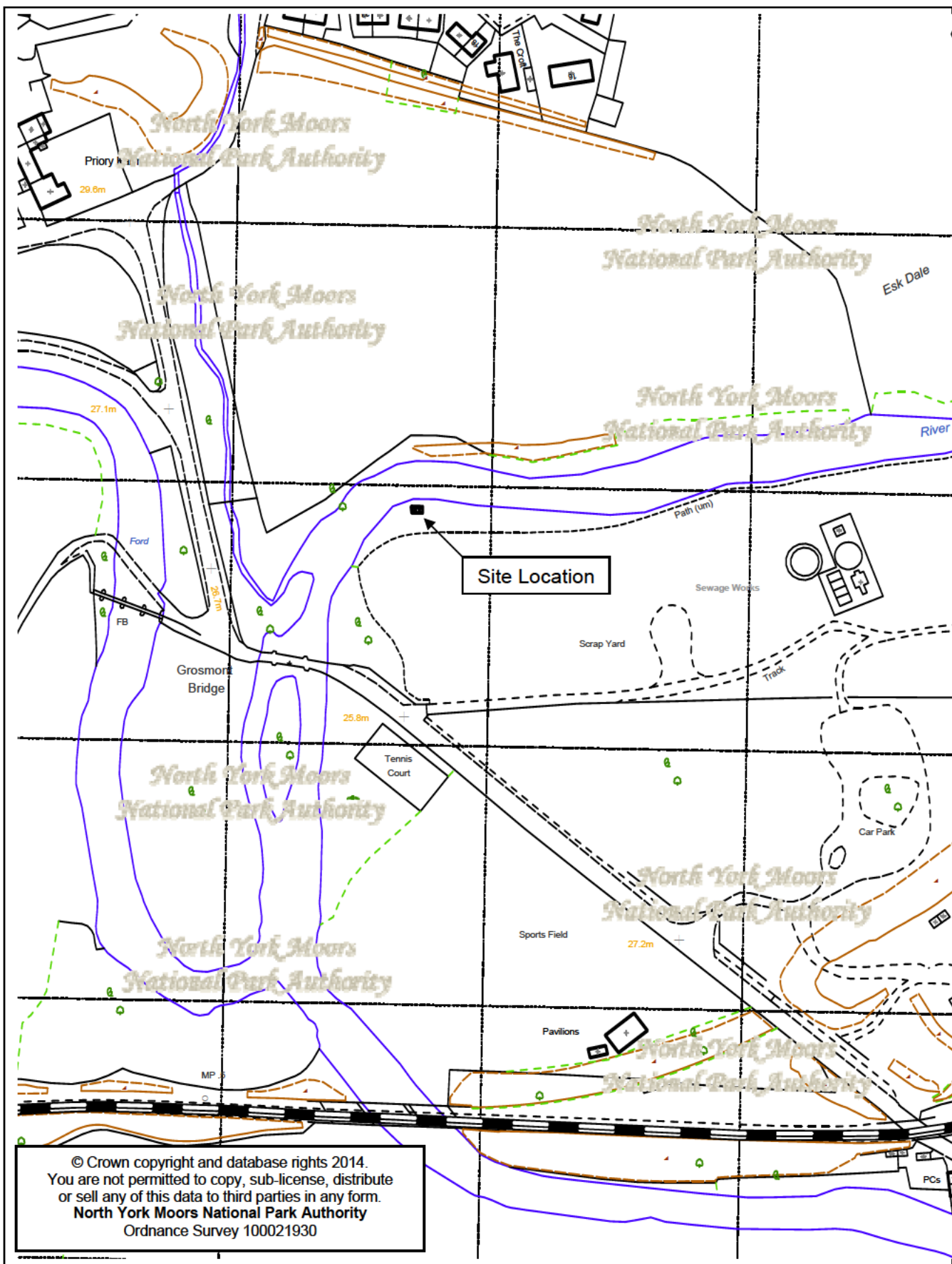
Parish - Object. The structure is too large for purpose, a shelter 1/3 of its footprint would be adequate.

