

**Dawn Paton**

**From:** noreply@pins.gsi.gov.uk  
**Sent:** 14 March 2017 15:59  
**To:** Planning  
**Subject:** Notification of Appeal APP/W9500/W/17/3171625  
**Attachments:** 01 APPEAL FORM - 192077.pdf



## The Planning Inspectorate Yr Arolygiaeth Gynllunio

### Appeals Casework Portal

A Planning appeal has been received by the Planning Inspectorate. Details of the appeal are shown below:

#### Appeal Details

Appeal Reference: APP/W9500/W/17/3171625  
Appeal Receipt Date/Time: 14/03/2017 15:59  
Appeal By: Keith Dobbie  
Site Address: Paddock South of Wyke Lodge  
Local Planning Authority: North York Moors National Park Authority

Attached is a copy of the appeal form.

Important Information: An email has been sent to the appellant/agent advising them that they must send a copy of the completed appeal form and any relevant supporting documents not previously sent to you. If you have not received them within a few working days, you should contact the appellant to request them.

\*\*Please do not reply to this message. - It is an automatically generated response from the mail delivery system.\*\*



**Dawn Paton**

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**From:** Owen Pike ·  
**Sent:** 14 March 2017 16:30  
**To:** Planning  
**Cc:** Henri Scanlon  
**Subject:** Paddock South of Wyke Lodge - Planning Appeal (Ref. APP/W9500/W/17/3171625)  
**Attachments:** 01 APPEAL FORM - 192077.pdf; HayburnWood\_Appeal\_CoverLetter\_REV2.pdf; StatementofCase\_WITHAppendices\_Optimized.pdf; StatementofCase\_NoAppendices .pdf; PaddockSouthofWykeLodge\_HodgsonHill\_Staintondale\_ApplicationforAppealCosts.pdf

To whom it may concern,

I can confirm that we have submitted a planning appeal and accordingly, I attach the following documents for your records:

- 1) The submitted Appeal form
- 2) Cover Letter
- 3) Appeal Statement of Case with appendices
- 4) Appeal Statement of Case without appendices

In addition, an Application for Costs has also been submitted and accordingly, I attach the following document for completeness:

- 1) Appellant's Case for Appeal Costs

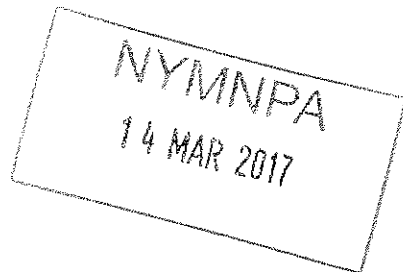
Please contact me if you require any further information.

Kind regards

Owen

Owen Pike BA (Hons) PG Dip MRTPI  
Associate Partner  
Planning

For and on behalf of Sanderson Weatherall LLP



30 Queen Square  
Bristol BS1 4ND

The deadline for appealing the current rating list is fast approaching  
Click to find out more about business rates

A graphic of a calendar page for the month of March. The word "MARCH" is written in large, bold, capital letters across the top. Below it, the number "31" is written in a large, bold font, indicating the end of the month.



SW.CO.U

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Sanderson Weatherall LLP is an English limited liability partnership (registered number OC 344 770). A list of our Members is open to inspection at our registered office, 25 Wellington Street, Leeds, West Yorkshire LS1 4WG.

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14 MAR 2017

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time, we will not accept the appeal.

**Appeal Reference: APP/W9500/W/17/3171625**

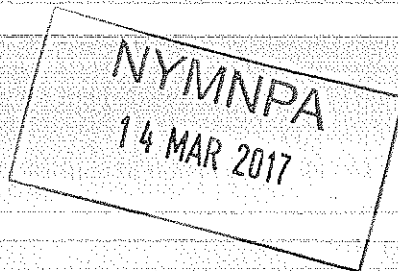
#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Keith Dobbie
Address	18 Braids Walk Kirk Ella HULL HU10 7PD
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name	Mr Owen Pike MRTPI
Company/Group Name	Sanderson Weatherall LLP
Address	Sanderson Weatherall LLP 30 Queen Square Bristol Bristol, City of BS1 4ND
Phone number	0117 338 1813
Fax number	0117 338 1818
Email	
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>



#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	North York Moors National Park Authority
LPA reference number	NYM/2015/0885/FL

Date of the application

10/02/2016

Did the LPA validate and register your application?

Yes  No

Did the LPA issue a decision?

Yes  No

Date of LPA's decision

07/12/2016

**D. APPEAL SITE ADDRESS**

Is the address of the affected land the same as the appellant's address?

Yes  No

Does the appeal relate to an existing property?

Yes  No

Address

Paddock South of Wyke Lodge  
Hodgson Hill  
Staintondale

Is the appeal site within a Green Belt?

Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes  No

**E. DESCRIPTION OF THE DEVELOPMENT**

Has the description of the development changed from that stated on the application form?

Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Change of Use of Land from the siting of a Caravan to the siting of a Log Cabin/Mobile Unit for Holiday Use along with Erection of Store and Associated Works to Access Track

Area (in hectares) of the whole appeal site [e.g. 1234.56]

0.02 hectare(s)

Area of floor space of proposed development (in square metres)

200 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area?

Yes  No

**F. REASON FOR THE APPEAL**

The reason for the appeal is that the LPA has:

- 1. Refused planning permission for the development.
- 2. Refused permission to vary or remove a condition(s).
- 3. Refused prior approval of permitted development rights.
- 4. Granted planning permission for the development subject to conditions to which you object.
- 5. Refused approval of the matters reserved under an outline planning permission.
- 6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 7. Refused to approve any matter required by a condition on a previous planning permission (other than those above).

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8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

**G. CHOICE OF PROCEDURE**

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain.

To understand the appeal site characteristics and surrounding context better.

2. Hearing

3. Inquiry

**H. FULL STATEMENT OF CASE**

The full statement of case is:

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes  No

(b) Have you made a costs application with this appeal? Yes  No

see 'Appeal Documents' section

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**I. (part one) SITE OWNERSHIP CERTIFICATES**

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

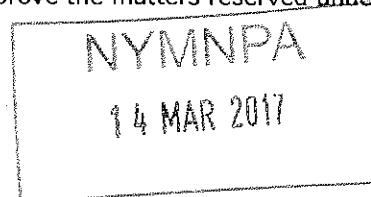
**I. (part two) AGRICULTURAL HOLDINGS**

We need to know whether the appeal site forms part of an agricultural holding.

- (a) None of the land to which the appeal relates is, or is part of, an agricultural holding.
- (b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.
- (b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

### K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

### L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature** Mr Owen Pike MRTPI

**Date** 14/03/2017 15:59:24

**Name** Mr Owen Pike MRTPI

**On behalf of** Mr Keith Dobbie

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

### M. NOW SEND

#### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council/>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

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## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	StatementofCase_WITHAppendices_Optimized.pdf
<b>File name:</b>	StatementofCase_NoAppendices .pdf
<b>File name:</b>	HayburnWood_Appeal_CoverLetter_REV2.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the costs application.
<b>File name:</b>	PaddockSouthofWykeLodge_HodgsonHill_Staintondale_ApplicationforAppealCosts.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	Original Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
<b>File name:</b>	Original Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	NYM2015-0885-FL Decision Notice.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	public NYM2015-0885-FL Site Location Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	public NYM2015-0885-FL Planning Statement.pdf
<b>File name:</b>	public NYM2015-0885-FL Site Location Plan.pdf
<b>File name:</b>	public NYM2015-0885-FL Plans and Elevations_Optimized.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	List of docs submitted with application.docx



**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).  
**File name:** NYM-2015-0885-FL Amended design 7. 8 and 26 July 2016 (Revision 1).pdf  
**File name:** NYM-2015-0885-FL Amended layout 2 September 2016 (Revision 2).pdf  
**File name:** NYM2015-0885-FL Amended Plans 15 and 16 November 2016 (Revision 3).pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.  
**File name:** List of additional docs submitted with application.docx

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

**Completed by** MR OWEN PIKE MRTPI

**Date** 14/03/2017 15:59:24

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14 MAR 2017

**Sanderson Weatherall**

30 Queen Square  
Bristol  
BS1 4ND

The Planning Inspectorate  
Room 3P  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Our Ref. 170257/OP  
14 March 2017

Dear Sirs,

**APPELLANT: MR KEITH DOBBIE**

**APPEAL SITE: PADDOCK SOUTH OF WYKE LODGE, HODGSON HILL, STAINTONDALE**

I am pleased to confirm that I have submitted the above planning appeal via, the Planning Portal on behalf of my client, Mr Keith Dobbie. The following documentation and plans have been submitted for consideration:

*Full Statement of Case (Section H on Appeal Form) comprising:*

- Appeal Statement of Case with Appendices – prepared by Sanderson Weatherall LLP
- Appeal Statement of Case without Appendices

*Essential Supporting Documents (Section J on Appeal Form) comprising:*

- Copy of original planning application form
- Copy of site ownership certificate and agricultural holding certificate

In addition, I have submitted a separate for an award of appeal costs. The following document has been submitted for your consideration:

- Appellant's Case for Appeal Costs

Please do not hesitate to contact me should you have any questions, or require clarification on any matter.

Yours faithfully,

Owen Pike BA (Hons) PG Dip MRTPI  
Associate Partner, Planning  
For and behalf of Sanderson Weatherall LLP



Sanderson Weatherall

30 Queen Square  
Bristol  
BS1 4ND

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

For the attention of the appeal case officer,

**APPELLANT'S CASE FOR APPEAL COSTS**

**Information about the claimant**

**Full name:** Mr Keith Dobbie  
**Address:** C/O Agent  
**Postcode:** C/O Agent  
**Our Reference:** 170257/OP  
**Daytime telephone No:** C/O Agent  
**Email address:** C/O Agent  
**Status:** Appellant

**Agent's Name:** Mr Owen Pike MRTPI  
**Agent's Address:** 30 Queen Square, Bristol  
**Postcode:** BS1 4ND  
**Reference:**  
**Daytime telephone No:**  
**Fax:**  
**Email address:**

**Date Received (Official use)**.....



**Information about the party being claimed against**

**Full name:** North York Moors National Park Authority  
**Address:** The Old Vicarage, Bondgate, Helmsley, York  
**Post code:** YO62 5BP  
**Status:** Local Planning Authority

**Information about the appeal**

Planning Inspectorate appeal reference number APP/ Not yet supplied

(Please quote all appeal reference numbers if the costs application related to more than one appeal)

**Name of Local Planning Authority:** North York Moors National Park Authority

**Description of the development:** Change of Use of Land from Siting of a Caravan to the Siting of a Log Cabin/Mobile Unit for Holiday Use along with Erection of Store and Associated Works to Access Track

**Address of the site:** Paddock South of Wyke Lodge, Hodgson Hill, Staintondale

**Costs Application**

- *The unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal*

The Appellant is applying for a full award of costs because of the unreasonable behaviour of North York Moors National Park Authority (the LPA), as listed below.

1. There is an absence of technical evidence to justify the reason for refusal.
  2. There is an absence of objective analysis to justify the reason for refusal.
  3. Notwithstanding the response from Cloughton Parish Council, there are no objections from other statutory consultees to justify the reason for refusal.
- *Your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)*
1. Consultant professional fees in reviewing the LPA's decision, devising an appeal strategy, researching the statement of case, drafting the written statement and submitting the appeal to the Planning Inspectorate.

**Please sign below**

I understand that:

- (a) Use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs:
- (b) The costs decision resulting from processing my application will be published on the Planning portal and will include relevant names but not addresses

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that the details are correct to the best of my knowledge (Please note: signature is not necessary for electronic submissions)

**Signature** MR OWEN PIKE

**On behalf of:** Mr Keith Dobbie

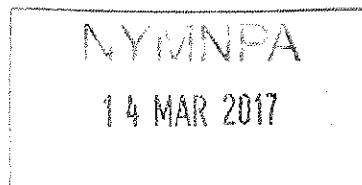
**Name (in capitals):** MR OWEN PIKE

**Date:** 06/03/2017



## **APPEAL STATEMENT OF CASE**

**PADDOCK SOUTH OF WYKE LODGE  
HODGSON HILL  
STAINTONDALE**



**March 2017**

**Appeal against Refusal of Planning Permission under  
Reference NYM/2015/0885/FL for Change of Use  
of Land from the Siting of a Caravan to the Siting  
of a Log Cabin/Mobile Unit for Holiday Use along  
with Erection of Store and Associated Works to  
Access Track**

Prepared by  
**Sanderson Weatherall LLP**

On behalf of  
**Mr Keith Dobbie**

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**Appendix A** – Decision Notice

**Appendix B** – October Committee Report

**Appendix C** – October Committee Minutes

**Appendix D** – October Site Visit Minutes

**Appendix E** – November Committee Report

**Appendix F** – November Committee Minutes

**Appendix G** – Certificate of Lawfulness

**Appendix H** – Letter from LPA to Appellant dated 7 December 2016

**Appendix I** – Section 2.4 of North York Moors National Park  
Management Plan

**Appendix J** – Existing Site Layout Plan

**Appendix K** – Proposed Site Layout Plan

**Appendix L** – Longitudinal and Cross Section Plans

**Appendix M** – Local Highway Authority Response to Application

**Appendix N** – Email from Planning Officer to Kynman Design

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## 1.0 INTRODUCTION

- 1.1 This Statement of Case should be read in conjunction with the original planning application package validated by North York Moors National Park Authority (hereafter 'the LPA') on 10 February 2016 and subsequent amendments submitted during the determination period.

### Background Information

- 1.2 Sanderson Weatherall LLP is instructed by Mr Keith Dobbie (hereafter 'the Appellant') to appeal against the refusal of planning permission by the LPA of Planning Application NYM/2015/0885/FL. The Appellant sought planning permission for the 'Change of use of land from the siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with the erection of store and associated works to access track' (hereafter 'the Proposed Development') at Paddock to the South of Wyke Lodge, Hodgson Hill, Staintondale (hereafter 'the Appeal Site').

### Deferral of Decision

- 1.3 Planning Officer's recommendation to the Members of the LPA's Planning Committee was approval subject to a number of conditions (**Appendix B** refers) however, a decision was deferred on 20 October 2016 to enable a site visit to be undertaken to fully appraise the intensification of use and impact of the development on neighbouring properties (**Appendix C** refers).
- 1.4 The minutes of the site visit (**Appendix D** refers) confirm it was required to enable Members to consider concerns regarding the potential impact on the amenities of adjacent properties and the potential impact resulting from the degree of, alleged, intensification.

### Reason for Refusal

- 1.5 Notwithstanding Planning Officer's favourable recommendation, the planning application was refused planning permission by Members of the Planning Committee on 17 November 2016 for the following reason (**Appendix A** refers):

*"1. The Local Planning Authority, having due regard to the applicant's fall-back position, considers that the replacement of the existing touring caravan with a timber log cabin would result in a material change and intensification in the use of the site resulting in a more permanent form of development with sewerage and service connections which would be*



*harmful to the character and of this undeveloped land of woodland within the National Park. Furthermore the retrospective nature of the application with regard to the intentional unauthorised works to the access track, turning and parking areas has prevented measures being taken to mitigate or limit the harm that would be caused to the character and appearance of the locality. As such the proposal is considered to conflict with Core Policy A of the Core Strategy and Development Policies Document which seek to ensure that the scale of development and level of activity does not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park."*

1.6 The reason for refusal therefore comprises two parts, namely:

- Harm to the character of this undeveloped area of woodland within the National Park; and,
- Harm to the character and appearance of the locality.

## 2.0 SITE LOCATION AND DESCRIPTION



### Appeal Site Location

2.1 The Appeal Site is located behind a tree belt on the east side of Hodgson Hill with woodland to the north, east and south. It is in proximity to a number of third party residential properties, as shown on the submitted Location Plan. Bridge Cottage is approximately 45m to the north of the appeal site beyond the woodland. Wyke Lodge and Wyke Lodge Cottage are approximately 75m to the north-west with woodland in between.

### Appeal Site Description

2.2 The Appeal Site currently comprises a paddock on which a holiday caravan is stationed for 12 months of the year. There is also a small timber shed, a concrete parking area, patio area and a second concrete hard-standing area on the Appeal Site, as shown on the submitted Existing Layout Plan.

### Woodland Tree Preservation Order

2.3 A Woodland Tree Preservation Order (TPO) covers the woodland surrounding the Appeal Site.



### **3.0 BACKGROUND TO THE APPEAL**

#### **Certificate of Lawfulness**

- 3.1 The existing caravan at the Appeal Site can be lawfully used for holiday use. This was confirmed by the LPA when it issued a Certificate of Lawfulness (COL) (Appendix G refers) on 13 October 2015. The COL states:

*"The use of the land described in the Second Schedule for the siting of one touring caravan for use by the owner of the land edged in blue on the plan attached to this Certificate, and members of the family of the owner, for holiday and/or recreational purposes only, for up to 100 nights o calendar year at weekends, and not as permanent residential accommodation or for any commercial use."*

- 3.2 Therefore the existing caravan at the Appeal Site can (and is) be sited all year round.

#### **Felling, Coppicing and Removal of Overhangs**

- 3.3 Following the felling of a number of diseased trees within the woodland along with some coppicing and removal of overhangs to reduce the likelihood of fractures to vulnerable trees, the LPA subsequently placed a TPO on the woodland.

#### **Planning Application**

- 3.4 The planning application was lodged by Kynman Design on behalf of the Appellant. It is understood that several amendments were made to the Proposed Development during the determination period. Accordingly a number of revised plans were submitted to supersede earlier corresponding plans. All of the amended plans are identified on the Appeal Forms.

#### **Letter from LPA**

- 3.5 A letter from the LPA dated 7 December 2016 (Appendix H refers) sets out its view that the Appellant could replace the existing touring caravan with another touring caravan that fulfils the dimensions listed below at any time.

