



Agenda

- Meeting** Scarborough and Whitby Area Planning Committee
- To:** Councillors Phil Trumper (Chair), Subash Sharma (Vice-Chair), Derek Bastiman, Eric Broadbent, Janet Jefferson, Rich Maw and Clive Pearson.
- Date:** Thursday, 12 February 2026
- Time:** 2.00 pm
- Venue:** Council Chamber, Town Hall, St Nicholas Street, Scarborough, North Yorkshire YO11 2HG

This meeting is being live broadcast and recorded and will be available to view [via our website](#) and uploaded to [our Youtube channel](#).

Business

- 1. Apologies for absence**
- 2. Minutes for the meeting held on 13 November 2025** (Pages 3 - 8)
- 3. Declarations of interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
- 4. SCAZF25/00993/FL - application for change of use of land for the siting of a caravan/lodge to provide agricultural workers accommodation - Chelson Fields, Killerby, Scarborough** (Pages 9 - 24)
Report of the Head of Development Management – Community Development Services
- 5. Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
- 6. Date of next meeting**
Thursday, 12 March 2026 at 2.00pm

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

Contact Details

For enquiries relating to this agenda and meeting please contact:

St John Harris, Principal Democratic Services Officer

E-mail: stjohn.harris@northyorks.gov.uk

E-mail: democraticservices.east@northyorks.gov.uk

Tel: 01723 383556

Website: www.northyorks.gov.uk

Barry Khan
Assistant Chief Executive
Legal and Democratic Services
County Hall
Northallerton

Wednesday, 4 February 2026

North Yorkshire Council

Scarborough and Whitby Area Planning Committee

Minutes of the meeting held on Thursday, 13 November 2025 commencing at 2.00 pm.

Councillor Phil Trumper in the Chair plus Councillors Subash Sharma, Derek Bastiman, Eric Broadbent, Janet Jefferson, Rich Maw and Clive Pearson.

Officers present: Martin Evans (Principal Planning Officer), St John Harris (Principal Democratic Services Officer), Daniel Metcalfe (Principal Planning Officer), Nick Read (Development Management Team Manager), Glenn Sharpe (Senior Solicitor Lawyer Planning and Environment) and David Walker (Development Service Manager)

Copies of all documents considered are in the Minute Book

136 Apologies for absence

There were no apologies for absence.

137 Minutes for the meeting held on 9 October 2025

The minutes of the meeting held on 9 October 2025 were confirmed and signed as an accurate record.

Planning Applications

The Committee considered reports of the Head of Development Management – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

In considering the reports of the Head of Development Management – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

138 Declarations of interests

There were no declarations of interests.

139 ZF24/01903/OL - Outline application for residential development with all matters reserved except access at land between Resolution Way and Pembroke Way, south of Mayfield Road, Whitby, North Yorkshire

The Head of Development Management – Community Development Services sought determination of an outline planning application for residential development with all matters reserved except access at Land between Resolution Way and Pembroke Way, South of Mayfield Road, Whitby, North Yorkshire on behalf of Terra Green Yorkshire. The committee had deferred consideration of this application pending a committee site visit which had taken place on 10 November. Updating their report, the planning officer advised that the agent had confirmed that there was an error in the flood risk assessment referenced in the report: according to British Geological Survey data, there was a low risk of ground water flooding, not medium risk as stated. This meant that there was no longer a requirement for a flood risk sequential test, and therefore no longer a conflict with flood risk policy. Further, 36 additional objections had been received from local residents. These raised issues already addressed in the report with two exceptions. One objection included a photograph of a hole which they claimed to be a badger sett within the development site and a plan illustrating where they considered setts to be located. These potential sett locations were outside the site of the application. This matter had been discussed with the council's ecologist who was satisfied that condition 18 as detailed in the report, which required further surveys for such mobile species prior to commencement of development, was sufficient to deal with potential badger setts near the site. Another objection referred to springs on or near the site. It would be possible to engineer a solution should springs be discovered on site. Therefore neither objection altered the recommendations in the report.

Zoe Cottier spoke objecting to the application.

The applicant's agent, Annabelle Parkinson, spoke in support of the application.

