

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:

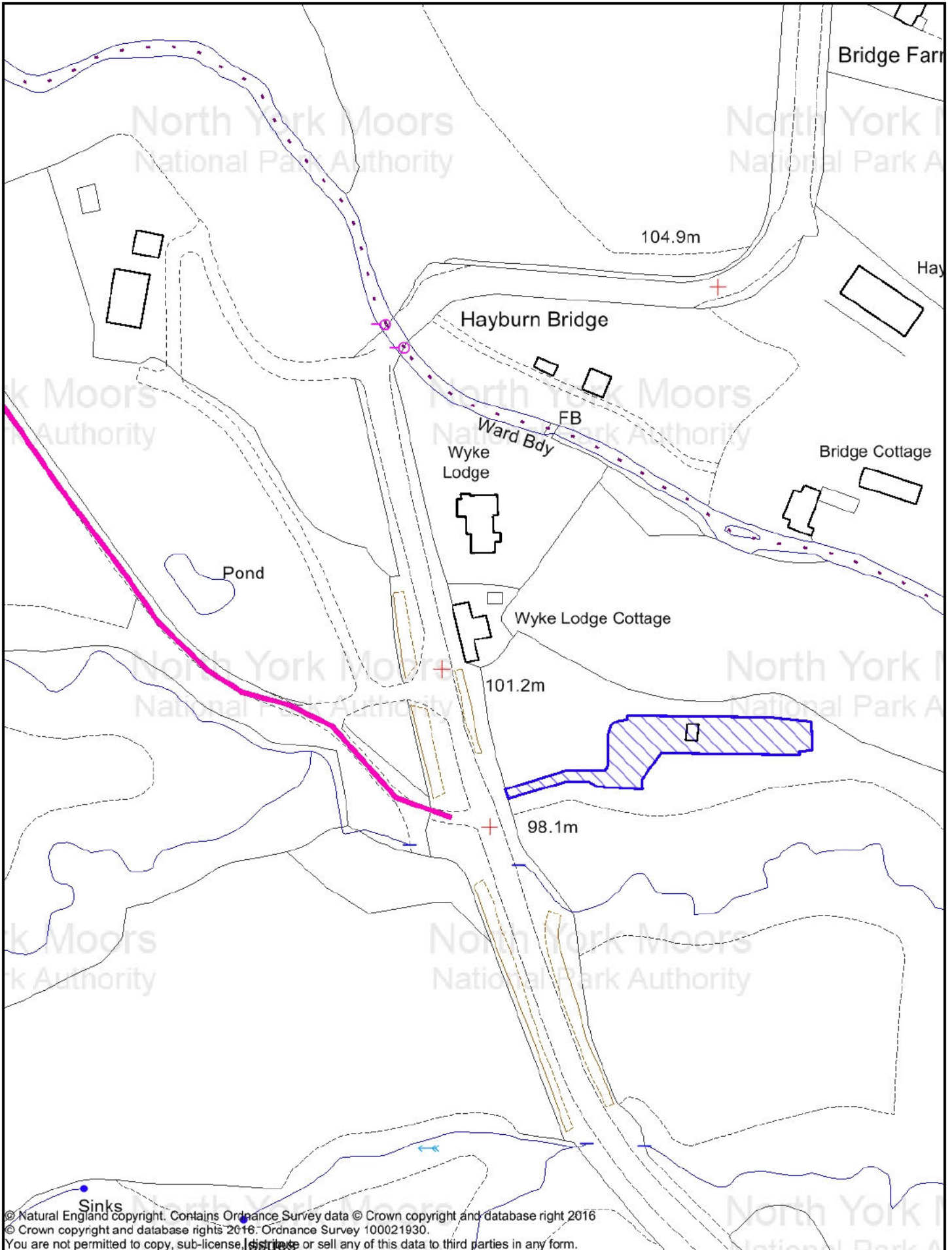
1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSU000 The log cabin hereby approved shall only be occupied for holiday and/or recreational purposes by the owner of the land edged blue on the 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

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Conditions continued

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| 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. |

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.

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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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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.

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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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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.

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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.