- 7.0m by 2.55m if towing vehicle under 3500kg GVW, or
- 12.0m by 2.55m if towing vehicle over 3500kg GVW

- 3.6 The letter fails to mention that the replacement touring caravan could be relocated to any part of the Appeal Site including, closer to the road (Hodgson Hill) where it is likely to be

more visible to road users, or to the west of its proposed position where it would be closer to Wyke Lodge and Wyke Lodge Cottage.

#### **4.0 GROUNDS OF APPEAL**

- 1) The Appellant will demonstrate that the Proposed Development will not be harmful to the character of this undeveloped area of woodland within the National Park.
- 2) The Appellant will demonstrate that the Proposed Development will not harm the character and appearance of the locality.
- 3) The Appellant will demonstrate that the Proposed Development is in accordance with the North York Moors National Park Authority Core Strategy and Development Policies Document.
- 4) The Appellant will demonstrate that the Proposed Development is in accordance with the North York Moors National Park Management Plan.





## 5.0 PROPOSED DEVELOPMENT

5.1 The description of the development on the Decision Notice does not fully reflect the Proposed Development. In fact, the Proposed Development comprises the five elements listed below.

- Replacement of existing touring caravan with a log cabin/mobile unit caravan (10.0m by 6.0m by 3.7m to ridge (2.4m to eaves))
- Relocation of caravan some 25.0m to the east of the established position (where the land is some 2.0m lower)
- Replacement of existing timber chicken shed with a timber clad store (of similar dimensions)
- Change the maximum length of occupancy from up to 100 nights a calendar year at weekends to up to 150 nights per calendar year on weekdays and at weekends
- Replacement of recycled hard-core track with local crushed limestone and the width of the track reduced
- Reinstatement of section of roadside hedge/infill planting either side of the site entrance off Hodgson Hill
- Erection of 2.0m by 2.0m metal tabular field gate at the site entrance and timber post and rail fence on either side
- Planting along the north boundary of the Appellant's landholding i.e. north of Appeal Site (this is proposed because of the concerns of the residents in the adjacent properties)

5.2 For the avoidance of doubt, the Appellant does not seek planning permission to change the use of the caravan from holiday to residential use. Neither does the Appellant wish to make it available to members of the public.

5.3 For clarity, the remaining sections of this Statement will refer to the proposed log cabin/mobile unit caravan as a 'timber lodge caravan'<sup>1</sup>.

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<sup>1</sup> This is the same description used by Planning Officer's in the October Committee Report (Paragraph 4, p5) and the November Committee Report (Paragraph 5, p6)

## 6.0 PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

### Development Plan Policy

6.2 The North York Moors Core Strategy and Development Policies Document 2008-2016 (NYM CSDPD) forms part of the LPA's statutory Development Plan. It is considered to be the most relevant Development Plan Document (DPD) in the determination of the Proposed Development which is the subject of this appeal.

6.3 The NYM CSDPD was adopted by the LPA in November 2008 and it is the principal document used by the authority to determine whether planning applications are acceptable. Both of the Planning Officer's Committee Reports (**Appendices B and E** respectively) identify the policies described below to be of most relevance to the Proposed Development.

#### "CORE POLICY A - Delivering National Park Purposes and Sustainable Development

*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. Priority will be given to:*

1. *Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors.*
2. *Providing for development in locations and of a scale which will support the character and function of individual settlements.*
3. *Maintaining and enhancing the natural environment and conditions for biodiversity and geodiversity.*
4. *Conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas.*
5. *Applying the principles of sustainable design and energy use to new development.*
6. *Enabling the provision of a choice of housing that will meet the needs of local communities in terms of type, tenure and affordability.*
7. *Strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.*
8. *Enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport."*

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"DEVELOPMENT POLICY 16 – Chalet and Camping Sites

*Proposals for the provision of small scale new caravan, camping and chalet sites or the expansion of existing sites will only be permitted where:*

- 1. 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.*
- 2. The site is physically and functionally linked to an existing business and can be managed appropriately without the requirement for additional permanent residential accommodation.*
- 3. The site is in close proximity to the road network<sup>31</sup> (categories 1, 2 or 3) and the proposal will not result in an increase in traffic generation that would be harmful to the character of the area or highway safety.*
- 4. The scale of the development and the design of the structures proposed and associated works together with the anticipated levels of activity will not adversely affect the special qualities of the National Park – including the peace and tranquillity of more remote locations.*
- 5. Proposals should be designed to minimise the level of permanency so that buildings can be removed when they are no longer required without damage to the natural landscape."*

6.4 Supporting text (Paragraph 8.27) confirms the following:

*"However the nature of this type of activity can have significant visual impact on the appearance and character of the landscape and therefore any proposals for new facilities of this nature will need to be well screened by well established woodland...There may be some locations in the Park where the creation of new chalet and camping sites is not appropriate because of the isolation and tranquillity of the location. In such circumstances the introduction of a new activity and associated traffic, whether or not in a well screened position, would adversely impact the special qualities of the Park and the natural environment and therefore would not be considered favourably..."*

**Material Considerations**

6.5 The North York Moors National Park Management Plan (NYMNP MP) is considered to be an important material consideration. Policy B4 seeks to improve the quality and variety of tourism and recreation facilities and accommodation in the Park.

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## 7.0 CASE FOR THE APPELLANT

### 1. Members have misunderstood the proposed development

- 7.1 The Minutes of the Planning Committee on 17 November 2016 (Appendix F refer) set out four reasons why members were minded to refuse the application. The first reason was the increase in days the timber lodge caravan could be occupied. The second reason was the change in occupants who could stay in the timber lodge caravan. The third reason was the unauthorised operational development. The fourth reason was the greater size and degree of permanency.
- 7.2 Notwithstanding the fact the Appellant agrees with Planning Officers that increasing the number of days by 50 on top of the current 100 days the caravan can currently be occupied represents only a 'modest'<sup>2</sup> (Appendices B and E refer) intensification of use, the Appellant has no issue with the first reason insofar as it is recorded in the committee minutes as a matter of concern.
- 7.3 It is not clear what Members considered constituted the unauthorised works but the Appellant presumes Members mean the laying of the hard-core track between the site entrance and the existing caravan, removal of a section of roadside hedge and erection of the field gate at the site entrance and timber post and rail fence on either side. The Appellant did not know he needed planning permission for these works, particularly as the vehicular route through the Appeal Site was established and had been used by the previous owner. The roadside gate and fencing was also a condition of sale imposed by the former owner requiring that all fencing shall be maintained to the highest condition and it was also the case that the majority of the old gate and fencing it replaced has been destroyed by wild tree growth and age. Notwithstanding this, the Appellant has no issue with the third reason insofar as it is recorded in the committee minutes as a matter of concern.
- 7.4 The Appellant did not (and does not) seek planning permission to make the holiday caravan available to members of the public. The Appellant merely wants to increase the number of days he and members of his family can use the caravan in any calendar year. The committee minutes are therefore wrong to suggest there will be a 'change in occupants'. The minutes are therefore wholly misleading in this regard (second reason).

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<sup>2</sup>October Committee Report (Paragraph 1, p5) and the November Committee Report (Paragraph 2, p6)

- 7.5 Similarly, the Proposed Development would not result in a greater degree of permanency. Firstly there are no restrictions within the Certificate of Lawfulness (COL) (Appendix G refers) to prevent the existing caravan being stationed on the Appeal Site all year round. Consequently the existing caravan is sited on the Appeal Site for 12 months of the year. This will not change if the Proposed Development is allowed. Secondly the new timber lodge caravan is proposed to be sited on a surface mounted plinth foundation system rather than a concrete base, which is commonly used. This will enable the land to be more easily restored if ever the timber lodge caravan is no longer needed. This point is acknowledged by Planning Officers in their Committee Reports<sup>3</sup>. The committee minutes are therefore wrong to suggest there will be a 'greater degree of permanency'. The minutes are therefore wholly misleading in this regard (fourth reason).
- 7.6 The Appellant therefore contends that Members have misunderstood the Proposed Development. The Appellant suggests the outcome might have been different if Members had realised the Proposed Development did not seek to make the holiday caravan available to members of the public, and that it would not result in a greater degree of permanency.

## 2. Appeal site is a logical location for proposed development

- 7.7 The reason for refusal refers to the alleged conflict with Core Policy A of the NYMNP CSDPD. Although this statement will be refuted later in this Statement, the Appellant considers the fact the reason for refusal goes on to state that Core Policy A seeks "*to ensure that the scale of development and level of activity does not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park*" to be misleading. This opinion is also reinforced by the reason for refusal also stating initially that the Appeal Site is an "undeveloped area of woodland".
- 7.8 It is incorrect to describe the Appeal Site as an undeveloped area of woodland. As discussed in Section 3 of this Statement, a holiday touring caravan has been stationed within the Appeal Site for a significant period of time and this is the reason why the LPA issued a COL in October 2015 confirming its lawfulness. Furthermore, the letter from the LPA to the Appellant (Appendix H refers) also explains the opinion of the authority's solicitor. This confirms that "*The phrase 'touring caravan' is also considered to include anything that remains ancillary to the stationing of such a touring caravan, with 'ancillary' being measured only in relation to the red edge of the Certificate, not to any notional wider 'planning unit'*"

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<sup>3</sup>October Committee Report (Paragraph 4, p5) and the November Committee Report (Paragraph 5, p6)

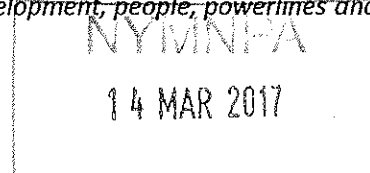


*such as the paddock or surrounding woodland.*" The letter therefore demonstrates that the LPA also considers the ancillary structures at the Appeal Site, including the small timber shed, concrete parking area, patio area and the second concrete hard-standing area, to be lawful. The Appeal Site is therefore recognised by the LPA as being both established for holiday purposes.

- 7.9 The NYMNP MP (Section 2.4 – Appendix I refers) explains that 'tranquillity' is one of the National Park's most appreciated special qualities. Map 3 within the Management Plan shows that different areas within and around the National Park have varying levels of tranquillity. The Appellant therefore considers that the characteristics at the Appeal Site and features in proximity are important considerations in considering planning applications because they are key matters to establishing how tranquil a landscape is.
- 7.10 The NYMNP MP states (Second Para of Section 2.4) that *"Tranquillity is difficult to define exactly as it is a combination of factors but it could be described as 'the quality of calmness experience in places with mainly natural features and activities, free from disturbance from man-made ones'."* In this regard, the Appeal Site is located in proximity to a small group of residential properties (six properties), as illustrated on the Location Plan within the November Committee Report<sup>4</sup> (Appendix E refers). The closest third party dwelling (Bridge Cottage) to the Appeal Site is approximately 45m to the north. A main road (Hodgson Hill) with two way traffic also bounds the Appeal site on its west boundary. Noise from passing traffic as well as from activities within the nearby residential curtilages is therefore likely to be audible at the Appeal Site. As explained previously, the Appeal Site comprises a paddock surrounded by woodland to the north, east and south. It is considered that the paddock is likely to have been created by land management activities. Furthermore, it should not be forgotten that the Appeal Site is established for holiday purposes. For these reasons, the Appellant contends the Appeal Site and its surroundings have long been the subject of human interventions.
- 7.11 The NYMNP MP also states (Third Para of Section 2.4) that *"The national mapping of tranquillity undertaken in 2006 is based on a complex modelling process assessing and weighting a wide range of factors based upon what can be heard or seen. This includes positive factors such as remote and wild landscapes, streams and rivers and native trees, and those that are considered to be negative such as urban development, people, powerlines and*

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<sup>4</sup>November Committee Report (Paragraph 5, p6)



*traffic noise.*” Given the Appeal Site is not in an isolated location for the reasons identified above, the Appellant contends that the local landscape within which it lies experiences less tranquillity than other areas of the Park. The Appellant therefore suggests the Appeal Site is not located in one of the most tranquil areas; indeed this statement is reinforced by the NYMNP MP which acknowledges that the most tranquil areas are the moorland and dales (Sixth Para of Section 2.4). It is unfortunate that this physical context has not been reflected in the Council’s decision.

7.11 The Appellant considers the Appeal Site is a logical location for the Proposed Development because it is in proximity to a small group of residential properties, adjacent to a main road with two way traffic, within a managed landscape where man-made structures and activities are visible, not located in one of the most tranquil areas of the Park, and is established for holiday purposes.

### 3. Fall-back positions

7.12 The Appellant agrees with Planning Officers<sup>5</sup> that replacing the existing touring caravan with another tourer of significantly larger dimensions in the same place, which could be done without the need for planning permission, *“would be much more harmful in the landscape as it would be visible from the road and the immediate neighbours to the north.”* This scenario would be unfortunate and could happen if the Proposed Development is not allowed.

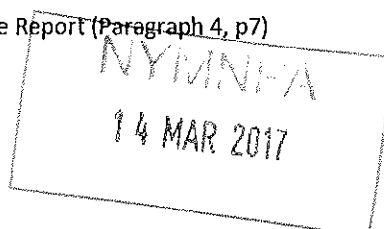
7.13 But it should also be appreciated that a tourer of significantly larger dimensions could be stationed in a different location on the Appeal Site without the need for planning permission, such as closer to Hodgson Will where it would be more visible to road users. Again this would not be ideal but could occur if the Appeal is dismissed.

7.14 Similarly, a touring caravan with a different external colour such as cream, bright white or silver with a metallic appearance, could be placed anywhere on the Appeal Site without the need for planning permission. It is suggested that such a scenario would be unfortunate because the replacement caravan is likely to be more perceptible in this sensitive landscape.

7.15 Finally it should not be forgotten that the existing touring caravan, which is fairly old and close to the end of its economic life, could be left on the site. Again such a scenario would be unfortunate because this could detract from the character and appearance of this part of the National Park. In contrast, the Proposed Development will enable a more discrete form

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<sup>5</sup>October Committee Report (Paragraph 3, p6) and the November Committee Report (Paragraph 4, p7)



of development to come forward on the site. Indeed the style of timber lodge caravan proposed was acknowledged by Planning Officers to be *"more in keeping with the locality than either a flat roof caravan or a wide gable Swiss style chalet"*<sup>6</sup>.

7.16 It is therefore disappointing that only the first scenario described above is acknowledged in the Committee Reports<sup>7</sup>. Consequently it is likely that Members of the Planning Committee were not aware of each of the fall-back scenarios. This suspicion is reinforced by the LPA's letter to the Appellant (Appendix H refers) which makes no mention of the fact a touring caravan with a different colour could be placed anywhere on the Appeal Site as a replacement. Neither does it acknowledge the Appellant could just leave the current touring caravan in its existing position, or elsewhere within the Appeal Site, in perpetuity.

7.17 The Appellant contends that each of the fall-back positions described above are given significant weight in the determination of this Appeal.

#### 4. Compatible with character of appeal site

7.18 This Statement has already demonstrated that the Appeal Site is not an undeveloped area of woodland but in fact established for holiday purposes. This Statement has also already explained that the Appeal Site is located in proximity to a small group of residential properties and adjacent to a main road with two way traffic. Furthermore, this Statement has demonstrated that the landscape in which the Appeal Site lies is a managed one where man-made structures are visible and human activities are evident. Lastly, there are a number of fall-back scenarios which could occur at the Appeal Site which would alter its character and be more intrusive to this sensitive landscape. The LPA would not be able to prevent any of these scenarios from happening neither could the LPA control the scenarios by condition(s).

7.19 The Appellant contends that each of these factors demonstrate that the Proposed Development is compatible with the character of the Appeal Site. This is one reason why the first part of the reason for refusal is refuted.

7.20 This Statement has also already explained that allowing the Appellant and members of his family to use the timber lodge caravan for an additional 50 days represents only a 'modest' intensification of use. Furthermore the Appellant suggests this level of intensification would

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<sup>6</sup> October Committee Report (Paragraph 4, p5) and the November Committee Report (Paragraph 5, p6)

<sup>7</sup> October Committee Report (Paragraph 3, p6) and the November Committee Report (Paragraph 4, p7)

not make it a "more permanent form development", as stated in the reason for refusal. To the contrary, the Proposed Development does not seek to change the use of the Appeal Site for residential purposes. Neither does it propose any buildings or additional structures. Additionally there are no restrictions within the COL to prevent the existing caravan being stationed on the Appeal Site all year round and accordingly, it is already sited on the Appeal Site for 12 months of the year. Finally the new timber lodge caravan is proposed to be sited on a surface mounted plinth foundation system. For these reasons, the Appellant suggests the Proposed Development will not result in a greater degree of permanency. This is the second reason why the first part of the reason for refusal is refuted.

7.21 A septic tank will be placed on the Appeal Site and regularly emptied by a sludge tanker for off-site treatment. It is difficult to understand how this aspect, particularly in the context of the wider development and nearby properties, will be harmful to the character of the landscape or the Appeal Site itself. Despite Planning Officers concluding that this form of foul sewage treatment "is common in the area"<sup>8</sup>, Members reference to this in the reason for refusal suggests it is of concern. But this is irrational. This is the third reason why the first part of the reason for refusal is refuted.

7.22 Discussions with the LPA following the decision have confirmed that the Planning Department does not have the benefit of either an in-house, or external, landscape professional.

7.23 Notwithstanding the response from Cloughton Parish Council, there is a lack of objections from other statutory consultees and absence of technical evidence and objective analysis to justify the reason for refusal. This is the fourth reason why the first part of the reason for refusal is refuted.

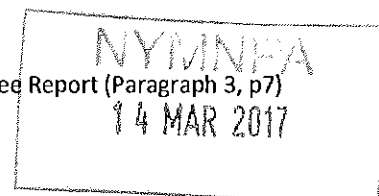
7.24 In light of the above, the Appellant contends that it is illogical to conclude that the Proposed Development "would be harmful to the character of this undeveloped area of woodland within the National Park." To conclude, the Appellant contends that the Proposed Development is compatible with the character of the Appeal Site.

