

North York Moors National Park Authority

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| Scarborough Borough Council (North) Parish: Fylingdales | App Num. NYM/2014/0583/CU |
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Proposal: Use of land for the siting of 2 no. gypsy wagons for holiday use

Location: Red House, Thorpe Lane, Fylingthorpe

Applicant: Mrs Samantha Glaysher, Red House, Thorpe Lane, Fylingthorpe, Whitby, North Yorkshire, YO22 4TH

Date for Decision: 21 October 2014

Grid Ref: NZ 494544 505177

Director of Planning's Recommendation

Refusal for the following reasons:

1. The application site is situated within a private, domestic garden which does not comprise an area of established woodland or forest. The structures are clearly visible from the permissive bridleway, known locally at the Cinder Track which demonstrates that the proposal cannot be adequately accommodated in the wider landscape. The development would therefore be contrary to Development Policy 16 of the Local Development Framework which only allows for such development within such areas of established woodland.
2. Although the host property is occupied with an ancillary bed and breakfast use, there is no existing business to link the proposed use to in planning terms. Consequently the use of the gypsy caravans in this location as holiday letting accommodation would conflict with the requirements of Development Policy 16 and would result in a level of activity which is not compatible with this residential setting and would be harmful to the amenities of the current and/or future occupiers of neighbouring properties.
3. If approved the development would encourage other applications for the establishment of holiday chalets and tourist accommodation within the garden areas of existing residential properties in the National Park. Such accommodation would lead to a change in the character and appearance of residential curtilages and introduce a level and form of tourist activity which would be inappropriate within the gardens of existing private dwellings and contrary to NYM Development Policy 16.

Consultations

Parish - Support. It is an interesting alternative to the usual caravan sites. However, express concern about the possibility of this setting a precedence for other back gardens to be used in this way.

Highways - No objection.

Environmental Health Officer - No objection.

Fylingdales Village Trust -

Forestry Commission -

Site Notice Expiry Date - 25 September 2014.

Application No: NYM/2014/0583/CU

Others –

Mr Dale Price, Elle Estelle's Café, Robin Hoods Bay - Support. We have had several customers ask about the availability of unique 'green' accommodation in Bay and I believe they provide such an opportunity. Being familiar with the standard of Mrs Glaysher's accommodation in Robin Hoods Bay itself, I would recommend it to our customers should holiday use be granted.

Suzanne Lister and Tony Naylor, 7a Middlewood Lane, Fylingthorpe - Support. As local residents of the village it is refreshing to see accommodation being provided by other local residents without yet another property being sold to 'outsiders' as holiday cottage rental. The caravans are very pretty, situated within a lovely wooded area, blending into the natural surroundings and entirely self-sufficient. There is no other accommodation like this and so they would fill a niche in a community already heavily reliant on the tourism industry.

Mr and Mrs Estill, Holgate, Thorpe Lane, Fylingthorpe - We have known Sam for many years and have partnered her with a £40k Lottery funded redevelopment of the Thorpe Play Park and the running and expansion of Fylingdales Preschool. She runs a good local business and all the ventures she undertakes are empathetic to the local community and with local interest at heart. As close neighbours we see no problem with the rental of the gypsy caravans which will provide a unique and sustainable form of accommodation.

Mrs Louise Brooks, 9 Northfield Road, Messingham, North Lincolnshire - I have been friends with Sam for a number of years and stopped at Red House for our holidays as we love Robin Hoods Bay. As a friend of the family, my husband and I have been able to stop in the beautifully restored gypsy caravans on a number of times. It is the most amazing experience to have, they are situated in the most beautiful setting overlooking country views and the sea. The caravans are comfy and clean, cosy and warm with everything you need. It is a peaceful and tranquil setting. The caravans are environmentally friendly as they are powered by solar panels, even the shower room/wet room that is provided is well decorated and clean. We have also experienced it with a family child with us, he had a wonderful time and was safe running around in the grounds. Sam and her family are so attentive and promote the area, advising on what to do in the area. Please give her permission to allow holiday makers to stop in the caravans.

