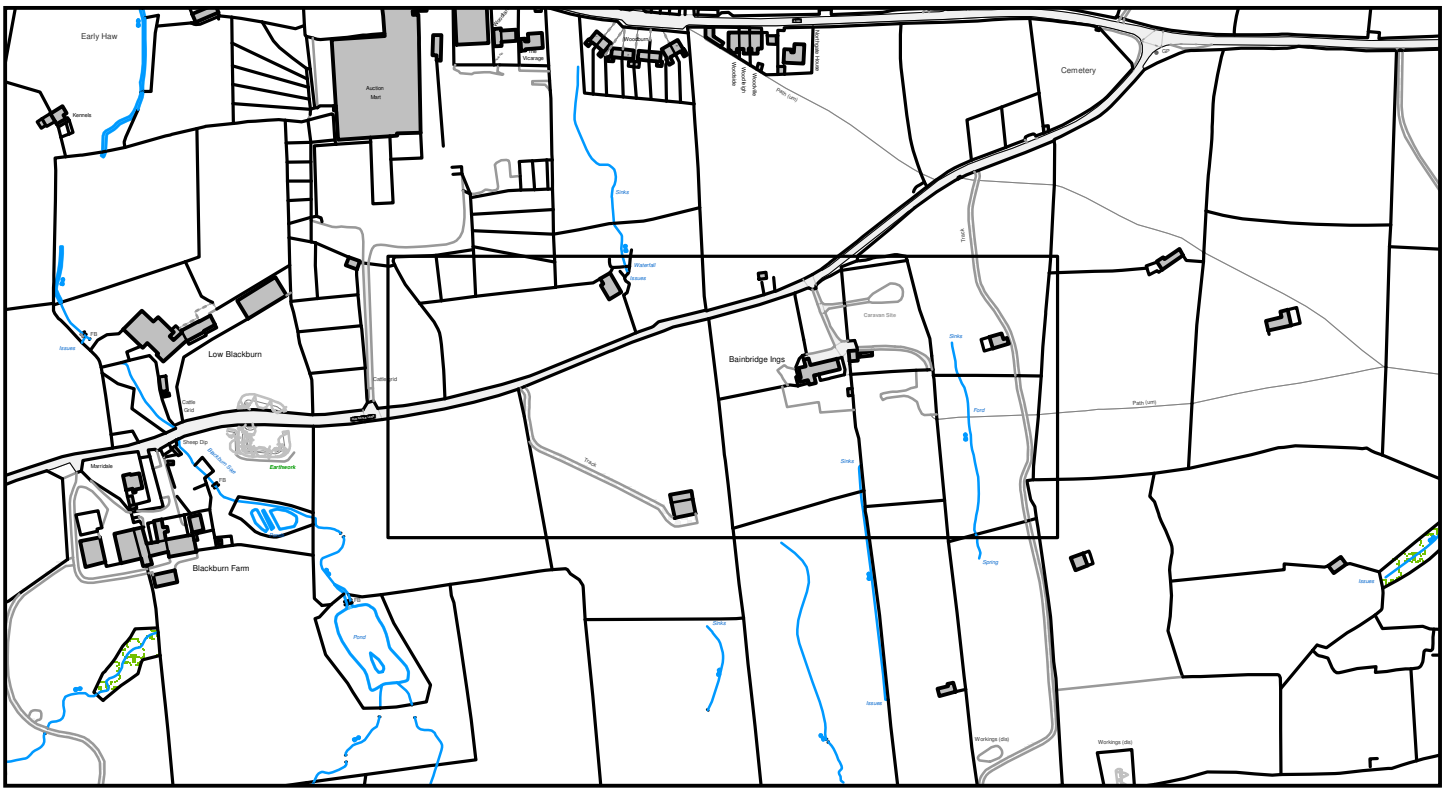
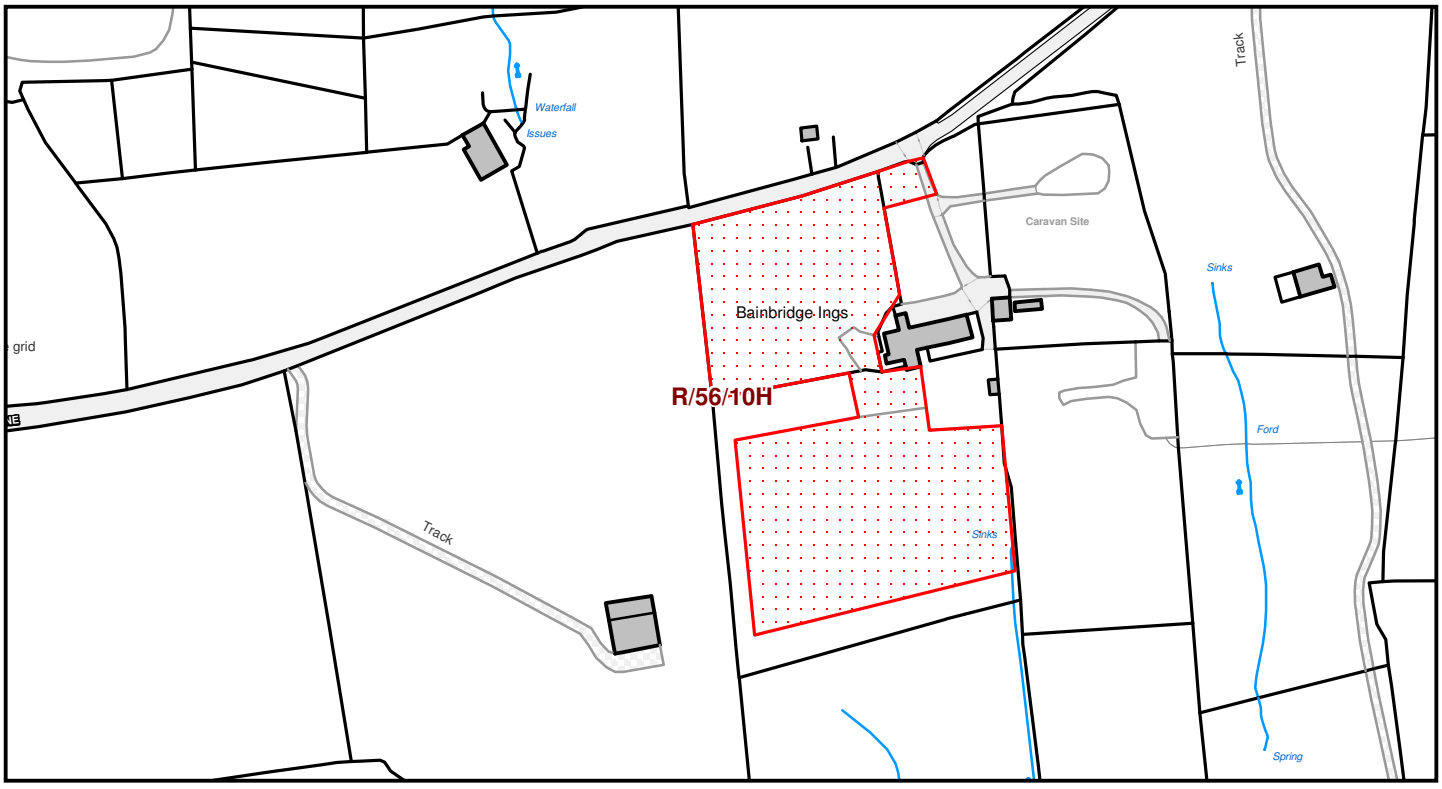
# Yorkshire Dales National Park Authority