#### 5. Landscape betterment

7.25 As discussed previously, the proposed timber lodge caravan will not be stationed on the Appeal Site where the touring caravan is established. It will in fact be stationed some 25.0m

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<sup>8</sup> October Committee Report (Paragraph 2, p6) and the November Committee Report (Paragraph 3, p7)



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to the east of the established position where the land is currently some 2.0m lower. The revised position can be seen when one compares the Existing Site Layout Plan (Appendix J refers) with the Proposed Site Layout Plan (Appendix K refers). Given the replacement timber lodge caravan will be sited on lower ground, it will not be visible from Hodgson Hill and this is illustrated on the Longitudinal and Cross Section Plan (Appendix L refers) which was submitted to the LPA during the determination period. The decision to refuse permission ignores this aspect of the Proposed Development. It also disregards the advice of Planning Officers who recognised that *"This will ensure that the proposal is well screened from the road and not visible to view in the wider landscape"*<sup>9</sup>. Planning Officers conclude that *"it would not be visible from the road and the design and materials of the proposed chalet would ensure that its prominence in views from neighbouring properties is minimised"*<sup>10</sup>.

7.26 The Appellant therefore contends that allowing a timber lodge caravan with an appearance that is more in keeping with the locality, and in a much more discrete part of the Appeal Site, would represent betterment to the landscape.

7.27 Moreover there are other aspects of the Proposed Development which assist it to assimilate into the local landscape and thus, also contribute to enhancing the landscape betterment. Firstly the Appellant considers that the local crushed limestone, which will be laid to replace the existing hard-core track between the access with Hodgson Hill and the base of the new timber lodge caravan, is more sympathetic to the sensitive landscape. This positive aspect was recognised by Planning Officers who suggest it would *"improve its appearance"*<sup>11</sup> and *"is more typical of agricultural tracks in the locality"* (Appendix N refers). The width of the new track will also be reduced. Secondly the Appellant suggests that both the reinstatement planting either side of the site entrance, and the planting along the north boundary of the Appellant's landholding, will make the timber lodge caravan and the associated works more inconspicuous in the local landscape. As native species will be used, the Appellant contends that the new planting will be compatible with the prevailing landscape character of the locality.

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<sup>9</sup> October Committee Report (Paragraph 2, p5) and the November Committee Report (Paragraph 3, p6)

<sup>10</sup> October Committee Report (Paragraph 3, p6) and the November Committee Report (Paragraph 4, p7)

<sup>11</sup> October Committee Report (Paragraph 3, p5) and the November Committee Report (Paragraph 4, p6)

7.28 On this basis, the Appellant considers the landscape betterment which will result from the Proposed Development should be given significant weight in the determination of this Appeal.

#### **6. Highway betterment**

7.29 The Local Highway Authority (LHA) (Appendix M refers) did not raise an objection to the Proposed Development on highway safety grounds. Significantly, the LHA concluded that *"the construction of a better access would actually improve the existing situation."* The LHA came to this conclusion based on the fact that despite the Appeal Site having been in use for holiday purposes for a significant period of time there has never been a properly constructed access (this includes the recently laid hard-core track) with vehicles driving across the grass verge. It is understood that this caused damage to the highway verge and left mud on the carriageway (Hodgson Hill).

7.30 The Appellant contends that this situation could be controlled by the LPA if the Appeal is allowed. For example, a condition could be attached to any planning permission that requires the replacement track (which will comprise local crushed limestone) to be laid in accordance with agreed specifications and standards of the LHA. This would prevent damage to the highway verge, avoid mud being left on the road and prevent surface water run-off onto the carriageway. The Appellant would accept a suitably worded condition, if the Planning Inspector deems it necessary.

7.31 Accordingly, the Appellant contends that the Proposed Development will result in betterment to the local highway network and that this should be given some weight in the overall planning balancing exercise.

#### **7. Compatible with character and appearance of the locality**

7.32 The second part of the reason for refusal refers to the 'unauthorised works'; these include the track, the field gate, the adjoining fence and the small section of roadside hedge/infill planting which has been removed on either side of the site entrance.

7.33 But given local crushed limestone will be laid and the width of the track will be reduced the Appellant considers this will assist it to assimilate into the local landscape, as discussed previously. The Appellant is of the opinion that the low height of the entrance gate and fence, together with its timber construction and traditional appearance are all sympathetic to the Appeal Site's sensitive rural setting. Some of the new planting would be reinstatements whilst other whips would be additional species over and above what was

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previously on the Appeal site and the Appellant's wider landholding. The Appellant contends that the new planting will not look out of place, particularly as the species would be native and planted against the backdrop of a wooded landscape. This is one reason why the second part of the reason for refusal is refuted.

7.34 Notwithstanding the above, it is also important to consider all of the other aspects of the Proposed Development. As discussed previously, the style of the timber lodge caravan is considered to be more in keeping with the locality than other types of caravan and the position of the new caravan will be in a more discrete location than the current touring caravan being further from the main road and field opening and on lower ground. This is the second reason why the second part of the reason for refusal is refuted.

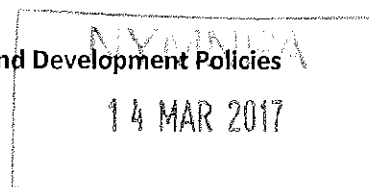
7.35 The NYMNP MP confirms that key landscape features in some parts of the Park are woodlands. The woodland that surrounds the Appeal Site is to be retained in its entirety. Only diseased species close to the road and entrance have previously been removed. This is the third reason why the second part of the reason for refusal is refuted.

7.36 As discussed previously, the Appellant contends that the Proposed Development could be controlled by the LPA if the Appeal is allowed. This could include conditions to mitigate the impacts. It is therefore wrong to suggest this outcome has "*prevented measures being taken to mitigate or limit the harm that would be caused*". This is the fourth reason why the second part of the reason for refusal is refuted.

7.37 Notwithstanding the response from Cloughton Parish Council, there is a lack of objections from other statutory consultees and absence of technical evidence and objective analysis to justify the reason for refusal. This is the fifth reason why the second part of the reason for refusal is refuted.

7.38 In light of the above, the Appellant contends that it is illogical to conclude that "*the retrospective nature of the application with regard to the intentional unauthorised works to the access track, turning and parking areas has prevented measures being taken to mitigate or limit the harm that would be caused to the character and appearance of the locality.*" To conclude, the Appellant contends that the Proposed Development is compatible with the character and appearance of the locality.

8. In accordance with the North York Moors Core Strategy and Development Policies Document

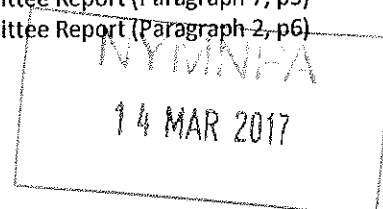


- 7.39 The provision of tourism based opportunities is a priority in the Park according to Core Policy A (Priority No. 7). It is therefore an acceptable form of development where it does not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park. It cannot be disputed that the Proposed Development is a tourist development. In fact its occupancy restriction limiting its use to the Appellant and members of his family is a further factor which tips the planning balance in favour of the Proposed Development because it means there will only be a modest intensification of the use.
- 7.40 This Statement has already explained how the Proposed Development is compatible with both the character of the Appeal Site and the character and appearance of the locality as well as the resulting landscape betterment. On this basis, the Appellant contends that there will be no unacceptable impact on the wider landscape.
- 7.41 This Statement has also already explained how the noise from passing traffic as well as from activities within the nearby residential curtilages is likely to be audible from the Appeal Site. The Proposed Development is also well screened and is of a sympathetic design with traditional materials such that it would not be visible in the wider landscape, or from the road, and neither would it be prominent in views from neighbouring properties. The Appeal Site is not located in one of the most tranquil areas of the Park. The Appellant therefore contends that there will be no unacceptable impact on the quiet enjoyment, peace and tranquillity of the Park.
- 7.42 Accordingly, the Appellant contends there will be no conflict with Core Policy A.
- 7.43 Development Policy 16 relates to the creation of new, or the expansion of existing, caravan, camping and chalet sites. The Appellant agrees with the Planning Officers that *"the criteria of that policy provides relevant guidelines to considering what development might be acceptable on the application site"*<sup>12</sup>. Established woodland surrounds the Appeal Site, as is required by criterion 1 of the policy. In terms of criterion 2, it is noted that Planning Officers suggested that on site management accommodation is not warranted given the Proposed Development is for a replacement caravan<sup>13</sup>. The Appellant agrees with the Planning Officers in this regard. As discussed previously, the Local Highway Authority did not object to the Proposed Development and there will be no unacceptable impact on the special qualities of the Park, as is required by criteria 3 and 4 of the policy, respectively. Finally the

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<sup>12</sup> October Committee Report (Paragraph 6, p4) and the November Committee Report (Paragraph 7, p5)

<sup>13</sup> October Committee Report (Paragraph 1, p5) and the November Committee Report (Paragraph 2, p6)





Appeal will not result in a more permanent form of development, as is required by criterion 5.

7.44 Accordingly, the Appellant contends there will be no conflict with Development Policy 16.

7.45 In conclusion, the Appellant contends that the Proposed Development is in accordance with the NYM CSDPD.

**9. In accordance with the North York Moors National Park Management Plan**

7.46 Given that a modern timber lodge caravan will replace a fairly old touring caravan on the Appeal Site, which is close to the end of its economic life, it cannot be disputed that the Proposed Development will improve the quality of tourist accommodation on the site. Its location also adds to the variety of tourist facilities in the Park. The Appellant agrees with the Planning Officers that *"Appeal is likely to help meet Policy B4"*.

7.47 For these reasons, the Appellant contends there will be no conflict with Policy B4.

7.48 In conclusion, the Appellant contends that the Proposed Development is in accordance with the NYMNP MP.



## 8.0 SUMMARY AND CONCLUSIONS

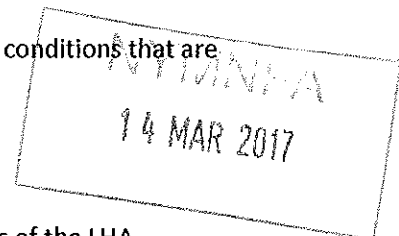
### Summary of Case for the Appellant

- 8.1 This Statement has demonstrated that Members have misunderstood the Proposed Development and that the Appeal Site is a logical location for the Proposed Development. This Statement has also demonstrated that there are a number of fall-back scenarios which could occur at the Appeal Site which would alter its character and be more intrusive to the sensitive landscape and the LPA would not be able to prevent any of these scenarios from happening neither could the LPA control the scenarios by condition(s).
- 8.2 Additionally this Statement has demonstrated that the Proposed Development is compatible with both the character of the Appeal Site, and the character and appearance of the locality. This Statement has also demonstrated that there will be betterment to the landscape and betterment to the local highway network.
- 8.3 Finally this Statement has demonstrated that the Proposed Development is in accordance with both the North York Moors Core Strategy Development Policies Document, and the North York Moors National Park Management Plan.
- 8.4 Consequently, there being no justification on planning grounds, nor any other material grounds, for rejecting the proposals, the Planning Inspectorate is respectfully invited to allow the appeal and grant planning permission for the Proposed Development, subject to any relevant conditions.

### Proposed Conditions

- 8.5 For completeness, below is a list of matters which could constitute conditions that are acceptable to the Appellant.

- 5 year time limit
- Access track to accord with agreed specifications and standards of the LHA
- Roadside hedge reinstatement either side of the site entrance
- Additional planting adjacent to the north boundary of the Appellant's landholding



APPENDICES

NYIANPA  
14 MAR 2017

APPENDIX A

NYMHPA  
14 MAR 2017

Town and Country Planning Act 1990  
North York Moors National Park Authority

Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development

To Mr Keith Dobbie  
c/o Kynman Design  
fao: Mr Graeme Kynman  
59 North Bar Without  
Beverley  
East Yorkshire  
HU17 7AB

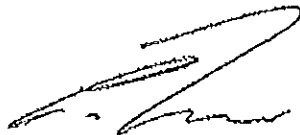
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The above named Authority being the Planning Authority for the purposes of your application validated 10 February 2016, in respect of change of use of land from the siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track at paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale has considered your said application and has refused permission for the proposed development for the following reasons:

1. The Local Planning Authority, having due regard to the applicant's fall-back position, considers that the replacement of the existing touring caravan with a timber log cabin would result in a material change and intensification in the use of the site resulting in a more permanent form of development with sewerage and service connections which would be harmful to the character of this undeveloped area of woodland within the National Park. Furthermore the retrospective nature of the application with regard to the intentional unauthorised works to the access track, turning and parking areas has prevented measures being taken to mitigate or limit the harm that would be caused to the character and appearance of the locality. As such the proposal is considered to conflict with Core Policy A of the Core Strategy and Development Policies Document which seek to ensure that the scale of development and level of activity does not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park.

**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 seeking to negotiate with the Applicant acceptable amendments to the proposal to address those concerns. However Members of the Planning Committee, which took the decision to refuse planning permission, consider that the matters of concern are so fundamental to the proposal that a satisfactory way forward cannot be achieved and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.



Mr C M France  
Director of Planning

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NYM/2015/0885/FL  
14 MAR 2017  
Date ..... 7 DEC 2016

APPENDIX B

NYINFA  
14 MAR 2017

## North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Cloughton	App No. NYM/2015/0885/FL
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**Proposal:** change of use of land from the siting of a touring caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track

**Location:** paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale

**Applicant:** Mr Keith Dobbie, 19 Braids Walk, Kirkella, Hull, HU10 7PD

**Agent:** Kynman Design, fao: Mr Graeme Kynman, 59 North Bar Without Beverley, East Yorkshire, HU17 7AB

**Date for Decision:** 06 April 2016

**Grid Ref:** SE 499578 497505

### Director of Planning's Recommendation

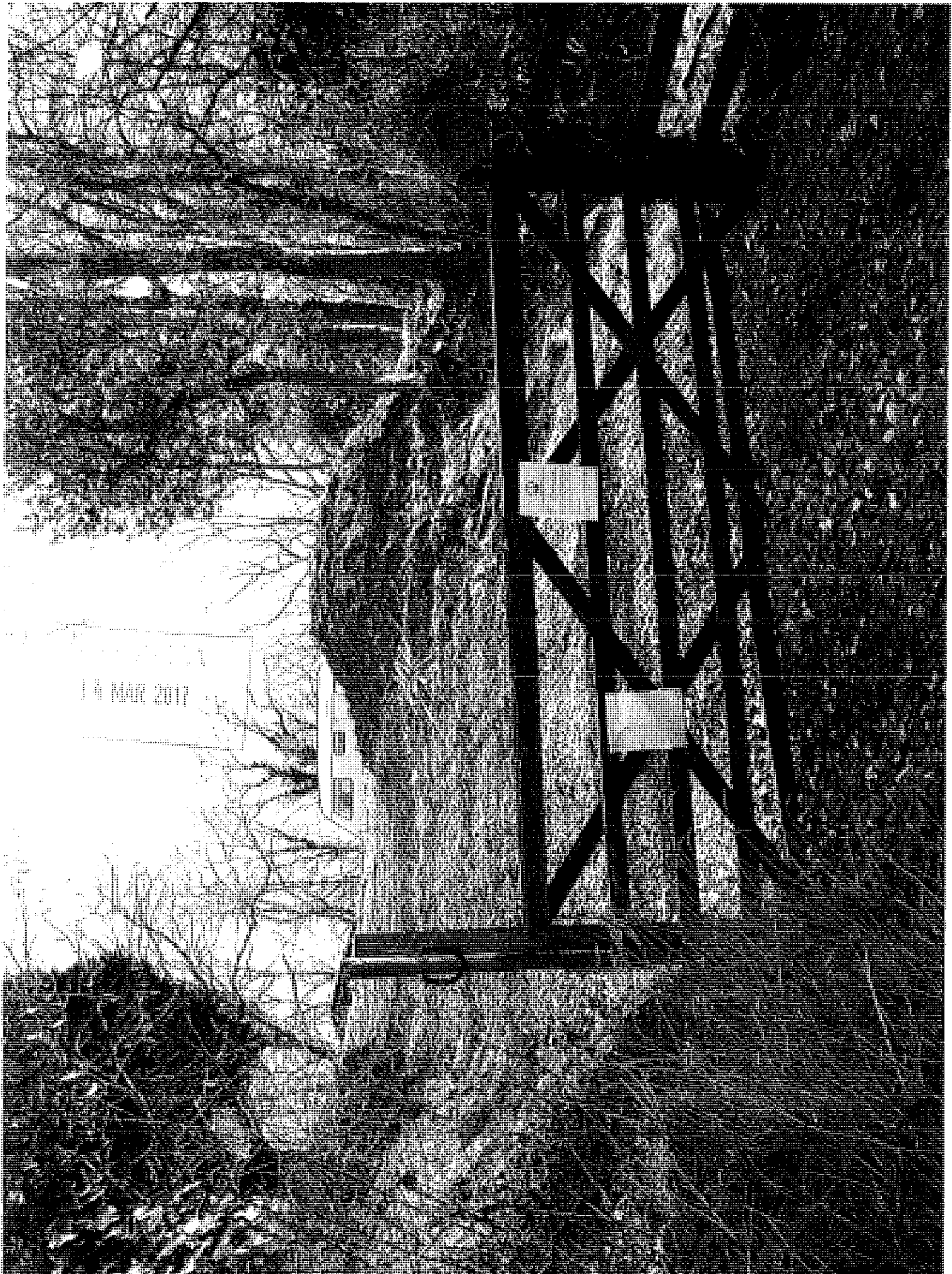
Approval subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSU000 The log cabin hereby approved shall only be occupied for holiday and/or recreational purposes by the owner of the land edged blue on the attached plan and members of the family and friends of the owner, for up to 150 days a calendar year and shall not be occupied as a person's sole or main place of residence. The owner shall maintain an up-to-date register of all occupants of the log cabin and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. GACS07 External Lighting - Submit Details
5. MATS28 Timber Cladding Samples
6. MATS19 Roof Colouring (dark grey)
7. DRGE00 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until full details of the proposed means of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
8. HWAY00 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  1. The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E9A.
  2. Provision to prevent surface water from the site/plot discharging onto the existing highway shall be and maintained thereafter to prevent such discharges.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

NYM/2015/0885/FL

14 MAR 2017





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**Application No: NYM/2015/0885//FL**


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**Conditions continued**

- |     |         |   |
|-----|---------|---|
| 9.  | LNDS01  | Landscaping Scheme Required (hedgerow and tree planting alongside the western boundary of the site with the public highway)   |
| 10. | LNDS10  | Details of Hardsurfacing to be Submitted  |
| 11. | LANDS12 | Access Surfacing - Details Specified (crushed limestone)  |
| 12. | WPDR12  | Site Licence Required   |
| 13. | RSU000  | Prior to the first use of the chalet hereby approved, the existing touring caravan shall be removed from the site. Thereafter, no caravans shall be brought onto the site without the prior written permission of the Local Planning Authority. |

**Informative**

- In relation to condition 8 you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

### **Consultations**

**Parish** – Strongly oppose the application for the following reasons:

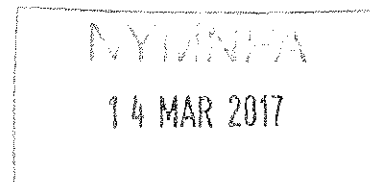
- The appearance is akin to a park home or holiday lodge and likely to be used year round as a residence or holiday home – such intensification would have an unacceptable impact on the peace and quiet of the adjoining properties.
- Units of this nature are designed to be connected to main services yet there is no provision for a septic tank. The disposal from chemical toilets would be problematic as there is no mains drainage and could lead to pollution of the adjoining watercourses.
- There is no commercial/business element to the existing site and therefore the proposal does not comply with DP16 Part 2 which requires it to be physically and functionally linked to an existing business.
- An increase from 100 nights/year at weekend to 150 days/year is unacceptable and changes the nature of use of the site.
- The track has already been lengthened and upgraded.

