

**Parish: Great and Little Broughton**

Ward: Stokesley

**6**

Committee Date : 10 June 2021

Officer dealing: Mr Nathan Puckering

Target Date: 19 May 2021

Date of extension of time (if agreed):

**21/00779/FUL**

**Change of use of land for holiday accommodation and the siting of 2 holiday lodges with associated drive area at land to the rear and associated alterations to access.**

**At: 151 High Street Great Broughton North Yorkshire TS9 7HB**

**For: Mr & Mrs Colin & Donna Donaldson.**

**This item is brought to Committee at the request of a Member of the Council**

1.0 Site, context and proposal

1.1 The site is a parcel of land located to the rear of a relatively large detached dwelling just to the east of the High Street on the southern edge of Great Broughton. At present the site forms part of the rear garden and a small paddock to the rear of the dwelling - 151 High Street. The southern and eastern edges are bounded by dense hedgerows, with the start of rolling countryside beyond the eastern boundary. To the north is a small cul-de-sac of dwellings named Cringle Moor Chase. The rear of the southern most dwelling looks onto the site, with their rear gardens sharing a common boundary with the site and the adjacent paddock.

1.2 This application is seeking permission for a change of use of the land in question to allow the siting of two holiday lodges. These holiday lodges will be timber clad static caravans with the external appearance of cabins. They will be sited side on to 151 High Street, the northern most one being 17m to the east of this dwelling and 18m south of the boundary of Cringle Moor Chase. The southernmost lodge will then sit 23m south of this. They will face inwards towards one another. Landscaping is proposed to the north of the cabins between them and Cringle Moor Chase by way of Scots Pine Trees and Silver Birch Trees, similar to what is already evident on the site. A new native hedgerow is proposed to run the length of the site around 7m to the east. The proposed lodges will share the driveway which serves the existing dwelling and runs east off the High Street. However, works to widen this access to 5m and slightly alter its route are proposed as part of this application.

1.3 This application is a resubmission of a previous scheme which was dismissed following an appeal against non-determination. It represents a reduction in the number of units by half and a re-siting of the lodges from the southern boundary of the paddock area closer to the built form of the village in an attempt to overcome the Inspector's conclusion that the previous scheme was harmful to the character and appearance of the open countryside.

2.0 Relevant planning history

2.1 20/01355/FUL - Change of use of land for holiday accommodation and the siting of 4 holiday lodges with associated parking and access road on land to the rear of the dwelling - Dismissed at appeal with the following comments:

- "although the principle of this relatively small scale tourism-based proposal is broadly acceptable, the number of lodges and its resultant scale and layout with respect to existing buildings would increase its prominence and represent a more widespread area of development."

- "the scale of the development relative to its setting, the layout proposed and resultant projection beyond Cringle Moor Chase would substantially encroach into the more open surrounding countryside. This encroachment would not respect the openness or character

of the area and would conflict with Policies CP16 and CP17 of the Core Strategy and Policies DP30 and DP32 of the DPD."

### 3.0 Relevant planning policies

#### 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

### 4.0 Consultations

#### 4.1 Parish Council - Object for reasons which can be summarised as follows:

- Amenity - The application site adjoins residential properties and for this reason alone should be refused as holiday use would be incompatible with the reasonable expectation of quiet enjoyment by those residents. It is inevitable that holiday makers will quite reasonably want to enjoy these lodges with a freedom which does not have to respect residential neighbours. It therefore conflicts with policy DP1 of the LDF.
- Principle - The proposal fails to comply with the exceptional circumstances for development outside of development limits in policy CP4. There are other tourism related facilities which fulfil the tourism demand in the area and the majority of which are away from residential areas. The proposal would not help a rural economy as most of the attractions are outside of the village.
- Impact on the Countryside - The amendments fail to address the issues that the Inspector outlined in terms of intrusion into the open countryside and the detrimental impact on the openness of the landscape.
- Highway Issues - the Transport Statement fails to set out the issue the High Street has in terms of speeding. This along with the proximity of the bend to the south and the increase in traffic as a result of the development make in unacceptable.