David and Louise Shackleton, 7 Laburnum Avenue, Robin Hoods Bay - Support. We are residents of Robin Hoods Bay and run the Coffee Shack café in the village. We have known Sam Glaysher personally for many years and know her involvement in the many community projects over those years has always been to the benefit and improvement of the village. The caravans will provide a very individual and sustainable form of accommodation within the village and we look forward to recommending customers should the change of use be approved.

Mrs Jane Barber, Rose Tree Cottage, Fylingthorpe - Support. I have lived on Thorpe Lane for more than 20 years and during that time seen many local houses become B&B establishments and holiday cottages lining the pockets of owners who live elsewhere and contribute to the parking problem. The plan to convert the gypsy caravans at Red House into self-sufficient accommodation for adults as an alternative to seaside guest houses, where the peace and quiet encourages the love and care of our native wildlife seem eminently sensible. I understand guest parking is available and I am aware that family and friends have already been taking advantage of this wonderful location, although I have neither seen nor heard any disturbance from the garden.

Application No: NYM/2014/0583/CU

Others (continued)

Paul Johnston, Fern Dene, Thorpe Lane, Fylingthorpe - Support. I run a local business and worked with Mrs Glaysher on several projects including the design, development and implementation of the original Robin Hoods Bay Tourism website. The caravans would provide an interesting and alternative form of accommodation for visitors to the area and I am sure Mrs Glaysher would run the venture in a sympathetic manner.

Mrs Newman, The Corner, Middlewood Lane, Fylingthorpe - Support. The gypsy wagons nestle at the bottom of the orchard in the grounds of Red House and ponies graze in the fields beyond. They can be clearly seen from the Cinder Track and if anything add charm to this naturally beautiful rural setting. Whilst we would not be in favour of new commercial development in the area, the existing gypsy wagons provide a unique and diverse style of accommodation to a community which relies heavily on the tourist industry.

Angelique Russell, Thorpe Hall, Middlewood Lane, Fylingthorpe - Support. As a fellow accommodation provider, I welcome the addition of unique and varied accommodation which attracts more visitors and benefits the locality. I welcome the proposal as a resident, the caravans are beautiful and add to the picturesque scenery along the cinder track. Mrs Glaysher is an experienced accommodation provider and she will run her new venture with utmost respect for others and in a way which will enhance the community.

Miss Rebecca Harker, 27 Middlewood Close, Fylingthorpe - Support. As a resident of Fylingthorpe and a keen walker, I think they are a lovely addition to the scenery of our village and will give visitors much pleasure to stay in. Supportive of the fact they are self-sufficient and provide an alternative form of accommodation to enjoy the surrounding flora and fauna.

Lucy Hutchinson, The Wayfarer Bistro and Guest House - Support. It would be a unique and sustainable form of accommodation. Robin Hoods Bay is a very popular port of call but there is not enough accommodation to meet the demand.

Mr Des Weston, Saxon Villa, Thorpe Lane, Fylingthorpe - Support. It will add to the accommodation already available. We run a B&B two doors down and have been accepting guests for three years and in that time, noise has not been an issue. Guests choose Fylingthorpe to escape the hustle and bustle of Robin Hoods Bay and people stress the peace and quiet of this location. Visitors come to enjoy the tranquil setting, not destroy it. The economy will benefit and as to the parking issue, staking arrangements do work!

Mr and Mrs Hutton, Lindholme, Mill Beck, Fylingthorpe - Support.

David Collinson, The Grosvenor Hotel, Station Road, Robin Hoods Bay - Support. We also provide accommodation but are frequently full and welcome the addition of alternative forms of stay in the village. We would happily refer business to someone who is already a well-established accommodation provider.

