

North York Moors National Park Authority

Scarborough Borough Council (North) 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 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 the Authority considers there is insufficient justification to outweigh the harm from isolated structures such as this and to prevent the incremental spread of inappropriate development 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 -

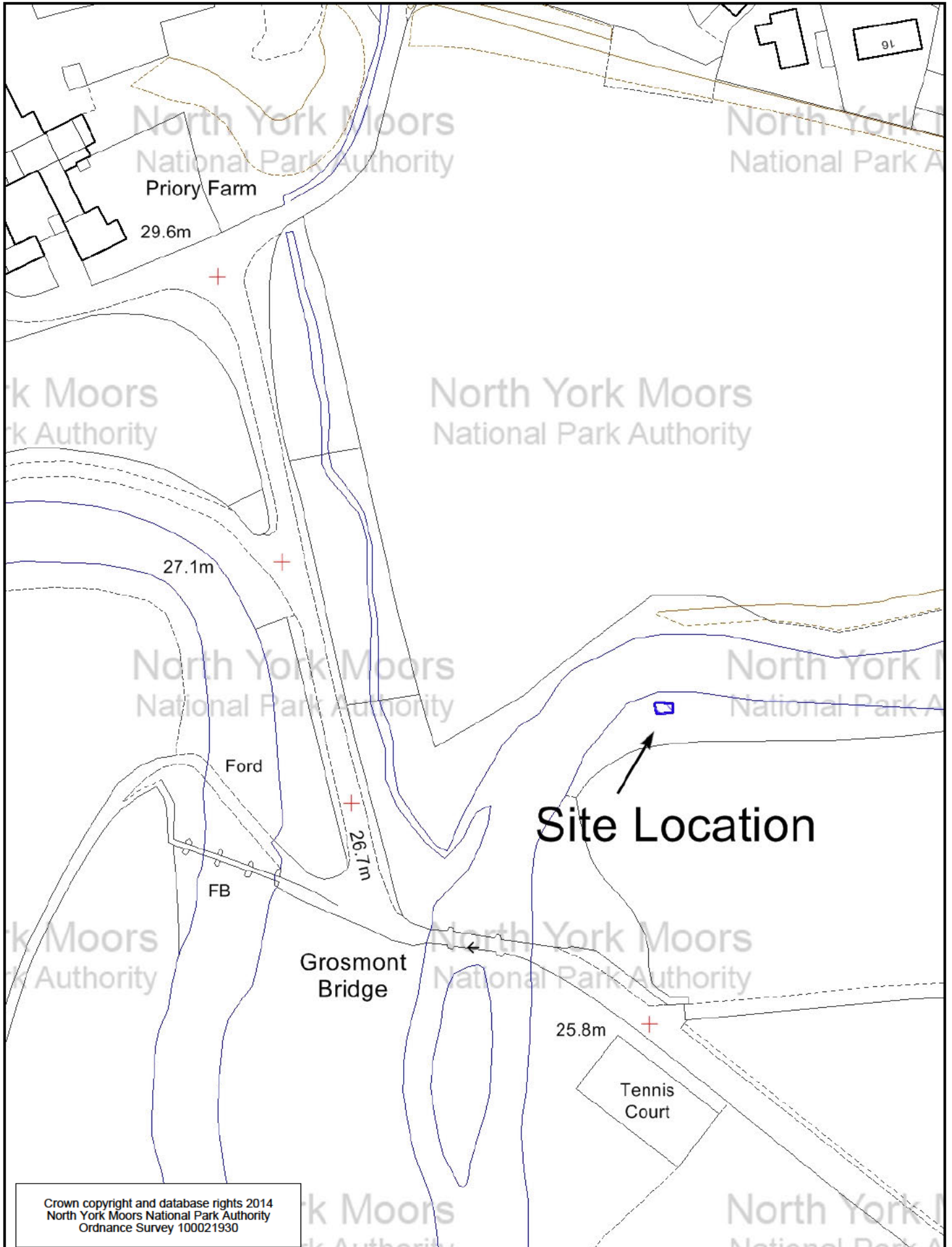
Site Notice Expiry Date - 27 February 2014.



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

Application Number: NYM/2014/0051/FL

Scale: 1:1250



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Application No: NYM/2014/0051/FL

Others - Esk Fishery Association - The Esk Fishery Association leases fishing from the Grosmont 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

Members will recall that this application was deferred at the April 2014 Planning Meeting to allow the applicant the opportunity to come up with and present a robust plan by which the shelter could be used for educational purposes together with evidence of potential users 'signing up' to the plan and to identify how the public will access the site and be informed.

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

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.