Environment Agency - No objection. As the proposed shelter constructed is open in nature and will allow the flow of water into and out of it, without pushing possible future flood flows onto others (i.e. it doesn't result in a loss of storage), the Agency has no objections.

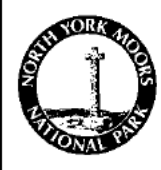
Yorkshire Water -

Forestry Commission -

Site Notice Expiry Date - 27 February 2014




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Others - Esk Fishery Association – The Esk Fishery Association leases fishing from the Gromont Estate which includes the use of the fishing shelter in the above application. It is considered to be an important facility not only for use by fisherman but also by the river keeper who uses the shelter during his year round work in managing the river and monitoring it for poachers etc. Members of the club and other volunteers assist him in this work too.

We support the aspirations of the Yorkshire Rivers Trust to develop its educational purposes so that it can make use of this facility to host large groups of people including school children to show them the river and its many special qualities and to explain its management and importance. If the structure was any smaller it would compromise its ability to act as an outdoor classroom in this sense and also to be used as a wildlife hide.

The EFA supports the application for the structure in its present form and size accordingly.

Yorkshire Esk Rivers Trust – It is the Trusts intention as it develops over time to increase its educational activities to enable not just school children but also adults to be shown the river and to have simple characteristics and features explained to them including wildlife, both in and around it.

This facility which is provided by the Grosmont Estate, gives us much opportunity to pursue our objectives. The location of it, being close to the National Park car park (with coach facilities) and the public toilets in Grosmont Village, as well as the pub and shop in Grosmont Village make it especially valuable and unique for our needs.

The key to its success is its size, anything smaller would compromise our ability to host substantial groups of people, particularly school parties. It is not only important that they can all shelter under it if it is raining etc. to give them maximum opportunity to observe wildlife without disturbing the wildlife. Its size makes it particularly well suited to its function as wildlife hide. Were it to be made any smaller then it would be less useful.

Background

This application is for erection of a fishing shelter erected retrospectively at the Old Scrap Yard, Grosmont Bridge, Grosmont.

The application has come about following a monitoring inspection by the Authority into the alleged unauthorised siting of the structure on the bank of the River Esk. The investigation commenced in February 2013 however it is thought that the structure may have been in situ prior to this (December 2012).

The Grosmont Estate has subsequently submitted a planning application to retain the structure at the site.

The shelter is located on the south side bank of the River Esk, North West of Grosmont village and to the east of Grosmont Bridge on land owned by the Grosmont Estate.

The site is accessed via a private track which serves the Old Scrap Yard through Section 3 Woodland which butts up to the river bank.

The section of river between Grosmont Bridge and Balcony Pool is seen as an important stretch of the Esk which can be well observed from the application site.

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Background (Continued)

The structure is best described as an open sided timber shelter measuring 6 metres long by 4 metres wide and approximately 2.5 metres high. It is boarded up to one metre, to provide some shelter and protection from the wind. There is a single access in and out with an internal fixed seat on one side which faces the river. The roof is an almost flat mono-pitch made up of green box profile tin sheets.

The structure is permanently fixed to the ground and is non moveable with a consolidated stone floor and therefore needs planning permission.

The supporting information states that the structure has been provided for the Esk Fishery Association who fish this stretch of the river for salmon and sea trout. The main fishing season commences from 1 April to 30 October. The structure is in situ to afford some protection from rain and sun and somewhere for fisherman to conceal themselves behind.

In addition to this it is suggested that the shelter may be available for use by others in connection with the maintenance, management and monitoring of the river as well as providing an educational function.

The agent has confirmed that additional planting has been carried out in the winter of 2012/13 between the application site and Grosmont Bridge and also at the road side near the entrance to the site to reinforce an existing hedge. This date tallies with the timeframe the structure was first thought to have been brought to the attention of Officers of the alleged unauthorised siting of the structure.