**Highways** – No objections.

**Environmental Health Officer** – No comments received.

**Forestry Commission** – No comments received.

**Site Notice Expiry Date** – 16 March 2016



**Others** - Kelsall McEwan and Thea Benatar, Hayburn Dene, Staintondale  
 Patricia Richardson, Bridge Farm, Staintondale  
 Mr & Mrs Carr, Bridge Cottage, Staintondale  
 Kath Land, 17 Woodland Rise, Wakefield (owner of Wyke Lodge Cottage)

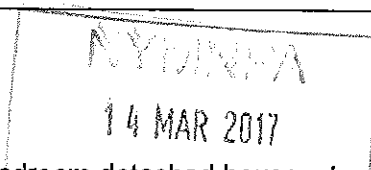
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**Application No: NYM/2015/0885/FL**


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Others continued

Object for some or all of the following reasons:



- The footprint is similar to that of an average four bedroom detached house – to place a building on a site with no previous development would harm the unspoilt woodland and meadowland.
- Such structures have a life span of at least 40 years – the applicant is effectively seeking to replace a touring caravan with a house.
- In the revised position the building would be screen from the road but its impact on neighbours would not be reduced and would be still in full view, especially following the felling of trees and during the winter months when the remaining trees are bare;
- The applicant is continuously removing shrubbery and trees which is opening up the site to view.
- Our preference would be for development to take place in the south paddock well away from neighbouring properties where connection to services would be less disruptive.
- A septic tank and soakaway will be required – waste will end up in the river below;
- The noise and light pollution from 150 days occupancy would seriously impact on neighbouring properties – how would this be enforced?
- There is no commercial business associated with the site to link the building to as required by Development Policy 16.
- The access lies in a dip in the road near a sharp bend – any increase in traffic would be a highways disaster.
- The applicant continues to develop the site in anticipation of being granted planning permission and continue to fell trees.
- The area is saturated with holiday cottages and another next door to ours would be detrimental to our business.
- There are no local amenities to benefit from a further holiday development in this area of the Park.
- Concerned that the applicant's long term intention is to develop a holiday chalet site.

### **Background**

This application relates to a paddock surrounded by woodland lying to the south of Wyke Lodge, Hodgson Hill, Staintondale. On the site at present is a touring caravan for which a Certificate of Lawfulness has recently been granted, along with a small timber shed.

The Certificate of Lawfulness was granted in October 2015 following a change in the ownership of the land along with another paddock to the south and the surrounding woodland. It states that the use of the land for the siting of one touring caravan for use by the owner (and family members) of the land for holiday and/or recreational purposes only, for up to 100 nights a calendar year at weekends, and not as permanent residential accommodation or for any commercial use is lawful.

The applicant now seeks planning permission to replace the touring caravan with a timber lodge. The lodge would measure 10 metres by 6 metres with an eaves height of 2.4 metres max and a ridge height of 3.7 metres max. It would provide an open plan living area, utility, two double bedrooms and two bathrooms. It fulfils the definition of a caravan set out in the Caravan Sites Act 1968 (as amended) being a structure, not measuring more than 20 metres by 6.8 metres, designed for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site; and is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer).

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**Application No: NYM/2015/0885/FL**

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**Background continued**

It is proposed to locate the timber lodge some 25 metres to the east of the present touring caravan, beyond the rise on the land where the land is approx. 2 metres lower than the current site. The applicant also seeks planning permission to replace the existing timber chicken shed with a timber clad store of similar dimensions to provide storage for various equipment needed for the management of the site.

In addition the applicant would like to be able to allow family and friends to use the timber lodge for holiday purposes, up to a maximum of 150 days per calendar year and not restricted just to weekends as with the current Certificate of Lawfulness.

Members will be aware that a Woodland Tree Preservation Order was recently served of the woodland surrounding the paddock as there was concern at the extent of works being undertaken by the applicant. Since then the Authority has granted consent for the felling of a number of diseased trees along with some coppicing and removal of overhangs to reduce the likelihood of fractures to vulnerable trees.

**Main Issues****Policy**

The relevant policies of the Core Strategy and Development Policies Document are considered to be Core Policy A and Development Policy 16.

Core Policy A is the overarching policy used to deliver the National Park Purposes. In particular it seeks to ensure that development does not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park whilst providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.

Development Policy 16 deals with proposals for the provision of small scale new caravan, camping and chalet sites or the expansion of existing sites. The proposal is for the replacement of a touring caravan with a timber lodge and whilst there will be an intensification of use, it is not considered to be either the creation of a new chalet site or the expansion of an existing site as envisaged by the policy. However the criteria of that policy provides relevant guidelines to considering what development might be acceptable on the application site. The policy requires all proposals to be located within an area of well established woodland so as to provide a setting for the proposed development and to ensure the proposal does not harm the Park's special qualities; to be physically and functionally linked to an existing business and to be managed appropriately without the need for additional permanent residential accommodation; and to be in close proximity to the road network and not result in an increase in traffic generation that would be harmful to the character of the area or highway safety. The policy also states that the scale of the development and the design of the proposed structures together with the anticipated levels of activity must not adversely affect the special qualities of the National Park and that proposals should be designed to minimise the level of permanency so that buildings can be removed when they are no longer required without damage to the natural landscape.

**Principle**

This application is not considered to be the establishment of a new chalet site or the expansion of an existing one but rather the replacement of an existing touring caravan (which has an established lawful use in that location) with a larger caravan, albeit a timber lodge. (See previous explanation of the legal definition of a caravan). However the criteria of Development Policy 16 provide some useful guidance for assessing the acceptability of the proposal as discussed in detail below.

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**Application No: NYM/2015/0885/FL**

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**Main Issues continued**

It should be noted that there is no existing business at the site to link the proposed timber lodge to. However as this is a replacement structure with modest intensification in its use from personal use for up to 100 days per calendar year to holiday use for family and friends for up to 150 days per calendar year, it is not considered that a new chalet site is being established to warrant on site management accommodation.

**Design and Landscape Impact**

The site is surrounded by Ancient Woodland in the applicant's control. It is covered by a Woodland Tree Preservation Order and this provides a degree of reassurance that the screening will remain in place in perpetuity subject to some controlled management. The position of the proposed timber lodge would be some 25 metres to the east of the existing touring caravan where the land is some 2 metres lower. This will ensure that the proposal is well screened from the road and not visible to view in the wider landscape.

Officers are aware that recent woodland management works have opened up the site to public view. Furthermore the widening of the access in preparation for the delivery of the timber lodge and its surfacing with construction waste has destroyed the discrete wooded nature of the original access. However the works undertaken to the woodland were necessary to remove diseased and dying trees and the applicant is fully prepared to re-establish the roadside hedge to improve the screening of the site. In addition he will surface the track in a local crushed limestone to improve its appearance.

With regard to the design and construction of the proposed timber lodge, it is a modular unit of two parts which would be assembled on site with a surface mounted plinth foundation system. This will ensure that the timber lodge would not be a permanent structure and could be removed as and when no longer required, and the land restored. The design of lodge has been amended at Officer's request since originally submitted from what was in effect a timber clad static caravan to a chalet of a high quality, contemporary design. Whilst not necessarily of the local vernacular, it is considered to be more in keeping with the locality than either a flat roof caravan or a wide gable Swiss style chalet.

**Impact on Residential Amenity**

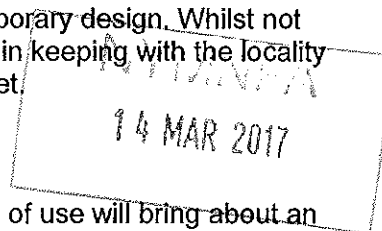
Whilst the proposed timber lodge and the change in the nature of use will bring about an intensification of use, it is not considered that this will adversely harm the residential amenity presently enjoyed by the occupants of adjoining properties.

The site of the proposed timber lodge would be some 45 metres from Bridge Cottage to the north, and 75 metres from Wyke Lodge and Wyke Lodge Cottage, and would be largely screened by the existing woodland. Whilst there will be an increase in activity about the site as a result of a larger unit and a greater number of days potential occupancy, it is not considered that this will be of such a level as to detract from their quiet enjoyment of their property.

**Highway Safety**

The site is in close proximity to the road network with an access taken directly from the Cloughton to Staintondale Road and whilst a larger unit will bring about an increase in traffic to and from the site, this is likely to be very modest and as such Officers consider it would not be harmful to the character of the area.

The Highway Authority has commented that whilst there has been a caravan on the site for a number of years, the access has not been properly constructed with vehicles driving across



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**Application No: NYM/2015/0885/FL**

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**Main Issues continued**

the grass verge causing damage to the highway verge. Any permission for a new structure on the site should require the construction of an access to the standards of the local Highway Authority to ensure mud is not tracked onto the carriageway as has been in the past thereby preventing danger to other highway users. As such the Highway Authority does not raise an objection to the proposal on highway safety grounds and concludes that the construction of a better access would actually improve the existing situation.

**Drainage**

With regard to the concerns expressed regarding drainage the applicant has responded that all foul sewage will be contained by septic tank and then emptied by a sludge tanker to dispose of off-site, which is a common practice in the area. The use of appropriate chemicals is a personal preference to eliminate odours that could cause offence.

**Conclusion**

The applicant could replace the existing touring caravan with another tourer of significantly larger dimensions, in the same place without the need for planning permission. Officers consider that this would be much more harmful in the landscape as it would be visible from the road and the immediate neighbours to the north. By locating the proposed lodge further to the east it would not be visible from the road and the design and materials of the proposed chalet would ensure that its prominence in views from neighbouring properties is minimised.

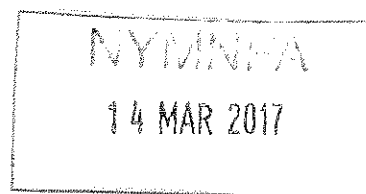
In view of the above it is considered that the proposal would not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park whilst providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities in accordance with Core Policy A and Development Policy 16.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy B4 which seeks to improve the quality and variety of tourism and recreation facilities and accommodation in the Park.

**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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



( )

APPENDIX C

NYVINFA  
14 MAR 2017

## North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 20 October 2016.

**Present:** Leslie Atkinson, Jim Bailey, Malcolm Bowes, Guy Coulson, Ena Dent, Alison Fisher, Janet Frank, David Huggill, Heather Moorhouse, Sarah Oswald, Caroline Patmore, Clive Pearson, Andrew Scott

**Apologies:** John Ritchie, David Jeffels, Christopher Massey, Jeremy Walker, Ted Sanderson

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**Copies of all Documents Considered are in the Minute Book**

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### 68/16 Minutes

**Resolved:**

That the minutes of the meeting held on 15 September 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 69/16 Site Visits Minutes of 30 September 2016

**Resolved:**

That the site visit minutes of the 30 September 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 70/16 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or discloseable interests relating to any agenda item prior to its consideration.

### 71/16 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

### 72/16 Exclusion of the Public

**Resolved:**

That, pursuant to Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of Item No 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 12A to the Local Government Act 1972.

### 73/16 Miscellaneous Items

Considered:

The report of the Director of Planning.

**Resolved:**

That the report be noted.

14 MAR 2017

74/16 Minerals and Waste Joint Plan – Publication Draft Document

Considered:

The report of the Director of Planning and the content of the Members Update Sheet

**David Hugill, Alison Fisher and Caroline Patmore declared a personal interest in this item as members of the Minerals and Waste Plan Working Group.**

**Resolved:**

That Members agreed to public consultation on the Draft Publication document.

That Members noted the proposed arrangements for consultation.

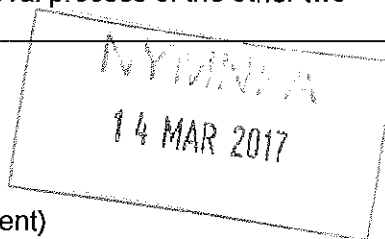
That Members authorised Officers to make any minor amendments to the Draft Publication document prior to consultation.

That Members authorised the Chair of Planning Committee to agree to any more significant changes arising from the Member approval process of the other two authorities.

75/16 Enforcement Update Report

Considered:

The report of the Planning Team Leader (Enforcement)



**Resolved:**

That the report be noted. With regard to the Saltersgate Inn, Members requested that we advise the new owner of a timescale to comply with the Section 215 Notice.

76/16 Applications for Planning Permission

The following members of the public addressed the meeting regarding the Plans List Items indicated:

Plans List Item 2 – Sue Brown spoke against the application and Councillor Bell spoke on behalf of the Parish Council.

Plans List Item 3 – Rod Hepplewhite spoke in favour of the application and Councillor Bell spoke on behalf of the Parish Council.

Plans List Item 4 – Mr Dobbie spoke in favour of the application.

Plans List Item 6 – John Howlett spoke in favour of the application.

Plans List Item 7 – John Dewar spoke in favour of the application and David Davis spoke against the application.

Plans List Item 8 – David Hugill spoke in favour of the application.

Considered:

The report listing applications and the Director of Planning's recommendations thereon. Members also considered further information circulated on the Members' Update Sheet at the meeting including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.



Resolved:

- (a) That with regard to all applications listed in the report and subject to:
- (i) the amendments specified below; and
  - (ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above;
- decisions be given in accordance with the Director of Planning's recommendations:

List No	Plan No and Description of Proposal
1.	<p>NYM/2015/0919/FL – Construction of 2 no. dwellings with associated access, parking, garages and amenity space at land to the south of Brookfield Cottage, Maltongate, Thornton le Dale for Mrs G Forster, Briggate Barn, Nesfield, Ikley, West Yorkshire, LS29 0BS.</p> <p><b>Decision</b>  <b>Alison Fisher declared a personal interest in this item as she is acquainted with the agent.</b>            Refused contrary to Officer recommendation as Members considered that the proposal of 2 no. dwellings is an overdevelopment of the site and will have a detrimental impact on neighbouring amenity contrary to Development Policy 3 and Core Policy A by virtue of their height and the additional activity associated with the development. The site layout of the dwellings with disproportionately small gardens sizes and excessive tarmac, together with the height of the dwellings, would have a detrimental impact on the Conservation Area contrary to Development Policy 4.</p>
2.	<p>NYM/2015/0467/FL – Construction of 8 no. dwellings with associated access, parking garages and landscaping works at land at Hallgarth Farm Wesgate, Thornton le Dale for A &amp; D Sturdy Ltd.</p> <p><b>Decision</b>  <b>Alison Fisher declared a personal interest in this item as she is acquainted with the applicant.</b>            Refused with the Director of Planning to clear the inclusion of the word 'overall' in the first sentence of the reason for refusal.</p>
3.	<p>NYM/2015/0885/FL – Change of use of land from the siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track at paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale for Mr Keith Dobbie, 19 Braids Walk, Kirkella, Hull, HU10 7PD.</p> <p><b>Decision</b>            Consideration deferred to enable a site visit to be undertaken to fully appraise the intensification of use and impact of the development on neighbouring properties, with the attendance of Members being regarded as an approved duty for the purposes of the payment of Members' allowances.</p>
4.	<p>NYM/2016/0565/FL – Variation of condition 3 of planning approval NYM/2015/0294/FL to allow the self-contained residential units of staff accommodation to be used for short term holiday accommodation at The Crown Hotel, 21 Market Place, Helmsley at The Crown Hotel Buildings Ltd fao: Mr Richard Hird c/o The Black Swan, Market Place, Helmsley, YO62 5BJ.</p> <p><b>Decision</b>  <b>Alison Fisher and Sarah Oswald declared a personal interest in this item as they are acquainted with the agent.</b>            Approved as recommended.</p>

14 MAR 2017

5.	NYM/2016/0593/FL – Alterations and construction of two storey extension to front elevation following demolition of existing porch at Derwent Crossing, 34 Carr Lane, East Ayton for Jason & Nicola Allen, Derwent Crossing, 34 Carr Lane, East Ayton, Scarborough, YO13 9HW.
	<b>Decision</b> Approved with the Director of Planning to clear an additional condition requiring the window details to be submitted to and approved by the Local Planning Authority prior to installation.
6.	NYM/2016/0638/FL - Removal of condition 3 of planning approval NYM/2013/0432/FL to allow the occupancy of the dwelling to be unrestricted at High Peak House, Pollard Road, Ravenscar for Mr & Mrs Heaton, High Peak House, Pollard Road, Ravenscar, Scarborough, YO13 0NB.
	<b>Decision</b> Approved as recommended.
7.	NYM/2016/0559/FL – Variation of condition 1 of planning approval NYM/2013/0501/FL to allow a further three year timeframe at Ebberston Moor 3 Wellsite, Cockmoor Road, Sawdon for Third Energy UK Gas Limited, fao: Mr John Dewar Knapton Generating Station, East Knapton, Malton, North Yorkshire, UO17 8JF.
	<b>Decision</b> Approved with the Director of Planning to clear the inclusion of an informative to encourage the applicant to complete the development within the time frame and with an additional condition as set out on the Members Update Sheet: 7. The operator of the site shall hold and maintain insurance cover, for the lifetime of the development, for the remediation of the site and any affected off-site areas following a significant accidental pollution event.
8.	NYM/2016/0541/FL – Variation of condition 2 (material amendment) of planning approval NYM/2015/0395/FL to allow alterations to door and window positions and omission of timber cladding to eastern gable (retrospective) at Turtle Hill Farm, Faceby for David Hugill, Turtle Hill Farm, Faceby, TS9 7BZ.
	<b>Decision</b> <b>David Hugill declared a personal and prejudicial interest in this item as the applicant, utilised his opportunity to address the Planning Committee for three minutes and then left the room. Janet Frank chaired this item in his absence.</b> Approved as recommended.