Application No: NYM/2014/0051/FL

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 requires 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 although fishing continues through the winter for Grayling and use of the shelter is required for poacher watch and breeding gravel (reeds) monitoring work is focused in November, December and January. Management and maintenance work takes place all year round and the shelter therefore provides these functions all year round.

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 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.

In support of the application the applicant has forwarded the following points for consideration.

- The shelter that will be afforded to the river keeper and other poacher watch bailiffs, and others concerned with preserving migratory fish and their habitat is all work which is entirely compatible with the first purpose to preserve and enhance conservation of the National Park. Whilst we agree that this location is remote it has no public access to it and coincides with two of the most important migratory fish holding pools on the River Esk. It is therefore necessary to be sited here - not just for the fishermen but also for the poacher watch. It is also the ideal location for basing educational visits being so close to the National Park car park, public toilets and shop facilities in the village - all of which are only 2-4 minutes walk away.
- Indeed it is the applicant's wish at having this facility that its existence will encourage and accelerate the development of that project and indeed indications are that this is indeed happening.
- However, if there is doubt that this will develop and/or that the facility will not be utilised in this way then perhaps it could be given five years to develop that and if it really has not become recognised as a useful facility then its size could be reduced to meet the needs of fishermen and management.
- Letters from the Yorkshire Esk Rivers Trust and the Esk Fishery Association were duly supplied, which provide sufficient justification.

Application No: NYM/2014/0051/FL

- It is noted there have been no objections, except from the Parish Council, who have not objected to their being a structure here but merely suggested it could be smaller and considered it too large for its purpose.
- We are surprised the Officer does not recognise "any other reason in the public interest" as both the fishing and educational access are examples of opportunities to provide quiet enjoyment of the National Park.
- As the structure cannot be seen, it is difficult to see how the quiet enjoyment of the Park or quality of life for residents or visitors can be affected.
- The Officer's report gives reference to groups of school children. Groups of adults are equally important to the provision of education that is needed and it is anticipated these will be involved.
- Under planning considerations it is suggested it is not considered to be a necessity for this remote location. For the reasons stated above, this is where some of the most valuable fishing pools are and this is where the fishermen need the shelter. For the same reason, it is where the poacher watch activities need to be focused.

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 NYM Management Plan states that The Esk is a salmon and sea trout river which is important for the economy of the area. The 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 Yorkshire Water sewage works, the NYM National Park car park, public conveniences, the Grosmont sports field, pavilion, storage shed and tennis courts.

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.

Application No: NYM/2014/0051/FL

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, commensurate with its key purpose concerned with angling and river monitoring.

The Grosmont Estate has advised its planned use is being overlooked particularly if groups of school children and adults are to use the structure. It is acknowledged that the structure is larger than is needed for a fishing shelter, but that it has always been the Estate's intention to actively engage with and encourage the educational elements of the Yorkshire Esk Rivers Trust, with which the Estate has been instrumental in setting up.

Officers are advised that 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. The shelter was therefore made large enough to be able to accommodate a school party and other small parties of adults.

The Estate contend 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.

Since the April 2014 Planning Meeting the application has been held in abeyance for the applicant to demonstrate to Members that a multi-function use can be achieved and that there is both a commitment to its educational use and wider general public use which would need to include permitted access.

Following the Meeting Officers advised the applicant on what they thought would be the most positive and sustainable way forward without complicating matters further. A simple fishing shelter/both restricted to a single use, albeit on a significantly smaller footprint would eliminate Officers and Parish Council concerns. This is maintained as being the best way forward.

Problems begin to arise in seeking to introduce other uses – attempting to 'shoe-horn' the scheme into making it fit with secondary National Park purposes where there is little evidence of need.

Members are keen, should the structure be retained to include an educational use, to know how public access will be facilitated and managed by the Estate, potentially by way of a Permissive Footpath together with interpretation boards about the river. Nothing however has been forthcoming from the applicant in this respect since the April Meeting.

In planning terms, Officers do not consider that this is the most appropriate place for inviting members of the public. Should an educational project be proposed then surely the best place for this would be within the National Park Car Park nearby rather than a location on the river bank where development would not normally be acceptable.

Application No: NYM/2014/0051/FL

Planning Considerations (continued)

Trying to justify the current structure remains difficult in planning terms and given that no further justification has come forward in the last six months Officers have brought back the application back to Members in order to resolve the matter.

Officers consider that retention of the shelter to include a multi-functional use for educational visits for schools, children and adults to experience the river environment whether for fishing or any other use 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 remain unclear and there is little evidence to justify an educational use or enough evidence on which the Authority could base a sound decision. Currently, there does not appear to be an educational need or wider public benefit for the building and it is not considered to be wholly 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.

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.