Application Code: R/56/10H
Committee Date: 12/02/2019
Location: Bainbridge Ings Caravan Site, Old Gayle Lane, Hawes

**09**

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## Schedule No:9

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| **Application No:** | R/56/10H | | |
| **District:** | Richmondshire | | |
| **Parish:** | Hawes | | |
| **Applicant's Name:** | Mr D Khan, The Lodge Company North | | |
| **Grid Ref:** | SD87928942 | | |
| **Received by YDNP:** | 18/12/2018 | **Officer:** | Wendy Thompson (N) |

**PROPOSAL:** **full planning permission for use of land for 10 camping pods, campsite for 30 informal tent pitches and 10 formal tent pitches, extension of site to accommodate and retain a longer style static caravan adjacent to the site entrance - part retrospective (Section 73 application for variation of condition 2 of planning permission R/56/10G)**

**LOCATION:** **Bainbridge Ings Caravan Site, Old Gayle Lane, Hawes**

**CONSULTEES**

| | |
|---|---|
| **Hawes & High Abbotside PC** | Not received at time of writing. |
| **Hawes and High Abbotside Ward** | Not received at time of writing. |
| **NYCC - Area 1 Richmond Highway Depot** | The Local Highway Authority recommends that Conditions relating to access and verge crossings, visibility splays and access, parking and turning are attached to any permission granted. |
| **CEHO Richmondshire DC** | Environmental Health have no objections in to the application. It is assumed that the pods contain the same or similar sanitary facilities as the pods under R/56/10G. |
| **Harrogate Police Station** | No comment. |
| **Area Ranger (Lower Wensleydale)** | The public right of way (PROW) runs through the red site area to the south of the proposed location of the pods. According to the plans sent the proposed works would not affect the PROW. |
| **Wildlife Conservation Officer** | No objection. Any new screen planting should be of appropriate native broadleaves and NOT more evergreen Leylandii-type of tree planting. |

**PUBLIC RESPONSES**

One neighbour has written to object on the following grounds:
* The genernal appearance and design of the proposal
* The size, height and scale of the development
* Potential increase in traffic.

* the camp is not yet completed and the full impact has not been verified.
* The aims of the National Park have been severly damaged.

**RELEVANT PLANNING POLICIES**

T3(15) - Sustainable self-catering visitor accommodation

SP4(15) - Development Quality

**OFFICER OBSERVATIONS**

REASON FOR COMMITTEE CONSIDERATION
This application is reported to Committee as in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

APPLICATION SITE
The application concerns land at Bainbridge Ings Caravan Site, near Hawes. It lies to the south of Gayle Lane approximately half a mile from the centre of Gayle, to the east of the village. It is a long established caravan and camping site which includes areas for tents, static caravans and touring caravans.

PROPOSAL
This is a part retrospective Section 73 application for the varying of Condition 2 of planning permission R/56/10G. That permission was for use of land for 10 camping pods, campsite for 30 informal tent pitches and 10 formal tent pitches, extension of site to accommodate and retain a longer style static caravan adjacent to the site entrance (part retrospective).

Condition 2 states:
“The development hereby approved shall be carried out in accordance with the following plans and information:
-Site location plan;
-Lune Valley pods – micro lodge – layout 4 (drawing ref:711 – A3-7 Rev A) received 4 Dec 2017”

The applicant has started to put the camping pods on the site, but has used an alternative design, style and form of pod and a different layout to that which was approved. A total of four pods have been sited so far, and the applicant has agreed to not site any more until the application is resolved.

This application is for only eight pods, four of the previously approved 'Lune Valley Pods' design and four are the 'Pembroke Pods' that have been installed on site.

The applicant states that these were chosen because customers prefer to stay in larger pods, and that they thought that they had flexibility to amend the design under the Caravans definition of the 1960 and 1968 Caravans Act. They also state that they have the same overall design and facing materials as those approved.

RELEVANT PLANNING HISTORY
There is a long planning history on this site, but the most relevant applications are:

R/56/10E/LDC A Lawful Development Certificate for use of land for siting of touring caravans. Granted 6/6/1996.