#### 4.2 NYCC Highways Department - A Transport Statement has been submitted in support of the application in relation to the highway's aspects of the site. The Transport Statement has assessed the highways issues relating to the site and indicates that the proposed development will not adversely affect the local highway network. It is considered that any objections based on highways would be difficult to sustain.

As a result, no objections subject to conditions. - received 10.05.2021

- 4.3 Northumbrian Water - No comments to make - received 27.04.2021
- 4.4 Street Naming and Numbering - An application would not be required as holiday accommodation is not addressable - received 20.04.2021
- 4.5 Environmental Health – no objections to the proposal but include the following informative: If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will be granted subject to certain conditions being met. Environmental Health Technical support will write to the applicant further, providing the necessary details. – received 13.05.2021
- 4.6 Environmental Health (Contaminated Land) – no objections subject to condition requiring PALC form – received 19.05.2021
- 4.7 Yorkshire Wildlife Trust were consulted but submitted no representations – expired 11.05.2021
- 4.8 Site Notice & Neighbour Notification - 30 letters of objection and 4 letters of support.  
Reasons for objections can be summarised as follows:
- Concerns about plans for future growth of the site and the knock on effect of granting permission in this regard
  - Severe detrimental impact on amenity of residents (especially those of Cringle Moor Chase to the north)
  - The amended scheme brings the units closer to the dwellings to the north
  - The design of the lodges themselves is poor and not high quality or in keeping with local character
  - The proposal still represents an unacceptable incursion into the open countryside which will be harmful to its character and openness
  - Concerns with knock on effect in terms of highway safety and traffic increase
  - Risks harm to village life
  - No local facilities which will benefit as there is nothing in the village and the visitors have to travel elsewhere
  - There is already an oversupply of tourism accommodation in the village and surrounding area and as such there is no exceptional circumstance which justifies the development outside of development limits
  - There will be a detrimental impact on wildlife+
  - The area is close to the National Park and therefore should be protected
- Reasons for support can be summarised as follows:
- The development will provide a great place to stay near walking routes
  - Encouraging to see "staycations" being encouraged during the recovery from COVID pandemic
  - It will help to attract visitors to the area and in turn create jobs and help the local economy
  - Help surrounding visitor attractions
- 5.0 Analysis
- 5.1 The main issues for considerations in this instance are i) the principle of a small scale tourism related development in this location, ii) the impact on the open countryside, iii) design, iv) amenity, v) highway safety, vi) any other issues raised in the submitted representations.

## The Principle

- 5.2 The site is outside of the development limits for the settlement of Great Broughton and thus policy DP9 dictates that it must comply with one of the exceptional circumstances set out within policy CP4. The relevant exception in this instance being criterion i which states: it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.
- 5.3 It is noted that a number of the public objections relate to the principle of the development and allude to the fact that there are a number of other schemes in the surrounding area which provide tourist accommodation and thus there is no longer a requirement for this proposed development. However, the fact that there are similar schemes in the surrounding area does not automatically mean that additional proposals are unacceptable in principle.
- 5.4 One must consider the fluidity of the tourism market and, especially in the current climate, demand for holiday accommodation close to rural attractions is rising. In this case, the proposal site is in a location which offers easy access to attractions such as Roseberry Topping, the Cleveland Way and the wider North York Moors National Park, as well as being in sufficiently close proximity to attract visitors to the North Yorkshire coast.
- 5.5 Whilst these attractions may not be within the village, the proposal will still help to support the wider rural economy, which relates not only to the village but also the District as a whole and beyond. Locally, there will be a potential benefit to the existing public houses in the village in terms of the potential to increase the number of customers.
- 5.6 A material consideration is the NPPF which must be afforded considerable weight due to the fact that it provides the most up to date policy guidance on rural tourism schemes and postdates that within the Local Development Framework. The NPPF states at para 83c) that planning decisions should support sustainable rural tourism related development which respects the character of the open countryside. This evidences the fact that the most up to date policy guidance supports the principle of small scale tourism development, such as the one proposed in this scheme.
- 5.7 It should be noted that in the Inspector's assessment of the previous scheme, it was concluded at para 12 that the principle of the development was 'broadly acceptable' and as such was not a contributing factor to the refusal. There is nothing in this amended application which gives one reason to come to a different conclusion.
- 5.8 Overall, it is considered that despite the site being outside of development limits, given the suitable location of the site within the proximity of a number of tourist attractions and the proposal being suitably small scale, the principle of the development is supported by both national and local policy.