A Flood Risk Assessment confirms the design of the building is such that it is of no consequence if it does flood. In the unlikely event that flood waters rise high enough to breach the river bank it will merely flow under the structure unimpeded.

Main Issues**Policy Context**

Core Policy A of the Local Development Framework seeks to further the National Park purposes and duty by encouraging a more sustainable future for the park and its communities whilst conserving and enhancing the Park's special qualities.

Core Policy A is keen to provide development in locations that is of a scale which will support the character and function of individual settlements and will not have an unacceptable impact on the wider landscape, quiet enjoyment of the Park or quality of life of residents or visitors.

The Authority's Management Plan states that The Esk is a salmon and sea trout river which is important for the economy of the area. The Management Plan aims to ensure rivers, streams and other water resources of the National Park will be of high quality providing habitats for wildlife, clean drinking water and places for recreation.

Site and Immediate Surroundings

The application site falls within an area of Section 3 Woodland on the south bank of the River Esk. The river to the east of Grosmont Bridge is a particularly wide stretch of river spanning approximately 10 metres from one side to the other.

Located between the village and the application site is the NYM National Park car park, public conveniences, the Grosmont sports field, pavilion, storage shed and tennis courts.

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Site and Immediate Surroundings (Continued)

The Esk Valley Railway line extends the operational area of Grosmont village and the level of public activity beyond the village and within close proximity to the application site although there is strictly no public access to the general public, only by those permitted to fish the river.

Scale

There is concern from the Parish Council that the structure is too large for its intended purpose and Officers share those concerns and consider there is scope for the structure to be reduced in size.

The Grosmont Estate has advised its planned use is being overlooked particularly if groups of school children are to use the structure. A significant space is needed to be able to do this properly to give space for everyone to be able to watch the river whilst at the same time being able to shelter behind the perimeter boarding. It also argues that the shelter cannot/will not be seen from any public access point and that any glimpses of it are distant and partial so fail to see the reasonable grounds there are for objecting to its size in view of its justification.

Planning Considerations

The Authority seeks to resist proposals for new buildings in isolated locations in the open countryside unless there are special circumstances pertaining to its use.

In this instance the planning process has been initially avoided, however the structure is in situ and is a retrospective planning application and it is the Authority's role to consider the planning merits of permitting the development to continue, and under what (if any) conditions may be imposed.

Officers consider that retention of the shelter to include a multi-functional use and educational visits for schools and for children and adults to experience the river environment whether for fishing or any other use by reason is not considered to be a necessity for this remote location. Together with its excessive scale it would, if permitted, have an unacceptable and harmful impact on the character and setting on this tranquil part of the River Esk and on the National Park landscape.

Indeed, its use or intended uses are not clear and a variety of potentially conflicting uses have been put forward by the estate to justify its retention. Currently, there does not appear to be an educational need or wider public benefit for the building and it is not considered to be essential for fishing purposes.

Summary

The proposed development and proposed use is out of character with the area. The proposal does not satisfy Core Policy A as an isolated structure in the open countryside and in considering the application rationally have found that there is no justified material planning consideration to suggest its retention would benefit the National Park landscape other than for private gain to the Grosmont Estate.

The National Planning Policy Framework states that there is a presumption in favour of sustainable development however the proposed shelter whether for fishing or any other use by reason is not considered to be a necessity for this remote location.

The development is not considered to be a sustainable development in line with the National Planning Policy Framework and is not deemed to be in accordance with Core Policy A of the NYM Local Development Framework. Refusal is recommended.

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Management Plan

There are two river catchments in the National Park supporting potential sports fisheries – the Esk and the Derwent. Fishing on the Esk has the potential to bring significant economic benefits to a remote upland area. The structure would bring no net gain in supporting the aspirations of Policy B25 of the Management Plan which states that the economic opportunities for sports fishing will be based on sound environmental practices.

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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.