R/56/10F Use of land for siting of up to 15 static caravans. Approved 6/11/2017

R/56/10G Full planning permission for use of land for 10 camping pods,
Campsite for 30 informal tent pitches, extension of site to accommodate and retain a longer style static caravan adjacent to the site entrance (part retrospective). Approved 22/6/2018

KEY ISSUES:
- Principle of Development
- Landscape Impact
- Removal of condition

PRINCIPLE OF DEVELOPMENT.
The design and form of the approved 'Lune Valley' camping pod was submitted by the applicant as part of the original application. It shows a curved pod measuring 6.7m x 3.2m x 2.8m to the ridge. They would be clad with a lightweight roof tile, timber boarded at each end and the door should be a glazed timber effect upvc door and a small window in the rear elevation. A small area of decking is shown as being an integral part of the pod, but no fencing, decking or ‘amenity space’ was shown for each pod. The approved site plan shows the pods being sited in a loose circle around a twin wheeling track. Four of these style pods are to be installed on the site under this current application but set out in a row, behind the 'Pembroke' pods.

Four 'Pembroke' pods have now been sited at Bainbridge Ings and there are two sizes on site, two x four berth and two x six berth. They are cuboid in form with a triangular element on the sides. The ground area of the four berth pod is 7.02 x 3.5m; the six berth is 8.05 x 3.98m. The pods are 2.65m high to the eaves and 3.25m to the top of the ridge but owing to a change in the land levels, the pods are up to 0.46m higher. There are also television aerials on the roofs. The dark grey areas of the pods are made of a material called “Canexcel”, which is a composite material, made of timber, wax and resin, which has the texture and appearance of imprinted plastic. The remainder of the pod is orange stained timber.

The four pods have been sited in a staggered row approximately 11m from the boundary wall with Gayle Lane. Each is on a stone chipping base which has been enclosed with timber and each pod has an area of stone chippings to the front to create a ‘curtilage’ which is bounded by a 1.5-1.8m high timber fence, which has been stained bright orange / brown colour. The applicant has confirmed that hot tubs will be located in these compounds and that the fences are necessary for privacy and modesty.

Three of the original conditions have been formally discharged by the Authority, Nos 12, 13 and 14. Owing to the siting of alternative pods, a range of conditions placed on the original planning permission have not been complied with relating to hardstandings, colour of timber, samples of roof and surface material and it is considered that the applicant is in breach of these conditions.

LANDSCAPE IMPACT
The previous application for Lune Valley pods was considered to be acceptable as the site was reasonably well screened by mature trees along Gayle lane and the pods were to have been entirely dark stained timber again, minimising their landscape impact. In addition, their curved shape and arrangement in an informal circle echoed the site’s former use as a tented camp site.

A comprehensive landscaping plan was also included which showed existing trees and proposed planting around the site. The areas of new planting were indicated on the west and south boundaries with a hedgerow in the centre of the site. An amended planting plan included more hedgerow planting to improve the softening and screening of the development with hedgerow species planted on the north boundary and individual trees within the area for the touring bays.

However some trees along the Old Gayle Lane boundary have since been removed in the interests of safety. This proposal includes an amended landscaping scheme that adequately addresses the loss of the felled trees.

It is considered that the four Lune Valley pods forming part of this proposal, if taken alone, would not have a significant impact on the visual quality of the landscape, for the aforementioned reasons and subject to the amended landscaping scheme.

However the Pembroke pods which have been installed have a far more intrusive effect. The Pembroke pod design is larger with an unusual shape – akin to a portacabin with a triangular insert bisecting the body and protruding above the flat roof. The structure is clad in a dark 'battleship' grey material with orange wood panels. Each pod has a horizontally boarded timber enclosure around it and the pods are laid out in a line.

The structures have an uncompromising and unsightly appearance, lacking any aesthetic or architectural merit. They have no reference or sympathy with local building traditions or natural features within the area. The pods are clearly visible from Old Gayle Lane and the public footpath that runs through the site. They are also visible in longer distance views from the footpath along its route from Burtersett to Gayle. The pods appear as wholly alien features within the landscape that detract from the appearance of the site and the immediate area.