John Turner, Sheen Cottage, Fylingthorpe - My concern is with parking. I understand that the extra cars will be parked on the owners drive and moved in and out to get cars in or out as needed. It is not illegal for those cars to be parked on an already congested Thorpe Lane and I worry that if planning permission is given, then these cars or the proprietors cars, for convenience, would be parked on Thorpe Lane as the norm, not the exception. Many properties have no alternative but to park on the road and at busy holiday periods this can often prove difficult if not impossible. Adding to the parking pressure would not be the right thing to do.

Application No: NYM/2014/0583/CU

Others (continued)

Roland Wigley, Igdrasil, Thorpe Lane, Fylingthorpe - It is inevitable that the sound of holiday makers chatting, drinking, laughing and generally enjoying themselves will be heard probably for about 200 yards in either direction, especially in the evenings. This will be heard at many houses along Thorpe Lane. The parking provided is in the house driveway which is already occupied by the owners cars. It is suggested that the cars can be parked in a block formation but this arrangement is not practical and it is inevitable that cars will have to be parked along Thorpe Lane. As noise and congestion cannot be controlled, I suggest that this commercial activity would add an unacceptable level of nuisance to nearby residents.

Background

Red House is a substantial Victorian property located on Thorpe Lane, a residential area between the main built up part of Fylingthorpe and Robin Hoods Bay. The properties on Thorpe Lane are of similar age but individually designed. The principle elevation of Red House (and many others) is to the 'rear' with a very large garden extending towards the Cinder Track, enjoying open views across the countryside to the sea. Red House has a single width vehicular access, a modest gravel parking area to the side and a single garage.

This application seeks change of use of two gypsy caravans sited in the lower part of the garden, to provide niche holiday letting accommodation. The caravans were brought to site in approximately 2013 with the intension of using them as 'his' and 'hers' garden cabins. However, following much interest in the structures and requests from family and friends about the possibility of using them for overnight accommodation, the applicant wishes to obtain permission to use the caravans as holiday accommodation.

The two gypsy caravans are sited close to the neighbouring boundary to the north-east in an area of the garden currently used as an orchard. Although the Arboricultural Impact Assessment records a total of 21 trees, these are fruit trees of varying life stages. Although established, the orchard is not dense and provides little in terms of cover and screening of the site. The gypsy caravans have been sited with minimal permanence but can clearly be seen from the Cinder Track which is a permissive bridleway a short distance from the bottom of the garden.

The applicant has written in support of the application and, in brief, states;

Change of use is sought for the two gypsy wagons situated in the lower section of our large garden, within an established orchard. The villages of Fylingthorpe and Robin Hoods Bay are places with concentrated tourism and along Thorpe Lane there are already numerous bed and breakfast facilities. We originally bought the wagons as 'his' and 'her' garden sheds and situated them at the bottom of the garden in the orchard (arguably an established and historic woodland) where they blend in with the natural surroundings and are far enough away from the main residence to be considered a 'retreat' from the hubbub of family life. They have no water or mains power but have a discrete solar panel providing low wattage lighting. We have been inundated with requests from visitors to the village and guests alike asking if they are available to rent. We are only looking to rent them in summer months and only looking to accommodate couples without pets or children.

Application No: NYM/2014/0583/CU

Background (continued)

We have lived in Red House for 12 years and have lived and worked in Robin Hoods Bay prior to that running a holiday cottage business. Over the years, the number of permanent residents has reduced as people have been priced out of the market by people buying holiday cottages. Fylingthorpe has remained a true working village. Our large family restricts our ability to use Red House as a bed and breakfast as it was previously and we believe that the two wagons provide an attractive and unique opportunity to provide similar scale accommodation and with no new development required, the least impact and minimal level of permanence.