77/16 Private Minutes of the Meeting held on 15 September 2016

**Resolved:**

That the private minutes of the meeting held on 15 September 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

17 November 2016

(Chair)

NYM/2016/0541/FL  
14 MAR 2017

APPENDIX D

NYUNDA  
14 MAR 2017

NYM/2015/0885/FL  
14 MAR 2017

Item

**North York Moors National Park Authority  
Planning Committee Site Visit**

Public minutes of the site visit held at Paddock to the South of Wyke Lodge, Hodgson Hill, Staintondale, on 28 October 2016 at 10.30am.

Present: Mr D Hugill, Mr M Bowes, Mrs E Dent, Mrs H Moorhouse, Mr L Atkinson, Mr C Pearson

Apologies: Mrs J Frank, MR D C Jeffels, Mr C Massey, Mr G Coulson, Mr A Scott, Mr J Walker, Mrs A Fisher and Mrs S Oswald

National Park Authority Officers: Chris France (Director of Planning), Andrew Muir, (Planning Team Leader)

Others: Mr Keith Dobbie (Applicant)  
Parish Councillor - Councillor Duncan-Blake  
Objectors – Mrs Carr and Mr McEwan

**NYM/2015/0885/FL Change of use of land from siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track, paddock to the South of Wyke Lodge, Hodgson Hill, Staintondale**

The Members and Planning Officer's met the applicant, parish representative and the objectors on site.

Chris France explained the details of the proposal and briefly outlined the reasons for the site visit; being Members concerns regarding the potential impact on the amenities of adjacent properties due to the location of the proposed log cabin/mobile unit and the potential impact resulting from the degree of intensification that the development would create.

Members raised questions with regard to the septic tank location; the location and size of a caravan that could be accommodated within the extant certificate of lawful use; tree removal; the permanence of the planning permission and the location of the car parking.

It was explained by the applicant that the waste collected in a storage tank near the caravan would be pumped to a septic tank located within the car parking area for removal by tanker. A soakaway is to be constructed and this water would be left to permeate into ground.

Chris France confirmed that a caravan of up to 20mx10m could be sited anywhere within the blue area which is the red line area on the certificate of lawfulness. It was further advised that further tree removal is controlled by the tree preservation order. The applicant confirmed that no trees had been taken out following the serving of the woodland TPO. Mr France confirmed that the planning permission is permanent if

implemented. Finally, Mr Dobbie confirmed that the car parking areas are to remain as they are.

Mr Duncan-Blake confirmed that the Parish Council considers the proposal to be an enormous change to what is currently on site.

Mr McEwan stated that the site is open to the neighbours, particularly in winter months, due to the cutting of trees; and that he considers that there is likely to be pollution of the water course from the septic tank and soakaway. The latter was considered to be a matter for Building Control and the Environment Agency.

Everyone then walked across the site to the position of the proposed development. The applicant had constructed a mock-up of the caravan using a wooden frame which measured 8.4m x 5.4m with a height of 2.5m. It was noted by Members that the mock up was smaller than the proposed caravan. The applicant explained that it was his intention to excavate down so that the finished height of the caravan would be that indicated by the mock-up. Chris France confirmed that the wooden frame was not positioned in line with the proposed log cabin, but was sited laterally rather than lengthwise into the site.

Everyone then walked to the edge of the site to view the residential properties through the trees to the north, looked at the distance and location to the existing dwellings. The applicant confirmed that there was to be additional tree and screen planting to the north of the caravan to reduce any impact on the neighbouring properties.

Everyone then walked to the existing car parking area to view the properties to the north west, looked at the distance and location to the existing dwellings.

Everyone then walked to the opposite side of the road to the site, looked at the distance and location to the proposed caravan from the public highway.

The Planning Chair closed the visit once he was satisfied that there were no more questions from Members and Members and Officers left the site.

Chris France  
Director of Planning

.....(Chair)

NY 14 MAR 2017

APPENDIX E

NYMINFA  
14 MAR 2017

## North York Moors National Park Authority

Scarborough Borough Council (South)	App No. NYM/2015/0885/FL
Parish: Cloughton	

**Proposal:** change of use of land from the siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track

**Location:** paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale

**Applicant:** Mr Keith Dobbie, 19 Braids Walk, Kirkella, Hull, HU10 7PD

**Agent:** Kynman Design, fao: Mr Graeme Kynman, 59 North Bar Without Beverley, East Yorkshire, HU17 7AB

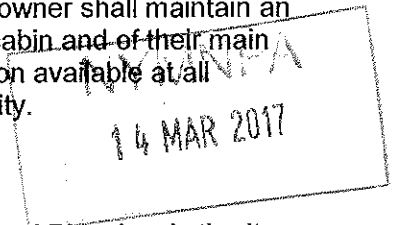
**Date for Decision:** 06 April 2016

**Grid Ref:** SE 499578 497505

### Director of Planning's Recommendation

Approval subject to the signing of a Section 106 Agreement to yield the lawful position granted by the Certificate of Lawful Use and the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSU000 The log cabin hereby approved shall only be occupied for holiday and/or recreational purposes by the owner of the land edged blue on the attached plan and members of the family and friends of the owner, for up to 150 days a calendar year and shall not be occupied as a person's sole or main place of residence. The owner shall maintain an up-to-date register of all occupants of the log cabin and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. GACS07 External Lighting - Submit Details
5. MATS28 Timber Cladding Samples
6. MATS19 Roof Colouring (dark grey)
7. DRGE00 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until full details of the proposed means of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
8. HWAY00 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  1. The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E9A.
  2. Provision to prevent surface water from the site/plot discharging onto the existing highway shall be and maintained thereafter to prevent such discharges.
 All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

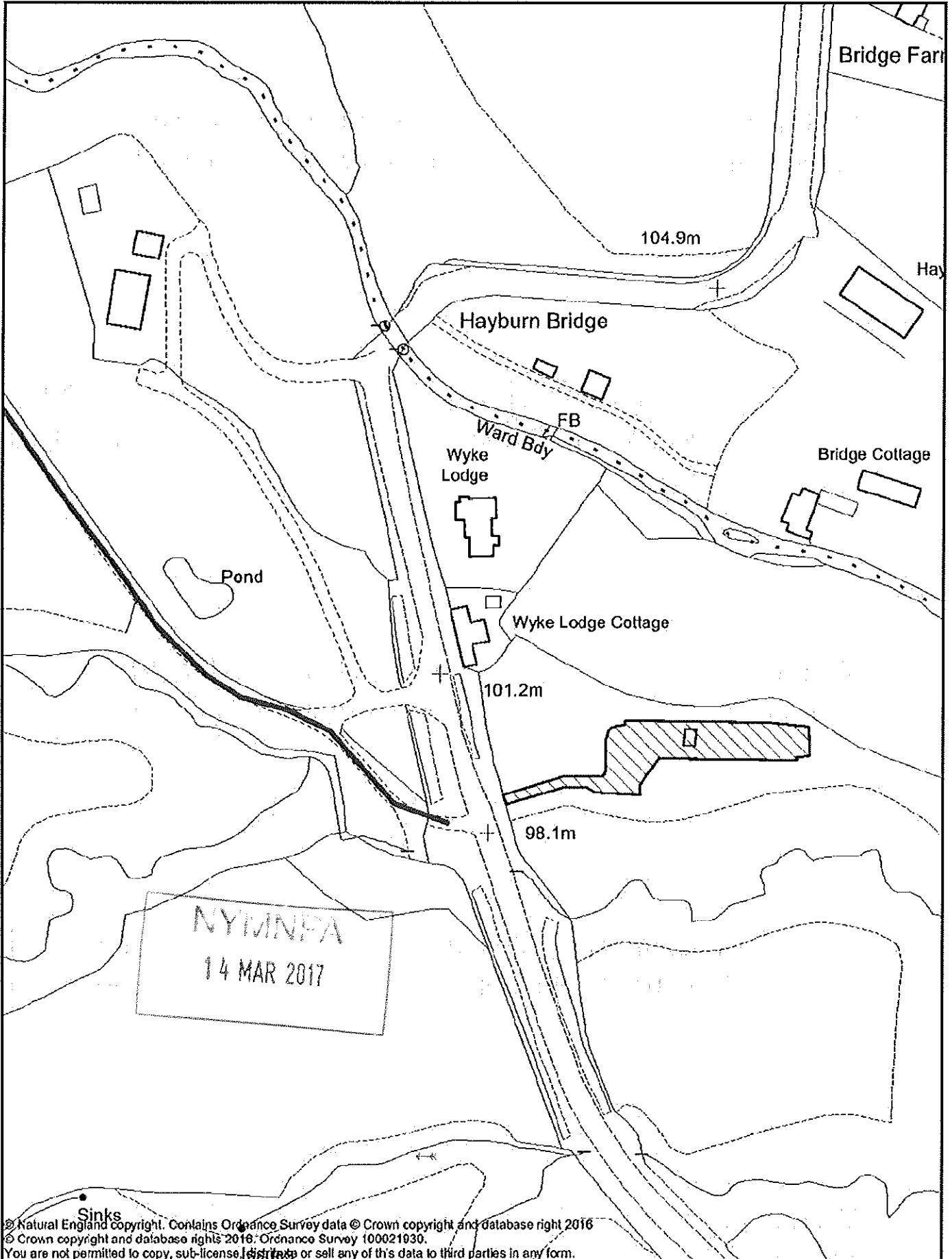




North York Moors National Park  
 Authority  
 The Old Vicarage  
 Bondgate  
 Helmsley YO62 5BP  
 01439 772700

Application Number: NYM/2015/0885/FL

Scale: 1:1250





NYW

14 MAR 2017



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**Application No: NYM/2015/0885//FL**


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**Conditions continued**

- |     |         |   |
|-----|---------|---|
| 9.  | LNDS01  | Landscaping Scheme Required (hedgerow and tree planting alongside the western boundary of the site with the public highway)   |
| 10. | LNDS10  | Details of Hardsurfacing to be Submitted  |
| 11. | LANDS12 | Access Surfacing - Details Specified (crushed limestone)  |
| 12. | WPDR12  | Site Licence Required   |
| 13. | RSU000  | Prior to the first use of the chalet hereby approved, the existing touring caravan shall be removed from the site. Thereafter, no caravans shall be brought onto the site without the prior written permission of the Local Planning Authority.   |
| 14. | MISC00  | If the log cabin hereby approved remains vacant and unoccupied as holiday accommodation for a period exceeding one year then the log cabin shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing. |

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**Informative**

1. In relation to condition 8 you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. Section 106 agreement

## **Consultations**

**Parish** – Strongly oppose the application for the following reasons:

- The appearance is akin to a park home or holiday lodge and likely to be used year round as a residence or holiday home – such intensification would have an unacceptable impact on the peace and quiet of the adjoining properties.
- Units of this nature are designed to be connected to main services yet there is no provision for a septic tank. The disposal from chemical toilets would be problematic as there is no mains drainage and could lead to pollution of the adjoining watercourses.
- There is no commercial/business element to the existing site and therefore the proposal does not comply with DP16 Part 2 which requires it to be physically and functionally linked to an existing business.
- An increase from 100 nights/year at weekend to 150 days/year is unacceptable and changes the nature of use of the site.
- The track has already been lengthened and upgraded.

Additional comments - Concerned that on the website Linked In the applicant is listed as the Chief Executive Officer of Hayburn Wood Lodges, a new site development of upmarket lodge retreats in a woodland setting. This implies that this application is the first of several lodges to be placed on the site for the purposes of running a tourism business.

**Highways** – No objections.

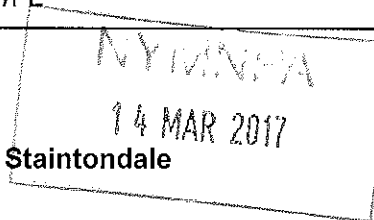
**Environmental Health Officer** – No comments received.

**Forestry Commission** – No comments received.

Application No: NYM/2015/0885//FL

Site Notice Expiry Date – 16 March 2016

Others - Kelsall McEwan and Thea Benatar, Hayburn Dene, Staintondale  
 Patricia Richardson, Bridge Farm, Staintondale  
 Mr & Mrs Carr, Bridge Cottage, Staintondale  
 Kath Land, 17 Woodland Rise, Wakefield (owner of Wyke Lodge Cottage)



Object for some or all of the following reasons:

- The footprint is similar to that of an average four bedroom detached house – to place a building on a site with no previous development would harm the unspoilt woodland and meadowland.
- Such structures have a life span of at least 40 years – the applicant is effectively seeking to replace a touring caravan with a house.
- In the revised position the building would be screen from the road but its impact on neighbours would not be reduced and would be still in full view, especially following the felling of trees and during the winter months when the remaining trees are bare;
- The applicant is continuously removing shrubbery and trees which is opening up the site to view.
- Our preference would be for development to take place in the south paddock well away from neighbouring properties where connection to services would be less disruptive.
- A septic tank and soakaway will be required – waste will end up in the river below;
- The noise and light pollution from 150 days occupancy would seriously impact on neighbouring properties – how would this be enforced?
- There is no commercial business associated with the site to link the building to as required by Development Policy 16.
- The access lies in a dip in the road near a sharp bend – any increase in traffic would be a highways disaster.
- The applicant continues to develop the site in anticipation of being granted planning permission and continue to fell trees.
- The area is saturated with holiday cottages and another next door to ours would be detrimental to our business.
- There are no local amenities to benefit from a further holiday development in this area of the Park.
- Concerned that the applicant's long term intention is to develop a holiday chalet site.

**Kelsall McEwen and Thea Benatar, Hayburn Dene, Staintondale - Raise the following additional objections in response to the Officer Report:**

- The report is unacceptably biased with little or no objectivity and with many deliberately misleading claims; e.g. the officer claims to have identified 'matters of concern' and talks of 'negotiating, with the applicant, acceptable amendments to the proposal to address those concerns.' We would assert that the Planning Officer has taken no account of the objections raised and has negotiated no acceptable amendments.
- No objections have been raised about the visibility of the lodge from the road and as such the amendment to position it further into the site is inconsequential. In fact it will still be in full view to us from our house and garden.
- The Officer has made no attempt to contact us or to look at the site from our property and so has no understanding of how the applicants land lies in relation to ours and is not qualified to make an objective assessment.

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**Application No: NYM/2015/0885//FL**


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Others continued

- The Officer has failed to address the possibility of placing the proposed development in the southern part of the applicant's land that is considerably further from all existing properties and screened by woodland.
- The comment that the chalet is 'of a high quality, contemporary design' is highly subjective and completely inaccurate: it still is a timber clad static caravan. By whom is this design considered more in keeping? Why should either a standard static caravan or Swiss style chalet be the only other design options?
- The Officer also justifies the removal of hedgerow along the applicant's property as necessary in 'preparation for the delivery of the timber lodge'. This implies that the applicant has already been reassured that he will be granted planning permission.
- The Parish Council has expressed concern over foul water leaching into the river and the applicant has responded that all foul water will be contained by a septic tank, and then emptied by a sludge tanker. However a septic tank would soak away into the surrounding ground and river, and ideally would not need to be emptied. We believe that what the applicant may actually be referring to is a self contained tank such as a cesspool. These do not soak away and need to be regularly emptied. This is likely to be a substantial tank require extensive excavation and a large amount of permanent construction. The Officer has lightly dismissed the very real concerns of the Parish Council and our previous concerns regarding waste disposal.
- The Officer's reliance on the definition of a caravan to support the recommendation may or may not be accurate but it demonstrates that it is based on technical loopholes rather than common sense. If the lodge should be 'physically capable of being moved by road from one place to another' then perhaps it should be removed from the site for the 215 days it is not in use? Furthermore surely a high quality chalet contravenes the Caravan Sites Act 1968?
- We are extremely disappointed with the quality of the Officer's report, which should be objective, enlightening and convincing based on good arguments and compromise yet it is far from this.