The necessity for a landscaping scheme that attempts to provide a 'green wall' around the site to screen views of the structures only serves to demonstrate their unsuitability in the National Park landscape.

REMOVAL OF CONDITION
Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to differing conditions, or they can refuse the application if they decide that the original condition(s) should continue.

The National Planning Policy Framework 2018 (para 55) provides guidance on the use of planning conditions and requires all conditions to conform to six tests. These are that the conditions are 'necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

The main issue in considering this application is whether the condition imposed satisfies the 'six tests' outlined in paragraph 55 of the NPPF and whether it is still consistent with the principle of sustainable development having regard to the aims of current policy and guidance.

Condition 2, was imposed to ensure that the development was carried out as in line with

the plans and details that the applicant submitted. Government advice considers the use of conditions to specify the application drawings and other details which form part of permissions and states that it is 'best practice' to do so as it creates certainty for all parties.

As noted above, the applicant has stated that the Pembroke style pods were sited as there was a misunderstanding and the applicant considered that any type of structure, as long as it fell under the definition 'Caravan' under the 1960 and 1968 Caravan Act was acceptable.

Notwithstanding this, Condition 2 of the planning permission clearly refers to the Lune Valley pods shown on the approved drawings (as they were the pods that the applicant proposed). The use of Condition 2 clearly meets the tests set done by the National Planning Policy Framework 2018 and accompanying government advice.

ANALYSIS OF MATERIAL CONSIDERATIONS

The National Planning Policy Framework (2018) requires decisions by Planning Authority's to 'contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes" It goes on to states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks…which have the highest status of protection in relation to these issues". Section 12 of the NPPF includes guidance on achieving 'good design', in particular that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area…".

The removal of this condition, to allow for the retention of the Pembroke style pods and associated fences would significantly harm the visual quality of the National Park landscape. Policy SP4 of the Yorkshire Dales Local Plan (2015-2030) provides a set of criteria against which all development should be assessed. It requires new development to be "informed by and respond positively to the site, its surrounding context and landscape setting, so that the scale, height, proportions, massing, form, materials and appearance of buildings and structures are complementary". The policy also requires new development to have high quality design, have visual interest and reinforces local distinctiveness.

It is considered that the proposal does not achieve the standards of good design required by the NPPF and Local Plan policy and would have a harmful impact on the visual quality of the National Park landscape. This harm would not be adequately mitigated by the proposed landscape scheme.

**RECOMMENDATION**

That the application to remove Planning condition 2 of planning permission ref R/56/10G is refused for reasons based on the following:

1)In the opinion of the Local Planning Authority the proposal would harm the natural beauty and visual quality of the National Park landscape by reason of the design, siting, materials and appearance of the proposed Pembroke style camping pods and associated development and the open and prominent location of the site. The proposed development would be highly visible and an incongruous and visually distracting feature in the landscape. The proposal is not sustainable development, it represents poor design that fails to take the opportunity for improving the character and quality of the area required by the National Planning Policy Framework (2018)[paras.127,130]. The proposal is contrary to the first Statutory Purpose of the National Park (S.5 National Parks and Access to the Countryside Act 1949), policies SP1, SP2, SP4 and T3 of the adopted Yorkshire Dales

Local Plan (2015-2030) and the guidance contained in paragraph 172 of the Framework.

2)In the opinion of the Local Planning Authority Condition 2 of planning permission ref R/56/10G is reasonable, necessary to the development and to planning, enforceable, precise and reasonable in all other respects, in accordance the guidance in paragraph 55 of the National Planning Policy Framework 2018.

That the following action is agreed by the Committee:

A)That the Authority's solicitor be authorised to serve an enforcement notice to:
i) Secure the removal of the unauthorised 'Pembroke camping pods' and all fences and hardstandings associated with the camping pods;
ii) Reseed the affected area with grass
ii)A period for compliance of 3 months.

B)In the event of non-compliance with the requirements of the enforcement notice the Authority's solicitor may commence prosecution proceedings.