During consideration of the application, the committee discussed the following issues:

- Applicant's poor cooperation in enabling access to the site for the committee's site visit
- How the appropriate drainage of the site would be secured to address concerns raised by residents – this was condition 8 in the report which if breached would be for the local planning authority to enforce
- In respect of residents' request for an independent structural survey of the site, this was covered by condition 5 – the developer would normally commission an engineering firm to undertake the ground investigation on their behalf
- In light of historical landslips, a request was made for the ground investigation to extend to the toe of the slope – this was addressed by condition 5 – the investigation would extend to all the land over which the applicant had control
- The adopted footpath to the boundary of the proposed site and the narrow strip of land between the adopted highway and the application site – the ownership of the strip remained unclear but if it were a ransom strip, this would need to be resolved by the developer
- The importance of the geotechnical survey, the surface water drainage scheme and the viability assessment to support the 30% affordable housing requirement – all these matters including responses from technical consultees would be addressed in the reserved matters application report to be considered by the committee at a future date

- However, members sought specific reassurance that the results of the ground investigation / geotechnical survey be addressed in the reserved matters application and not afterwards. Therefore an amendment was proposed to condition 5 replacing 'No development shall take place until...' with 'The reserved matters application(s) shall include a ground investigation with mitigation measures if required, which is submitted to and approved in writing by the Local Planning Authority.'
- Concerns around the potential creation of a rat run on the site by joining two cul de sacs - although this would be addressed at reserved matters stage, the committee could add an informative at this outline stage

The decision:

That planning permission be GRANTED subject to:

- i. prior completion of a section 106 agreement securing the matters listed in the report and the conditions listed in the report with amendments to condition 5 as set out below
- ii. an informative to address the committee's concerns about a potential rat run, and
- iii. a 4 year term for the submission of reserved matters.

Voting record:

A vote was taken and the motion was declared carried with 5 for and 2 against.

Amended condition:

Condition 5:

The reserved matters application(s) shall include a ground investigation with mitigation measures if required, which is submitted to and approved in writing by the Local Planning Authority. The investigation shall be based on the principles established in the APR Report reference WHF/07/L2/WW dated 19th May 2025. The investigation shall encompass the full length of the slope suspected of movement plus a buffer zone. It shall comprise boreholes to rock head and laboratory classification testing. A full topographical survey shall be included. A detailed cross section through the slope shall be provided along with analysis using slope stability analysis software. If there is confirmed to be a risk of future slope movement within the lifetime of the development, measures shall be proposed to prevent future movement and enhance stability. Following approval of the investigation and mitigation measures (if required), the mitigation measures shall be completed prior to the commencement of construction of other elements of the development hereby approved other than development that would enable access for such mitigation works to take place within the site. In the event that mitigation measures are required beyond the application site, and those measures require planning permission, no development shall take place until planning permission has been granted by the Local Planning Authority.

An informative note be added to the decision notice expressing the Committee's preference for a housing layout which avoided a vehicular through route from both access points.

allow removal of a tree and creation of parking area, at former site of 79 Cross Lane, Newby, Scarborough, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for the variation of conditions 1 and 2 in relation to ZF24/00099/FLA, to allow removal of a tree and creation of parking area at former site of 79 Cross Lane, Newby, Scarborough on behalf of Mohamed Gaafar.

During consideration of the above application, the committee discussed the following issues:

- The danger of setting an unhelpful precedent should this application be approved
- The importance of ensuring a semi-mature tree was replanted on the site – subject to the committee’s refusal of the application this would be addressed by the planning enforcement team since the applicant had breached a condition for which there was no right of appeal; there is no right of appeal against a Breach of Condition Notice.
- Whether there was any supporting information to justify the removal of the tree – there was none

The decision:

That planning permission be REFUSED.

Voting record:

A vote was taken and the motion was declared carried unanimously.

Reasons:

The committee agreed with the reasons for refusal put forward by the planning officer as set out below:

1. Policy DEC1, part, a i, of the Scarborough Borough Local Plan states, 'All development will be required to meet the following principles of good design by demonstrating that the proposal reflects the local environment and creates an individual sense of place with distinctive character'.

Paragraphs 7.15 and 7.16 of the Council's Residential Guide state, 'With respect to the streetscene, car parking should be provided to the side of dwellings. Spaces between the building frontages and street should not be dominated by the car...excessive use of parking areas in front of principal elevations should be avoided...'

The Scot's Pine tree contributed positively to the appearance of the site and character of the surrounding area. Its removal from site has resulted in significant visual harm to the development, the streetscene and the wider surroundings.