### Background

This was deferred from the October meeting of the Planning Committee in order to allow Members the opportunity to visit the site in particular to see the relationship of the site to the neighbouring residential properties. The previous report is repeated below:

This application relates to a paddock surrounded by woodland lying to the south of Wyke Lodge, Hodgson Hill, Staintondale. On the site at present is a touring caravan for which a Certificate of Lawfulness has recently been granted, along with a small timber shed.

The Certificate of Lawfulness was granted in October 2015 following a change in the ownership of the land along with another paddock to the south and the surrounding woodland. It states that the use of the land for the siting of one touring caravan for use by the owner (and family members) of the land for holiday and/or recreational purposes only, for up to 100 nights a calendar year at weekends, and not as permanent residential accommodation or for any commercial use is lawful.

The applicant now seeks planning permission to replace the touring caravan with a timber lodge. The lodge would measure 10 metres by 6 metres with an eaves height of 2.4 metres max and a ridge height of 3.7 metres max. It would provide an open plan living area, utility, two double bedrooms and two bathrooms.

14 MAR 2017

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**Application No: NYM/2015/0885//FL**


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**Background continued**

It fulfils the definition of a caravan set out in the Caravan Sites Act 1968 (as amended) being a structure, not measuring more than 20 metres by 6.8 metres, designed for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site; and is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer).

It is proposed to locate the timber lodge some 25 metres to the east of the present touring caravan, beyond the rise on the land where the land is approx. 2 metres lower than the current site. The applicant also seeks planning permission to replace the existing timber chicken shed with a timber clad store of similar dimensions to provide storage for various equipment needed for the management of the site.

In addition the applicant would like to be able to allow family and friends to use the timber lodge for holiday purposes, up to a maximum of 150 days per calendar year and not restricted just to weekends as with the current Certificate of Lawfulness. However the applicant has confirmed there would be no commercial letting of the lodge.

Members will be aware that a Woodland Tree Preservation Order was recently served of the woodland surrounding the paddock as there was concern at the extent of works being undertaken by the applicant. Since then the Authority has granted consent for the felling of a number of diseased trees along with some coppicing and removal of overhangs to reduce the likelihood of fractures to vulnerable trees.

**Main Issues**

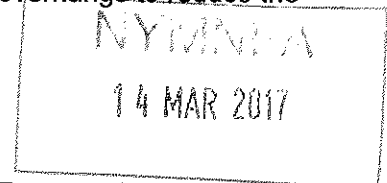
**Policy**

The relevant policies of the Core Strategy and Development Policies Document are considered to be Core Policy A and Development Policy 16.

Core Policy A is the overarching policy used to deliver the National Park Purposes. In particular it seeks to ensure that development does not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park whilst providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.

Development Policy 16 deals with proposals for the provision of small scale new caravan, camping and chalet sites or the expansion of existing sites. The proposal is for the replacement of a touring caravan with a timber lodge and whilst there will be an intensification of use, it is not considered to be either the creation of a new chalet site or the expansion of an existing site as envisaged by the policy. However the criteria of that policy provides relevant guidelines to considering what development might be acceptable on the application site. The policy requires all proposals to be located within an area of well established woodland so as to provide a setting for the proposed development and to ensure the proposal does not harm the Park's special qualities; to be physically and functionally linked to an existing business and to be managed appropriately without the need for additional permanent residential accommodation; and to be in close proximity to the road network and not result in an increase in traffic generation that would be harmful to the character of the area or highway safety.

The policy also states that the scale of the development and the design of the proposed structures together with the anticipated levels of activity must not adversely affect the special qualities of the National Park and that proposals should be designed to minimise the level of permanency so that buildings can be removed when they are no longer required without damage to the natural landscape.



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**Application No: NYM/2015/0885//FL**

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**Principle**

This application is not considered to be the establishment of a new chalet site or the expansion of an existing one but rather the replacement of an existing touring caravan (which has an established lawful use in that location) with a larger caravan, albeit a timber lodge (please refer to the legal definition of a caravan explained in the Background). However the criteria of Development Policy 16 provide some useful guidance for assessing the acceptability of the proposal as discussed in detail below.

It should be noted that there is no existing business at the site to link the proposed timber lodge to. However as this is a replacement structure with modest intensification in its use from personal use for up to 100 days per calendar year to holiday use for family and friends for up to 150 days per calendar year, it is not considered that a new chalet site is being established to warrant on site management accommodation.

**Design and Landscape Impact**

The site is surrounded by Ancient Woodland in the applicant's control. It is covered by a Woodland Tree Preservation Order and this provides a degree of reassurance that the screening will remain in place in perpetuity subject to some controlled management. The position of the proposed timber lodge would be some 25 metres to the east of the existing touring caravan where the land is some 2 metres lower. This will ensure that the proposal is well screened from the road and not visible to view in the wider landscape.

Officers are aware that recent woodland management works have opened up the site to public view. Furthermore the widening of the access in preparation for the delivery of the timber lodge and its surfacing with construction waste has destroyed the discrete wooded nature of the original access. However the works undertaken to the woodland were necessary to remove diseased and dying trees and the applicant is fully prepared to re-establish the roadside hedge to improve the screening of the site. In addition he has agreed to surface the track in a local crushed limestone to improve its appearance.

With regard to the design and construction of the proposed timber lodge, it is a modular unit of two parts which would be assembled on site with a surface mounted plinth foundation system. This will ensure that the timber lodge would not be a permanent structure and could be removed as and when no longer required, and the land restored. The design of lodge has been amended at Officer's request since originally submitted from what was in effect a timber clad static caravan to a chalet of a high quality, contemporary design. Whilst not necessarily of the local vernacular, it is considered to be more in keeping with the locality than either a flat roof caravan or a wide gable Swiss style chalet and would be more discrete.

**Impact on Residential Amenity**

Whilst the proposed timber lodge and the change in the nature of use will bring about an intensification of use, it is not considered that this will adversely harm the residential amenity presently enjoyed by the occupants of adjoining properties. With regard to adjoining neighbours, the site of the proposed timber lodge would be some 45 metres from Bridge Cottage to the north, and 75 metres from Wyke Lodge and Wyke Lodge Cottage, and would be largely screened by the existing woodland.

Whilst there will be an increase in activity about the site as a result of a larger unit and a greater number of days potential occupancy, it is not considered that this will be of such a level as to detract from their quiet enjoyment of their property.

14 MAR 2017

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**Application No: NYM/2015/0885//FL**

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**Highway Safety**

The site is in close proximity to the road network with an access taken directly from the Cloughton to Staintondale Road and whilst a larger unit will bring about an increase in traffic to and from the site, this is likely to be very modest and as such Officers consider it would not be harmful to the character of the area.

The Highway Authority has commented that whilst there has been a caravan on the site for a number of years, the access has not been properly constructed with vehicles driving across the grass verge causing damage to the highway verge. Any permission for a new structure on the site should require the construction of an access to the standards of the local Highway Authority to ensure mud is not tracked onto the carriageway as has been in the past thereby preventing danger to other highway users. As such the Highway Authority does not raise an objection to the proposal on highway safety grounds and concludes that the construction of a better access would actually improve the existing situation.

**Drainage**

With regard to the concerns expressed regarding drainage the applicant has responded that all foul sewage will be contained by septic tank and then emptied by a sludge tanker to dispose of off-site, which is a common practice in the area. The use of appropriate chemicals is a personal preference to eliminate odours that could cause offence.

**Conclusion**

The applicant could replace the existing touring caravan with another tourer of significantly larger dimensions, in the same place without the need for planning permission. Officers consider that this would be much more harmful in the landscape as it would be visible from the road and the immediate neighbours to the north. By locating the proposed lodge further to the east it would not be visible from the road and the design and materials of the proposed chalet would ensure that its prominence in views from neighbouring properties is minimised.

In view of the above it is considered that the proposal would not have an unacceptable impact on the wider landscape or quiet enjoyment, peace and tranquillity of the Park whilst providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities in accordance with Core Policy A and Development Policy 16.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy B4 which seeks to improve the quality and variety of tourism and recreation facilities and accommodation in the Park.

**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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

14 MAR 2017

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**APPENDIX F**

NY 12/17/17  
14 MAR 2017



## North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 17 November 2016.

**Present:** Leslie Atkinson, Jim Bailey, Malcolm Bowes, Guy Coulson, Alison Fisher, Janet Frank, David Hugill, David Jeffels, Caroline Patmore, Clive Pearson, John Ritchie, Ted Sanderson, Jeremy Walker

**Apologies:** Sarah Oswald, Heather Moorhouse, Andrew Scott, Ena Dent, Michael Dick

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Copies of all Documents Considered are in the Minute Book

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### 78/16 Minutes

**Resolved:**

That the minutes of the meeting held on 20 October 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 79/16 Site Visit Minutes of 28 October 2016

**Resolved:**

That the site visit minutes of the 28 October 2016, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 80/16 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or discloseable interests relating to any agenda item prior to its consideration.

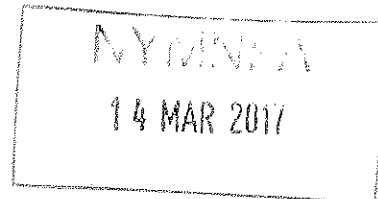
### 81/16 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

### 82/16 Miscellaneous Items

Considered:

The report of the Director of Planning.



**Resolved:**

That the report be noted.

### 83/16 Extra Care Facility Planning Application in Helmsley – NYM/2016/0678/FL – land west of Ashwood Close, Helmsley

Considered:

The report of the Director of Planning.

**Resolved:**

That Members agreed to a Committee Site Visit on 9 December 2016 prior to the consideration of this application which will be presented to the December Planning Committee in the interests of efficient and effective decision making.

**84/16 Development Plan Working Group – Verbal Update from Jeremy Walker**

**Resolved:**

That Members noted the verbal update given by Jeremy Walker.

**85/16 Adoption of Whitby Business Park Design Brief as an Appendix to the adopted Whitby Business Park Area Action Plan**

Considered:

The report of the Planning Team Leader.

**Resolved:**

That Members agreed to the adoption of the Design Brief as an Appendix to the Whitby Business Park Area Action Plan, as part of the Development Plan for the National Park.

**86/16 Adoption of 'Local List' of Validation Requirements for Planning Applications**

Considered:

The report of the Head of Development Management

**Resolved:**

That Members agreed to adopt the revised 'local vetting criteria' set out in section four above which essentially retains the rural workers housing statement, structural survey for conversions, flood risk assessments, affordable /local occupancy housing statements together with expanding the bat criteria to a bat/great crested newt/barn owl scoping survey and expanding the Heritage statement to also include archaeological HER sites, all as mandatory local validation requirements.

**87/16 Forest Design Plan Consultations - Wykeham Forest (FDP 23)**

Considered:

The report of the Woodland Officer.

APPROVED  
14 MAR 2017

**Recommendation:**

That:

- The Wykeham Forest Design Plan is accepted for the contribution it makes to National Park purposes, subject to the Forestry Commission revising the plan as follows:
- a commitment that the 'Minimum Intervention – Candidate Natural Reserve' areas in the Plan will be monitored to ensure that biodiversity is maximised and conifer cover will not increase, and action will be taken to achieve good quality broadleaf woodland if this is needed
- the predominately conifer areas in Troutdale will have specified target conditions which will be monitored to ensure that these are achieved and biodiversity is maximised
- the 11 hectares of PAWS restoration felling will be formally timetabled to minimise the loss of any ancient woodland remnant features.

**Resolved:**

That Members agreed that the Authority object to the Plan unless assurances to the three recommendations are specifically written into the Plan. Members also commented that the Forestry Commission should take a more active role concerning water quality and flood risk mitigation and that this should form part of the Design Plan and that consideration should be given to the timescale for removal of Larch to prevent risk of disease.

**88/16 East and West Ayton Article 4 Direction**

**David Jeffels declared a prejudicial interest in this item as a resident within East/West Ayton Conservation Area and left the room.**

Considered:

The report of the Building Conservation Officer.

**Resolved:**

That Members confirmed the Article 4 Direction covering the extended areas of the East and West Ayton Conservation Area which fall within the National Park boundary.

**89/16 Applications for Planning Permission**

The following members of the public addressed the meeting regarding the Plans List Items indicated:

Plans List Item 1 – Mr Gary Hill spoke in favour of the application

Plans List Item 5 – Mr Keith Dobbie spoke in favour of the application

Considered:

The report listing applications and the Director of Planning's recommendations thereon. Members also considered further information circulated on the Members' Update Sheet at the meeting including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

**Resolved:**

- (a) That with regard to all applications listed in the report and subject to:
- (i) the amendments specified below; and
  - (ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above;
- decisions be given in accordance with the Director of Planning's recommendations:

APPROVED  
14 MAR 2017

NYM/2016/11  
14 MAR 2017

List No	Plan No and Description of Proposal
1.	<p data-bbox="335 280 1380 448">NYM/2016/0545/FL – Creation of opening to terrace wall to form bin store (part-retrospective) together with installation of a TV aerial, security camera, hand rail, sliding door and replacement steps at former Joiners Workshop adjoining Beck View Cottage, Staithes for Mr Gary Hill, Southview, Carlton-in-Cleveland, North Yorkshire, TS9 7BB.</p> <p data-bbox="335 448 1380 510"><b>Decision</b> Approved as recommended.</p>
2.	<p data-bbox="335 510 1380 638">NYM/2016/0563/FL – Proposed infilling of existing canopy to form porch together with installation of replacement refrigeration unit with canopy over, air conditioning unit and air cooled condenser at Co-op Store, 5 Whitby Road, Staithes, for The Co-operative 1 Angel Square, Manchester, M60 0AG.</p> <p data-bbox="335 638 1380 772"><b>Decision</b> Approved with the decision delegated to the Director of Planning to clear an additional condition concerning the material of the roof of the canopy to the rear service yard.</p>
3.	<p data-bbox="335 772 1380 996">NYM/2016/0691/F/R3 – Application under regulation 3 (Town and Country Planning General Regulations 1992) for removal of existing sculptures and erection of 1 no. painted steel lobster sculpture, installation of seating area, construction of retaining structure, formation of paths, relocation of rock and interpretation board and landscaping works at Staithes Bank Top, Junction of Staithes Lane and White Gate Close, Staithes, for North York Moors Authority, fao: Mr Michael Graham, The Old Vicarage, Bondgate, Helmsley, YO62 5BD.</p> <p data-bbox="335 996 1380 1064"><b>Decision</b> Approved as recommended.</p>
4.	<p data-bbox="335 1064 1380 1198">NYM/2016/0739/F/R3 – Application under regulation 3 (Town and Country Planning General Regulations 1992) for installation of features along existing riverside trail at The Moors Centre, Lodge Lane, Danby for North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP</p> <p data-bbox="335 1198 1380 1265"><b>Decision</b> Approved as recommended.</p>
5.	<p data-bbox="335 1265 1380 1422">NYM/2015/0885/FL – Change of use of land from the siting of a caravan to the siting of a log cabin/mobile unity for holiday use along with erection of store and associated works to access track at paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale for Mr Keith Dobbie, 19 Braids Walk, Kirkella, Hull, HU10 7PD.</p> <p data-bbox="335 1422 1380 1780"><b>Decision</b> Minded to the refuse the application contrary to Officer recommendation as Members considered that the proposed increase in days of occupation and change in occupants to that allowed under the existing Certificate of Lawfulness to be an unacceptable intensification of use, which together with the unauthorised operational development and greater size and degree of permanency of the proposed mobile home was harmful to the character and appearance of the area. Members delegated the decision to the Director of Planning to clear the detailed reason for refusal following the receipt of legal clarification whether the Caravan Act differentiates between a permanent static caravan and permanent touring caravan.</p>
6.	<p data-bbox="335 1780 1380 1915">NYM/2016/0542/LB – Listed Building consent for internal alterations including removal of internal partitions and walls at Blue Bell Inn, Ingleby Cross Scarth Lees Diversion, Ingleby Cross for Mr &amp; Mrs Lill, Blue Bell Inn, Scarth Lees Diversion, Ingleby Cross, DL6 3NF.</p> <p data-bbox="335 1915 1380 2110"><b>Decision</b> Officers have been in negotiation with the applicants agent and following submission of amended plans the objections made by The Victorian Society and the Authority's Building Conservation Team have been withdrawn. On this basis the application was withdrawn from the Planning Agenda and determined under the Director of Planning's delegated powers.</p>

APPENDIX G

NY 100  
14 MAR 2017

Town and Country Planning Act 1990: Sections 191 and 192  
(as amended by Section 10 of The Planning and Compensation Act 1991)

North York Moors National Park Authority

Town and Country Planning (Development Management Procedure) Order 2015:

Certificate of Lawful Use or Development

To Mr Keith Dobbie  
c/o Kynman Design  
fac: Mr Graeme Kynman  
50 North Bar Without  
Beverley  
East Yorkshire  
HU17 7AB

COPY

The North York Moors National Park Authority hereby certify that on 29 July 2015 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. That the development described in the first schedule has been carried on for more than 10 years.



Mr C M France  
Director of Planning

First Schedule

The use of the land described in the Second Schedule for the siting of one touring caravan for use by the owner of the land edged in blue on the plan attached to this Certificate, and members of the family of the owner, for holiday and/or recreational purposes only, for up to 100 nights a calendar year at weekends, and not as permanent residential accommodation or for any commercial use

Second Schedule

The land to the south of Wyke Lodge, Hodgson Hill, Staintondale as outlined red on the plan attached to this Certificate.