Main Issues**Policy Context**

Chalet and camping sites are considered under Development Policy 16 of the NYM Local Development Framework. This policy covers proposals for the provision of small scale new caravan, camping and chalet sites or the expansion of existing sites and states that they will only be permitted where the site is located within an area of woodland or forest which is well established and will provide a setting for the proposed development which will enable the proposal to be accommodated within the wider landscape without harming the Park's special qualities and where arrangements for the maintenance of this in perpetuity can be demonstrated. The site should be physically and functionally linked to an existing business and can be managed appropriately without the requirement for additional permanent residential accommodation. The site should be in close proximity to the road network (categories 1, 2 or 3) and the proposal should not result in an increase in traffic generation that would be harmful to the character of the area or highway safety.

The scale of the development and the design of the structures proposed and associated works together with the anticipated levels of activity should not adversely affect the special qualities of the National Park – including the peace and tranquillity of more remote locations.

This proposal clearly does not meet the requirement of Development Policy 16 and therefore the main issue is considered to be whether there is any special or justifiable reason why the Authority should set aside planning policy and allow the proposal in this location.

Activity Levels and Use of the Site

The introduction of accommodation in the private garden of this property which already has low-key visitor accommodation within the main house would result in the introduction of additional activity at the site. The Authority considers that the proposal would introduce a modest increase of activity on top of that which currently operates from the application site and is likely to have a small impact in this respect of the landscape character and special qualities of the Park.

The applicant has stated that there are a number of properties on Thorpe Lane which are run as bed and breakfast establishments, guest houses or self-catering holiday cottages all with full use of their outdoor space at the foot of their garden. In their opinion, any additional use of the garden would be the same or less to that already offered by the properties either side of us.

Whilst it is noted that other gardens are used, to some extent, by visitors/guests, Officers consider that a distinction must be made in that the proposal to use the gypsy caravans as self-sufficient holiday accommodation would intensify this use by introducing a 24 hour use of the garden of Red House, whereas other gardens are used in an ancillary manner.

Application No: NYM/2014/0583/CU

Visual Impact

The Authority's planning policies explain that this type of development can have a significant visual impact on the appearance and character of the landscape and therefore it is set out that any proposals for new facilities of this nature will be well screened by well-established woodland.

The existing caravans are already visible but their current, ancillary domestic use does not result in the generation of additional activity or clutter. However, it is considered that the intensified, permanent use as holiday accommodation would inevitably generate increased levels of activity which would impact on local neighbouring amenity.

Access and Parking

Although the applicant states that there is sufficient parking for five vehicles, due to the limited space and lack of manoeuvring space, this is effectively reduced to two spaces, as the other three would become car-locked. It is noted that the Highway Authority has no objection to the proposal; there are no parking restrictions on Thorpe Lane. However, Officers are aware of the existing congestion problems in the vicinity, which have been echoed by neighbouring residents who are concerned that the proposal will contribute to the parking pressure in the area. Officers understand that the household is a two-car household and the applicant has indicated that a room is let for bed and breakfast use together with a self-contained holiday flat in the property. Therefore, at busy times, it could be reasonably estimated that at least four cars are frequently present currently i.e. without the gypsy caravans being used as holiday accommodation.

It has been brought to the attention of Officers that the existing garage has been converted or adapted to provide toilet and shower facilities for the gypsy caravans and that a self-contained holiday flat is available within the main house. Therefore, additional information has been requested from the applicant in respect of the level of visitor accommodation provided in the main house together with all other bedrooms in order to allow the Highway Authority to reassess the proposal against their parking standards.

Recommendation

In view of the above policy context and considering all material planning considerations, the proposal fails to meet the requirements of the Authority's current planning policies. A future Local Plan will look at dealing with niche camping facilities including 'pods' etc. This application has been assessed in terms of the proposed use of the private domestic garden for visitor accommodation and whilst, in this case, the nature of the accommodation is unconventional, Officers do not consider the use of gypsy caravans rather than conventional caravans is sufficient justification to set aside the adopted policy approach, as outlined above. In view of the above, refusal is recommended.

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.