## Impact on the Open Countryside

- 5.9 Policy DP30 dictates that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Furthermore, the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.10 The appeal Inspector concluded in the recent appeal decision that the previously proposed siting of the lodges was too far detached from the host property and extended too far into the open countryside and beyond the existing established building line of the eastern most dwelling within Cringle Moor Chase to the north. This resulted in harm arising to the rural and open character of the area.

- 5.11 In the case of this amended scheme, the lodges are now to be sited much closer to the host dwelling and no longer appear as completely separate entities. Furthermore, the lodges will now be well within the established building line of the eastern boundary of the village and as such can no longer be said to harmfully extend too far into the open countryside.
- 5.12 The existing mature hedgerows on the southern and eastern boundaries of the wider site will act as a natural landscape screen and successfully negate against the landscape impact of the development when viewed from afar. The re-siting of the lodges to the new proposed location will ensure that when viewed from any long range vantage points, they will be seen as part of the built form of the village, rather than isolated alien features within the open countryside. This will protect the openness of the surrounding landscape, as well as the setting of the village as a whole. It is important to note that the new hedgerow which will run the eastern length of the site will also provide an additional barrier to delineate the edge of the built form and the start of open countryside beyond.
- 5.13 A number of the public objections refer to views of the site from the residential dwellings to the north and compromising long range views of the Cleveland Hills. Whilst an individual's right to a view is not a material planning consideration, the proposed additional landscaping between the north-most unit and the dwellings to the north is considered adequate to soften the visual impact of the development when viewed from this direction. Whilst private views of the Cleveland Hills are not a consideration, it is considered that the proposed development does not impact on any important public views in this case.
- 5.14 Overall, a combination of the re-siting of the lodges and the existing and proposed landscaping are considered to successfully address the previous issues in terms of the impact on the open countryside and as such the proposal now complies with the requirements of policy DP30.

#### Design

- 5.15 Policies CP17 and DP32 concern the design of development and dictate that all development must be of a high quality design which considers local character and context.
- 5.16 The proposal is for the units to be stained, timber clad lodges with a tiled roof. The idea is for them to have the appearance of log cabins but with the internal facilities of a caravan.
- 5.17 Concerns relating to the design of the new access and the fact that widening it will have a detrimental impact on the street scene were raised in the public objections. However, the access is going to be similar to most of the other accesses on the High Street which serve other dwellings and therefore cannot be said to be out of character.
- 5.18 The rural wood cabin aesthetic is in keeping with the edge of countryside location and works well with the character and context of the site and as such ensures compliance with policy CP17 and DP32.

#### Amenity

- 5.19 Policy DP1 dictates that all development must adequately protect amenity, relating to issues such as privacy, daylight provision and noise and disturbance. A number of the public objections refer to the impact of the proposal on the amenity of the neighbouring residents to the north and the fact it could give way to loss of privacy and noise and disturbance.
- 5.20 It is noted that the newly proposed location for these units has actually taken the lodges closer to the dwellings to the north. However, the separation distance remains considerable at just over 17m from the boundary of the curtilage of the nearest dwelling to the northern-most unit. This coupled with the proposed intervening landscaping will be adequate to

prevent any detrimental impact in terms of noise and disturbance impacting the occupiers of Cringle Moor Chase. Similarly, these measures along with the fact that the nearest unit faces away from the dwellings, also ensures there will be no loss of privacy for these residents.