NYM/2015/0535/CLE  
14 MAR 2017

COPY

Town and Country Planning Act 1990: Sections 191 and 192  
(as amended by Section 10 of The Planning and Compensation Act 1991)

Notes

- 1 This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the operation specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the operation described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

COPY

NY 1012/11  
14 MAR 2017

**PLAN TO ACCOMPANY CERTIFICATE OF LAWFUL USE**

FOR: paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale

AT: paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale

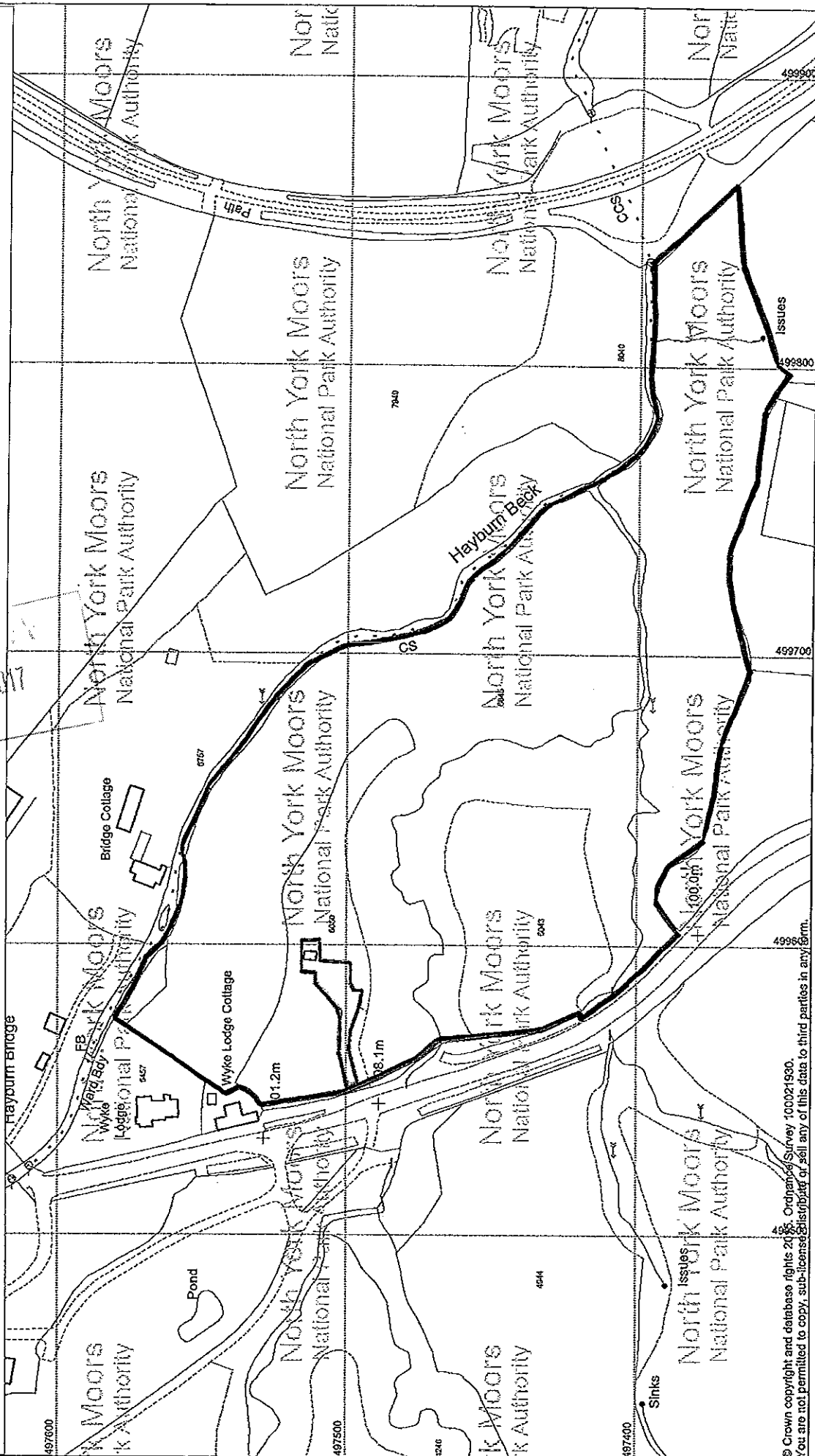
NYM/2015/0535/CLE

Scale: 1:1250



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

14 MAR 2017



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APPENDIX H

NY 100  
14 MAR 2011

# North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
Planning enquiries: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



Andy Wilson  
Chief Executive

Mr K Dobbie  
19 Braids Walk  
Kirkella  
Hull  
HU10 7PD

Your ref:  
Our ref: NYM/2015/0885/FL  
Date: 7 December 2016

Dear Mr Dobbie

**Change of use of land from the siting of a caravan to the siting of a log cabin/mobile unit for holiday use along with erection of store and associated works to access track at paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale**

Please find enclosed a copy of the decision notice for the above planning application which was refused by the Members of the Planning Committee at their meeting on 17 November 2016.

You will be aware that there was some discussion during the committee meeting as to what you were entitled to replace the existing touring caravan with under the terms of the Certificate of Lawfulness. To avoid any confusion I have asked our solicitor, who was also present at the meeting, for his legal opinion and can advise as follows:

The Certificate of Lawfulness specifically refers to the siting of a touring caravan on the land and the rules of interpretation of this phrase require that the "natural and ordinary meaning of the language" should be applied and any interpretation that would lead to a perverse outcome should be avoided. Regard should also be had to the legal and factual context, in particular that the Certificate is a public document which may be relied on by parties unrelated to those originally involved.

It is the Authority's view that the phrase "touring caravan" means a caravan that is capable of being towed by a vehicle in the UK in accordance with vehicle towing restrictions which prevailed at the date of the Certificate. Those restrictions are:

**Towing vehicle under 3500kg GWW**

Maximum length (excluding the coupling and drawbar): 7.0 metres  
Maximum width: 2.55 metres

**Towing vehicle over 3500kg GWW-**

Maximum length (excluding the coupling and drawbar): 12 metres if at least 4 wheels  
Maximum width: 2.55 metres  
Length of towing vehicle & caravan combined: not exceed 18 metres

NYM/2015/0885/FL  
14 MAR 2017



Ref No

Our Ref: NYM/2015/0885/FL

2

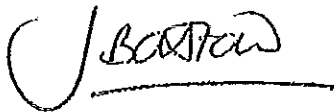
Date: 7 December 2016

Therefore I can confirm that you can replace the existing touring caravan with another touring caravan that fulfils the above dimensions provided that it is sited within the red edge of the plan attached to the Certificate of Lawfulness and is not sited elsewhere within the paddock or woodland. However the Certificate does not entitle you to replace the touring caravan with a static caravan, log cabin or similar structure that would otherwise fulfil the definition of a caravan under the Caravan Sites Act 1968.

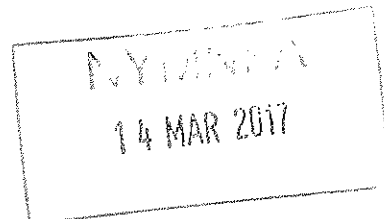
The phrase "touring caravan" is also considered to include anything that remains ancillary to the stationing of such a touring caravan, with "ancillary" being measured only in relation to the red edge of the Certificate, not to any notional wider "planning unit" such as the paddock or surrounding woodland.

I trust I have clarified the legal position for you as far as the Authority is concerned but please do not hesitate to contact me should you require any further advice.

Yours sincerely



Mrs Jill Bastow  
Senior Planning Officer





APPENDIX I

NY 100  
14 MAR 2017

## 2.4 Tranquillity

Tranquillity is one of the National Park's most appreciated special qualities. In resident and visitor surveys it is repeatedly identified as something that people value and concern is expressed over its erosion and loss. The sense of remoteness engendered by the extensive, open, undeveloped spaces is a valued quality, contributing to people's enjoyment of 'getting away from it all'. These qualities have led people to come to the North York Moors seeking spiritual refreshment for many centuries as shown by the long and continuing tradition of monastic houses.

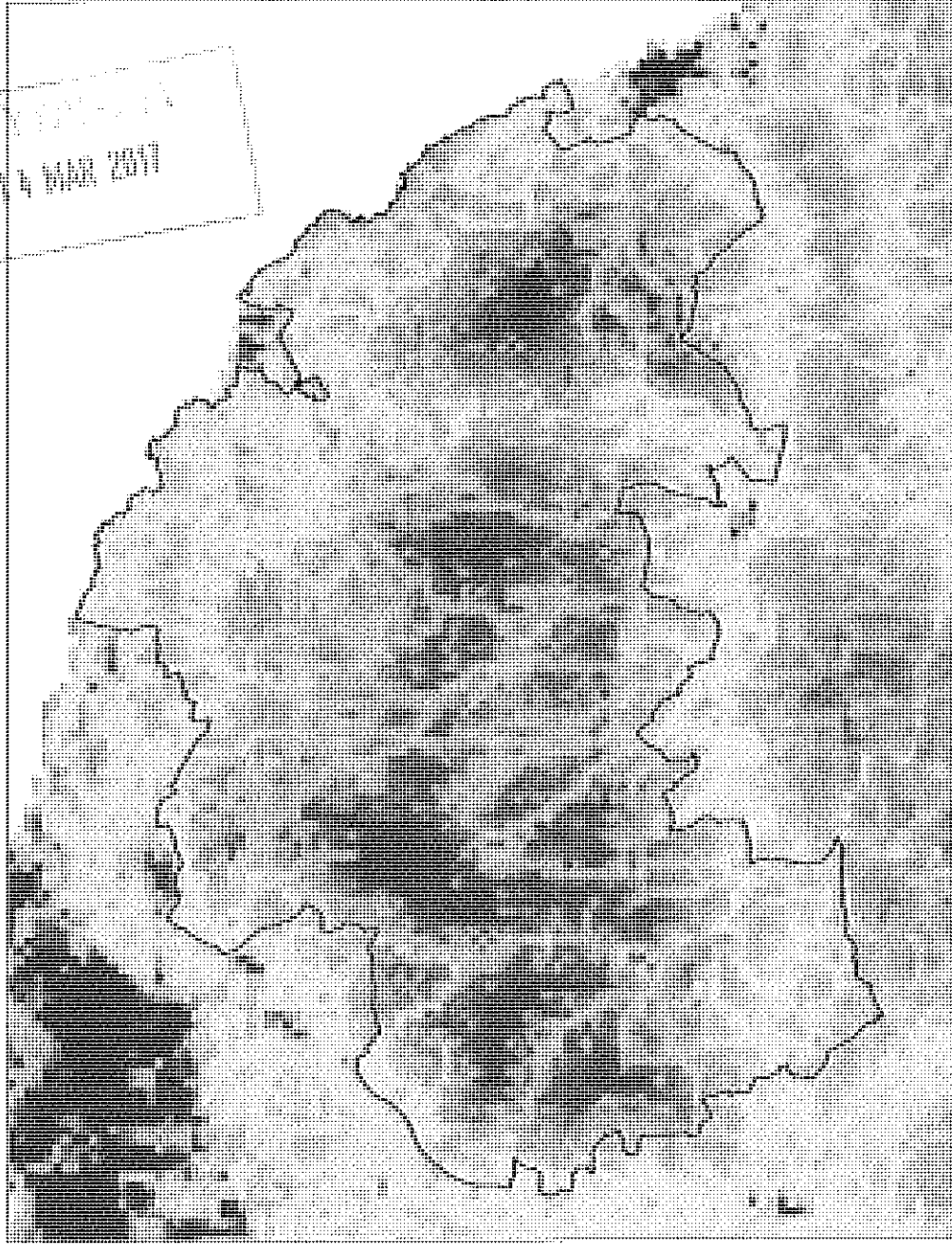
Tranquillity is difficult to define exactly as it is a combination of factors but it could be described as 'the quality of calmness experienced in places with mainly natural features and activities, free from disturbance from man-made ones'<sup>28</sup>.

The national mapping of tranquillity undertaken in 2006<sup>29</sup> is based on a complex modelling process assessing and weighting a wide range of factors based upon what can be heard or seen. This includes positive factors such as remote and wild landscapes, streams and rivers and native trees, and those that are considered to be negative such as urban development, people, powerlines and traffic noise.

The tranquillity map shows the uplands, including the North York Moors, as being important and extensive tranquil areas in northern England. The mapping undertaken by the Campaign to Protect Rural England shows that almost 90% of the National Park can be classed as relatively tranquil to a greater or lesser degree.

The map shows the varying levels of tranquillity within and around the National Park, with green areas being the most tranquil, yellow being less tranquil and red being the least tranquil.

Map 3: Tranquillity within and around the National Park



Source: National Tranquillity Mapping Data 2007 developed for the Campaign to Protect Rural England and Natural England by the University of Northumbria. OS Licence number 100018881

<sup>28</sup> Saving Tranquil Places – How to Protect and Promote a Vital Asset (Campaign to Protect Rural England, 2006)  
<sup>29</sup> Undertaken by Northumbria University for Campaign to Protect Rural England and Natural England

Most of the National Park is generally considered to be natural, remote, wild and free from human impact, with the most tranquil areas of the National Park being the moorland and dales. Other elements of the National Park that contribute towards its sense of tranquillity include running water and, particularly in the south of the National Park, the presence of native trees and woodland. With the exception of some small pockets close to built up areas on the fringes of the National Park, the ability to see stars at night features highly across the area.

The less tranquil areas of the National Park are broadly correlated to the road network and the fringes which are close to urban areas. Most of the National Park would appear to suffer from at least occasional noise from roads. Noise from motorcycles and aircraft including helicopters can also detract from tranquillity. In the Esk Valley, central areas, the coast, fringes and roads of the National Park, tranquillity is reduced due to the concentration of people.

The tranquillity of the National Park is also known to be affected by the use of off-road motorised vehicles for recreational purposes. In addition to noise, the accumulation of non-natural items can also impact upon the perception of tranquillity, such as signs, tracks and structures associated with recreational shooting and large structures such as wind turbines.

Dark night skies mapping produced by CPRE shows that the area of skies classed as 'dark' declined between 1993 and 2000. It is unknown to what extent this trend has continued. Dark skies are diminished by road and street lighting, domestic security lighting, sports grounds, mast lights and other large premises particularly where they are

located in open countryside. In the case of the North York Moors intrusion of light into the dark night skies is thought to be generally a result of its proximity to large urban areas, particularly Teesside to the north. The Authority has worked with the Ministry of Defence over training proposals and issues such as security lighting at Fylingdales which has resulted in significant improvements. Generally though the National Park's night skies are considered to be dark and Sutton Bank Visitor Centre has recently been identified as a Dark Sky Discovery Centre.

### Challenges

- The potential for increases in levels of light pollution, noise and disturbance from both within and beyond the National Park.
- Increasing levels of traffic.
- Managing the potential increase in the number of visitors.
- Pressure for large scale developments, particularly wind farms, outside but close to the National Park.

### In 15 Years Time...

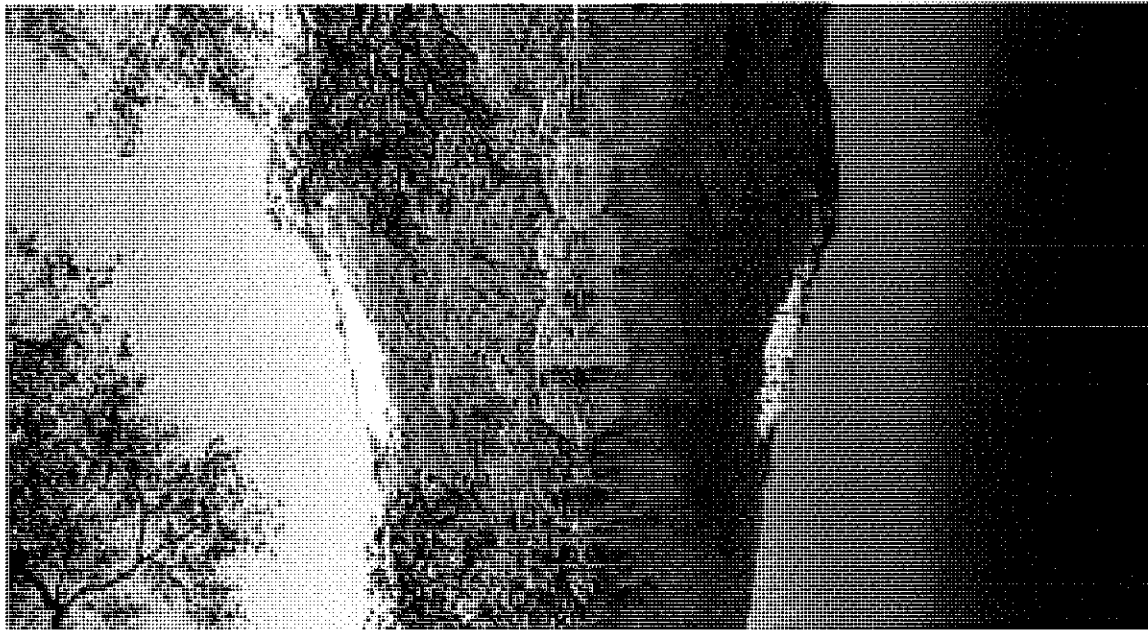
Most of the National Park is considered to be a tranquil place. Increases in visitor numbers and new development do not undermine the tranquillity of the National Park.



14 MAR 2017

**AIM**

The North York Moors will continue to be a place of tranquillity, remoteness and dark night skies, providing opportunities for spiritual refreshment.



POLICIES	MEANS TO ACHIEVE	KEY PARTNERS
E19. Existing tranquil areas will be protected, and expanded where possible	Individual projects as resources allow	National Park Authority Natural England Yorkshire Dales National Park Authority
E20. Dark skies will be protected and improved. New development in the National Park will not cause unacceptable light or noise pollution	Interpretation and promotion material Local Development Framework Core Policy A	National Park Authority National Park Authority
E21. Noise from the use of recreational motorised vehicles will be minimised	Local Development Framework Core Policy A North Yorkshire Local Transport Plan	National Park Authority North Yorkshire County Council National Park Authority
E22. Noise from all types of military aircraft will be kept within acceptable levels	Recreation and Access Strategy for the North York Moors National Park Continual liaison	National Park Authority Police National Park Authority Ministry of Defence
E23. New development outside the National Park will not affect tranquillity within the National Park	Consultations on planning applications	National Park Authority and adjoining local planning authorities
E24. The impacts of traffic on the tranquillity of the National Park will be minimised, and alternatives to the private car will be promoted	North Yorkshire Local Transport Plan Redcar and Cleveland Local Transport Plan	North Yorkshire County Council National Park Authority Redcar and Cleveland Borough Council National Park Authority

14 MAR 2017

**How Management Plan progress will be reported**

INDICATOR	TARGET / DESIRED DIRECTION OF CHANGE
Percentage of the area of the National Park classed as tranquil <sup>30</sup>	No decline in the level of tranquility



14 MAR 2017

<sup>30</sup> Future measures of tranquility may not be directly comparable with previous measures



APPENDIX J

NY/IN/A  
14 MAR 2017

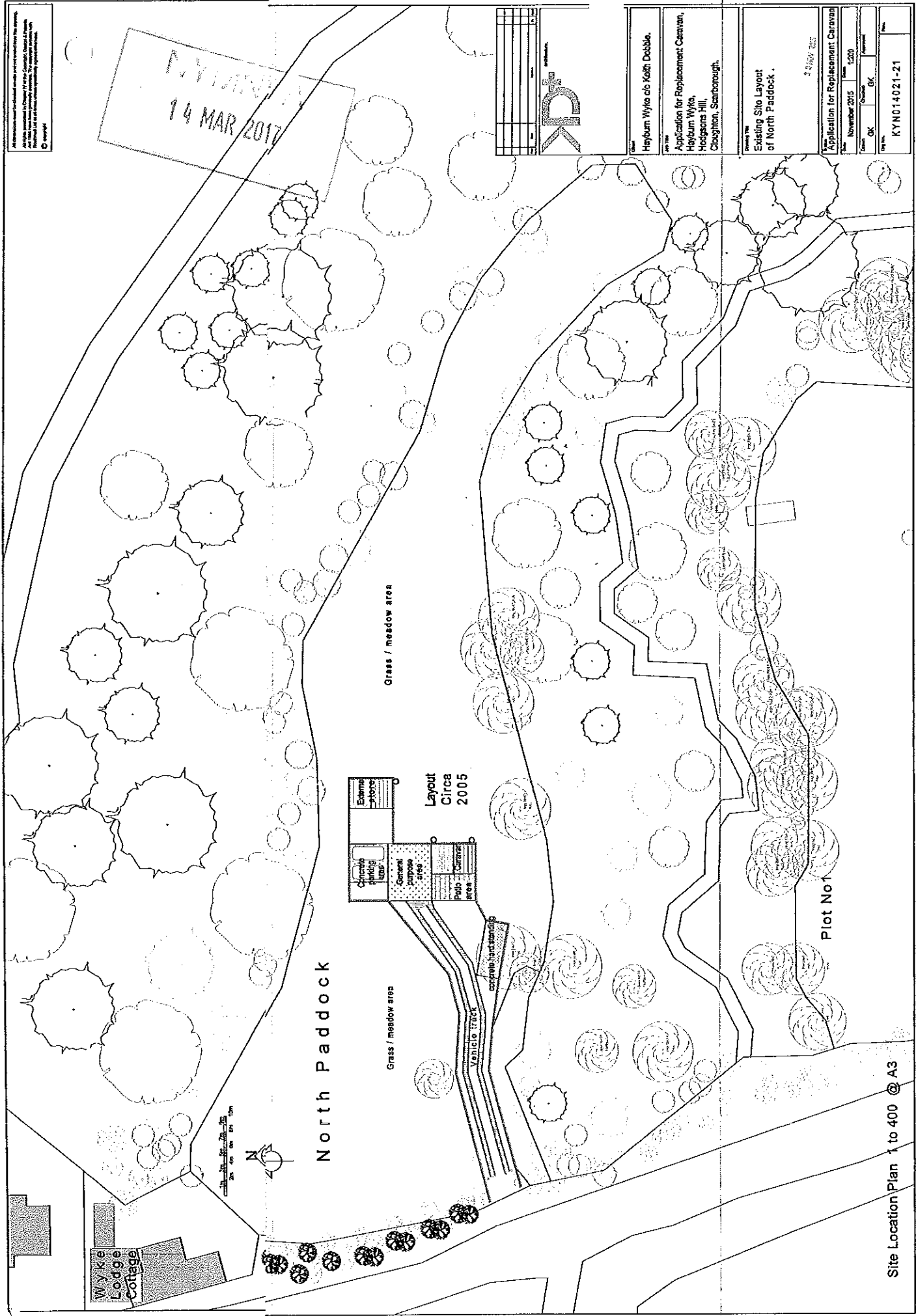
All information used for this plan was obtained from the records of the County of Kent, and is provided to you for your information only. It is not intended to constitute a warranty, and the user assumes all responsibility for its use. © copyright

14 MAR 2017


Hayburn Wyke c/o Keith Dobble.  
Application for Replacement Caravan, Hayburn Wyke, Hedgesons Hill, Cloughton, Scarborough.

Existing Site Layout of North Paddock.

Application for Replacement Caravan  
Date: November 2015  
Scale: 1:200  
Drawing No: KYN014021-21

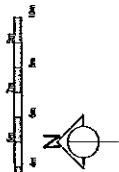


APPENDIX K

NY 100  
14 MAR 2017

# orth Paddock Site

14 MAR 2017



- 1. The site is a grass paddock with a stream running through it.
- 2. The stream is a natural feature and should be protected.
- 3. The site is a grass paddock with a stream running through it.
- 4. The stream is a natural feature and should be protected.
- 5. The site is a grass paddock with a stream running through it.
- 6. The stream is a natural feature and should be protected.
- 7. The site is a grass paddock with a stream running through it.
- 8. The stream is a natural feature and should be protected.
- 9. The site is a grass paddock with a stream running through it.
- 10. The stream is a natural feature and should be protected.

Proposed additional holly screening planting

shaded area lowered by 600mm

Grass / meadow area

Proposed Lodge

Replacement stone

car parking area

Grass / meadow area

Vehicle track

concrete hard standing

KPT Kierney Park 1000 Park Road Scarborough, North Yorkshire YO11 2JG Tel: 01753 833333 Fax: 01753 833334 Email: info@kpt.co.uk	
Client Hayburn Wyke c/o Keith Dobbie.	Date 14 MAR 2017
Ref Application for Replacement Caravan Hayburn Wyke, Hodgson Hill, Cloughton, Scarborough.	Scale 1:100 @ A1
Drawn By Proposed Detail Site Layout.	
Title Application for Replacement Caravan	
Date APRIL 2016	Scale 1:100 @ A1
Author GK	Checked GK
Date 14 MAR 2017	Project No. KYN014021-03-2
Rev G	Scale 1:100 @ A1

Caravan Layout Plan 1 to 100 @ A1

507 2016 91


APPENDIX L

NY 10000  
14 MAR 2017



APPENDIX M

NY 100  
14 MAR 2017

<b>NORTH YORKSHIRE COUNTY COUNCIL</b> <b>BUSINESS and ENVIRONMENTAL SERVICES</b>											
<b>LOCAL HIGHWAY AUTHORITY</b> <b>CONSIDERATIONS and RECOMMENDATION</b>											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Application No:</b></td> <td style="text-align: right;"><b>NYM15/885/FL</b></td> </tr> <tr> <td><b>Proposed Development:</b></td> <td>change of use of land from the siting of a touring caravan to the siting of a log</td> </tr> <tr> <td><b>Location:</b></td> <td>paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale</td> </tr> <tr> <td><b>Applicant:</b></td> <td>Mr Keith Dobbie</td> </tr> </table>			<b>Application No:</b>	<b>NYM15/885/FL</b>	<b>Proposed Development:</b>	change of use of land from the siting of a touring caravan to the siting of a log	<b>Location:</b>	paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale	<b>Applicant:</b>	Mr Keith Dobbie	
<b>Application No:</b>	<b>NYM15/885/FL</b>										
<b>Proposed Development:</b>	change of use of land from the siting of a touring caravan to the siting of a log										
<b>Location:</b>	paddock to the south of Wyke Lodge, Hodgson Hill, Staintondale										
<b>Applicant:</b>	Mr Keith Dobbie										
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>CH Ref:</b></td> <td style="width: 30%;"></td> <td style="width: 30%;"><b>Case Officer:</b> Kay Aitchison</td> </tr> <tr> <td><b>Area Ref:</b></td> <td>4/24/159A</td> <td><b>Tel:</b> 01609 780 780</td> </tr> <tr> <td><b>County Road No:</b></td> <td></td> <td><b>E-mail:</b> Area3.Whitby@northyorks.gov.uk</td> </tr> </table>			<b>CH Ref:</b>		<b>Case Officer:</b> Kay Aitchison	<b>Area Ref:</b>	4/24/159A	<b>Tel:</b> 01609 780 780	<b>County Road No:</b>		<b>E-mail:</b> Area3.Whitby@northyorks.gov.uk
<b>CH Ref:</b>		<b>Case Officer:</b> Kay Aitchison									
<b>Area Ref:</b>	4/24/159A	<b>Tel:</b> 01609 780 780									
<b>County Road No:</b>		<b>E-mail:</b> Area3.Whitby@northyorks.gov.uk									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>To:</b></td> <td style="width: 30%;">North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP</td> <td style="width: 30%;"><b>Date:</b> 9 March 2016</td> </tr> <tr> <td><b>FAO:</b></td> <td>Jill Bastow</td> <td style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 14 MAR 2017 </div> <div style="margin-left: 20px;"> 9 MAR 2016 </div> </td> </tr> <tr> <td colspan="2"></td> <td><b>Copies to:</b></td> </tr> </table>			<b>To:</b>	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	<b>Date:</b> 9 March 2016	<b>FAO:</b>	Jill Bastow	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 14 MAR 2017 </div> <div style="margin-left: 20px;"> 9 MAR 2016 </div>			<b>Copies to:</b>
<b>To:</b>	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	<b>Date:</b> 9 March 2016									
<b>FAO:</b>	Jill Bastow	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 14 MAR 2017 </div> <div style="margin-left: 20px;"> 9 MAR 2016 </div>									
		<b>Copies to:</b>									

**Note to the Planning Officer:**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

There has been a caravan on the site has been used for a number of years, the access is presently not constructed and vehicles are driving across the grass between the carriageway and the site boundary causing damage to the highway verge. There is a gravel/stone surfaced track across the site to the current touring caravan. If this change of use is permitted giving a more permanent residential use to the site the access should be constructed to the satisfaction of the local highway authority. A properly constructed access would prevent danger to other highway users as mud is currently being tracked onto the carriageway from vehicles crossing the soft grass verge.

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted:

**1. HC-07 Private Access/Verge Crossings: Construction Requirements**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of



APPENDIX N

14 MAR 2017

**From:** keith dobbie  
**Sent:** 25 February 2017 17:23  
**To:** Owen Pike  
**Subject:** Fw: NYM/2015/0885/FL Proposed log cabin at land to the south of Wyke Lodge [Filed 27 Feb 2017 11:21]



---

**From:** keith dobbie  
**Sent:** 03 August 2016 17:10  
**To:** \_  
**Subject:** FW: NYM/2015/0885/FL Proposed log cabin at land to the south of Wyke Lodge

Here you are Grae, the full story, regards,keith

---

**From:**  
**To:** j.bastow@northyorkmoors.org.uk  
**Subject:** RE: NYM/2015/0885/FL Proposed log cabin at land to the south of Wyke Lodge  
**Date:** Wed, 3 Aug 2016 17:08:59 +0100

040816

Thank you Jill for your comment and I am happy for you to amend as you see fit for the purposes of planning.

I will copy this note to Kynman associates who will amend the drawings as per your request, hopefully soon as he is now returned.

On the question of current site conditions I would comment as follows, the access is a base course due to it being a very wet clay base in this area and ,once settled, can be then surfaced with local limestone as you say. The size of the entrance is in anticipation of a lorry entering to deliver the proposed cabin should permission be granted. After this time it can then be reduced to whatever size is considered appropriate ,for example the usual tracks in the area are 3 meters, this one is to overcome the tight turning access, is 4 meters.

On the question of visibility the whole purpose of the current exercise is to reduce visibility completely and remove the caravan from public view. The fact that it appeared out of view previously was that the trees and bushes at the entrance were diseased or dead and covered with intrusive ivy ,as is much of this woodland,and some ivy you may have noticed at the base of a coppiced hazel at the entrance on your visit as indeed Mr Carlton the consultant sent by your environmental department did during his recent visit to report on progress of the works permitted by that department. He also noted that regeneration had already started on the coppiced hazel trees at the entrance and along the road. He was also informed that my intentions are to 'fill in the gaps' with his recommended replacements which include field maple and lime along with my preference of hawthorns. the thinking here is that what ash was there had died and he felt it useless to replant the same due to the general ash dieback problem in the UK.

I apologise for not bringing these matters to your attention previously as I did not feel that it was a planning matter and more an environmental one as all matters here are temporary and subject to your authorities consent, however I accept that now as you point out the importance of full information and hope the above and the corrected drawings will give confidence for the proposals to go forward.

Kind regards, Keith Dobbie

---

From: j.bastow@northyorkmoors.org.uk

To:

CC:

Subject: RE: NYM/2015/0885/FL Proposed log cabin at land to the south of Wyke Lodge

Date: Wed, 3 Aug 2016 14:01:32 +0000

Dear Graeme and Keith

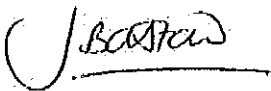
Thank you for the additional information and amended plans sent through last week.

With your permission can I amended the title of drawing number KYN014021-20 Rev. A to read 'Site Location Plan' rather than 'Existing Site Location Plan' as the drawing shows the proposed development please? Then I am satisfied that we have the correct plans to support the application although an updated 'Proposed Site Layout' drawing number KYN014021-03 Rev. F which shows the proposed development at a larger scale, would be helpful. I also need an amended location plan (scale 1:1250) showing the amended red edge of the revised proposal and the blue edge of the rest of the site. In the meantime I have arranged for the neighbours and other interested parties to be re-consulted on the proposals as I believe there is sufficient information on which they could base any comments.

However I took the opportunity to call at the site last week when in the area and noted some other works that have taken place on the site that require the benefit of planning permission and as such I would suggest you include them in your current application. The width of the access track has been widened, cut into the site to achieve a shallower gradient and is not a twin trod track as illustrated on the plans. Furthermore it is surfaced in crushed construction waste, which is not in keeping with the character of the area and detracts from the appearance of the site, particularly the entrance/egress onto the public highway; the Authority would normally require a surfacing of crushed limestone which is more typical of agricultural tracks in the locality. I noted that a turning area has also been provided to the north of site where the land starts to level out. I would therefore be pleased to receive an updated plan showing the revised access and amended surfacing materials along with the turning area. When we last spoke Keith, you were considering relocating the proposed parking area so these additional works could be included on the amended plan for that.

Whilst I appreciate the sentiments in your last email Keith, that you are simply tidying up a much neglected area, the works that have taken place to date have somewhat opened up the site to view and rather than a discrete, wooded access we now have something much more visible and potentially detrimental to the character and appearance of the area. Therefore should planning permission be forthcoming I would certainly look to impose a condition which seeks to re-establish some form of roadside hedge to help screen the site. I trust that would be acceptable to you.

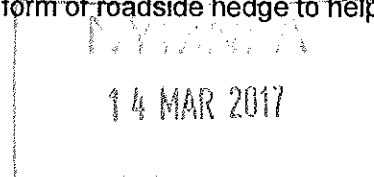
I await to hear from you in due course.



**Jill Bastow**

Senior Planning Officer

*My normal working hours are : 9.45am-2.30pm Tuesday, Thursday & Friday; 8.45am-5.30pm Wednesday*



North York Moors National Park Authority

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**From:** graeme kynmar

**Sent:** 25 July 2016 21:46

**To:** Jill Bastow

**Cc:**

**Subject:** Re: NYM/2015/0885/FL Proposed log cabin at land to the south of Wyke Lodge amended blue lines and store details

NYM/2015/0885/FL

Dear Jill

Answers to the questions

1. The base required for the unit is a swift plinth system please see attached PDF, the company is based in Malton who produce the system
2. We have attached the amended Existing Site Layout (KYN014021-21) plan without the red edge,
3. We have also attached the amended Site Location Plan (KYN014021-20) with the site of the proposed chalet along with the access and parking outlined in red and the remainder of the land in your ownership outlined in blue.
4. Finally we have included the drawings for the replacement of the existing store of a similar form and size, and included within the red edge of the application site and details provided.

If you need anything else let Keith know and he will give me a call.

Speak soon

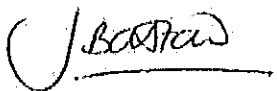
Graeme

On Fri, Jul 22, 2016 at 12:20 PM, Jill Bastow <[j.bastow@northyorkmoors.org.uk](mailto:j.bastow@northyorkmoors.org.uk)> wrote:

Dear Keith

Please find attached a letter in respect of the above application.

Regards,



**Jill Bastow**

Senior Planning Officer

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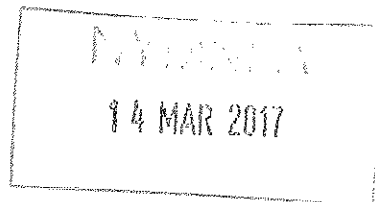
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14 MAR 2017