- 5.21 A number of the public objections also refer to security but the construction of two small holiday lodges which are effectively the same as any other holiday accommodation in the village will not in and of itself give way to any security concerns and as such this issue should be attributed minimal weight.
- 5.22 Clearly, there will be a knock on effect in terms of the privacy of the occupiers of 151 High Street but as the current occupiers are the applicants in this case and will be the ones operating the holiday lets, this is not considered a reason for refusal. To ensure this remains the case moving forward, it is considered appropriate to attach a condition tying 151 High Street to the management of the proposed units and not allowing them to become separate entities without the Local Planning Authority assessing this in the future.
- 5.23 The scale of development and the level of the resultant use and associated noise and disturbance resulting from the development is considered to be acceptable within a residential area.
- 5.24 On the whole, the proposal will not give way to a detrimental impact on amenity and is therefore compliant with the requirements of policy DP1.

#### Highway Safety

- 5.25 The proposal in this case also includes works to improve visibility splays at the existing access. This will include widening it to 5m for the initial 20m as one comes off the High Street and slightly altering the route of the driveway as it meets the adjacent highway. A Transport Statement was submitted upon the request of the Local Highway Authority.
- 5.26 No objections were received to the consultation of NYCC Highways Department subject to a number of conditions. A number of objections were received on the grounds of highway safety but the improved access and the lack of objection from the Local Highways Authority are considered adequate to establish compliance with policy and confirm that highway safety is not reason for refusal on this occasion.

#### Other Issues

- 5.27 An issue regarding the ecological impact of the development was raised in several objections. However, the site is partially a domestic garden and partially a small scale paddock-like area and as such they are not of high ecological value to the point that the construction of two small scale holiday lodges are going to cause significant harm in terms of ecological impact.
- 5.28 Secondly, a point which was raised fairly consistently within objections was concerns with the knock on effect of granting permission in this case and then future applications for the growth of the operation or the implications for use of the land within the red line boundary.
- 5.29 The Local Planning Authority can only assess the proposal as it stands and any speculation regarding future development is not a material consideration and would be subject to assessment in and of itself without prejudice.

#### Planning balance

- 5.30 The revised scheme, reducing the scale of development from the previously refused application is considered to be acceptable in this location in principle. The development is

considered to provide some economic benefit in the locality and is not considered harmful to the character or amenity of the area. The development is not considered harmful in terms of highway safety.

## 6.0 Recommendation

### 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01F and 03B received by Hambleton District Council on 16.04.2021 and 24.03.2021 respectively unless otherwise approved in writing by the Local Planning Authority.
3. The landscaping scheme shown on drawing 01F received by Hambleton District Council on the 16.04.2021 shall be planted in full accordance with the plans within the first available planting season prior to the development coming into use. In the result of any tree/section of hedge dying or being removed, it must be replaced like-for-like.
4. The holiday lodges hereby approved shall be managed only by the occupiers of 151 High Street, Great Broughton; unless otherwise agreed in writing by the Local Planning Authority.
5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided in accordance with the submitted drawing 03/B. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The details submitted show some alterations to the south of the boundary of 151 High Street which need to be amended so there are no adverse effects on the access to 153 High Street and to also consider pedestrian access along there. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular access; (ii) loading and unloading arrangements for when the lodges are delivered onto the site to include appropriate traffic management. No part of the development must be brought into use until the vehicle access has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created the access must be maintained clear of any obstruction and retained for the intended purpose at all times.
7. No lodge must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for

the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17, DP1, DP30 and DP32.
3. To negate against the landscape impact of the development and help address any issues of noise resulting from the development - as per policy DP1 and DP30 of the Local Development Framework.
4. In the interests of amenity, in line with policy DP1 of the Local Development Framework.
5. In the interests of highway safety.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. In the interest of public safety and amenity.