The proposed vehicular access would result in the parking of vehicles to the front of the southernmost dwellinghouse, obscuring the frontage of the host dwelling by vehicles and also the outlook for its occupants; the sum of which would be to result in significant visual harm.

It is therefore considered that the proposal would fail to comply with Policy DEC1, part a i, of the Scarborough Borough Local Plan, the Council's Residential Design Guide and Section 12 of the **Page 6** which seek a high regard for good design, and

thus, fails to constitute sustainable development.

2. Policy DEC1, part c, of the Local Plan requires new development to provide safe and accessible vehicular parking arrangements.

The Highway Authority has confirmed that the proposal to vary the approved plans and provide an access to the side of the southernmost dwellinghouse would result in an unsafe parking arrangement that lacks the required visibility splay, conflicts with the existing pedestrian crossing on Cross Lane, compromise visibility for vehicles entering the junction from Cross Lane to the side of the site and would increase the risk of conflict between turning traffic and vehicles accessing the driveway.

The sum of the above would result in significant harm to the safety and convenience of users of the public highway.

The proposal therefore fails to comply with Policy DEC1, part c, of the Scarborough Borough Local Plan, and thus, fails to constitute sustainable development.

3. Policy ENV5, part d, of the Scarborough Borough Local Plan states, 'Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by increasing trees and woodland through ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area'.

The sub-text of this policy states, 'Development proposals should recognise not only the importance of protecting species-rich trees or hedgerows but the value of incorporating them in design and consider how new planting can interact with existing habitats'.

The proposal seeks to remove an existing mature Scot's Pine tree from the original landscaping scheme. The impact on this would be to remove a significant, mature tree which contributes positively to the natural environment and biodiversity of the development and surrounding area, resulting in significant harm.

The proposal therefore fails to comply with Policy ENV5 of the Scarborough Borough Local Plan, and thus, fails to constitute sustainable development.

141 ZF25/00901/RG4 - Erection of a 32-metre high Ferris wheel including supporting structure with decking, ramp access and a ticket office. Construction of an 18 hole adventure golf course on a metal deck at former Futurist Theatre, former Futurist buildings, Foreshore Road, Scarborough, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for erection of a 32-metre high Ferris wheel including supporting structure with decking, ramp access and a ticket office and construction of an 18 hole adventure golf course on a metal deck at former Futurist Theatre, former Futurist buildings, Foreshore Road, Scarborough, North Yorkshire, on behalf of Mr Abbott.

Updating their report, the planning officer advised that officers were recommending a further condition that the disassembled wheel not be stored on site on grounds of visual

amenity.

During consideration of the above application, the committee discussed the following issues:

- Whether there was an active planning brief for the regeneration of this significant site – there was not
- Whether this latest in a series of temporary permissions for effectively a fairground use of the site would fetter the longer term regeneration aspirations for the site – the officer's view was not
- The fairness of the applicant for this temporary permission having to pay for the reinstatement of the tactile pedestrian crossing and refuge opposite the site when a condition of the original consent to demolish the Futurist Theatre was that Scarborough Borough Council pay for the reinstatement of the crossing when the site was redeveloped – the planning condition did not specify who had to cover the cost of the works but this was for the applicant/tenant to agree with the landowner, North Yorkshire Council

The decision:

That planning permission be GRANTED subject to the conditions detailed in the committee report and the additional condition recommended by officers that the disassembled wheel not be stored on site on grounds of visual amenity.

Voting record:

A vote was taken and the motion was declared carried unanimously.

142 Any other items

There were no urgent items of business.

143 Date of next meeting

Thursday, 11 December 2025 – Town Hall, Scarborough

The meeting concluded at 3.27 pm.

**North Yorkshire Council
Community Development Services
Scarborough and Whitby Area Planning Committee
12 February 2026**

SCAZF25/00993/FL – Change of use of land for the siting of a caravan/lodge to provide agricultural workers accommodation – CHELSON FIELDS, KILLERBY, SCARBOROUGH, ON BEHALF OF MR DAVID SWIERS

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an application for planning permission for the siting of a caravan/lodge to provide agricultural workers accommodation, including the creation of amenity/garden space, and vehicle parking/turning area.
- 1.2 This application is reported to Committee because the applicant is the spouse of a Councillor

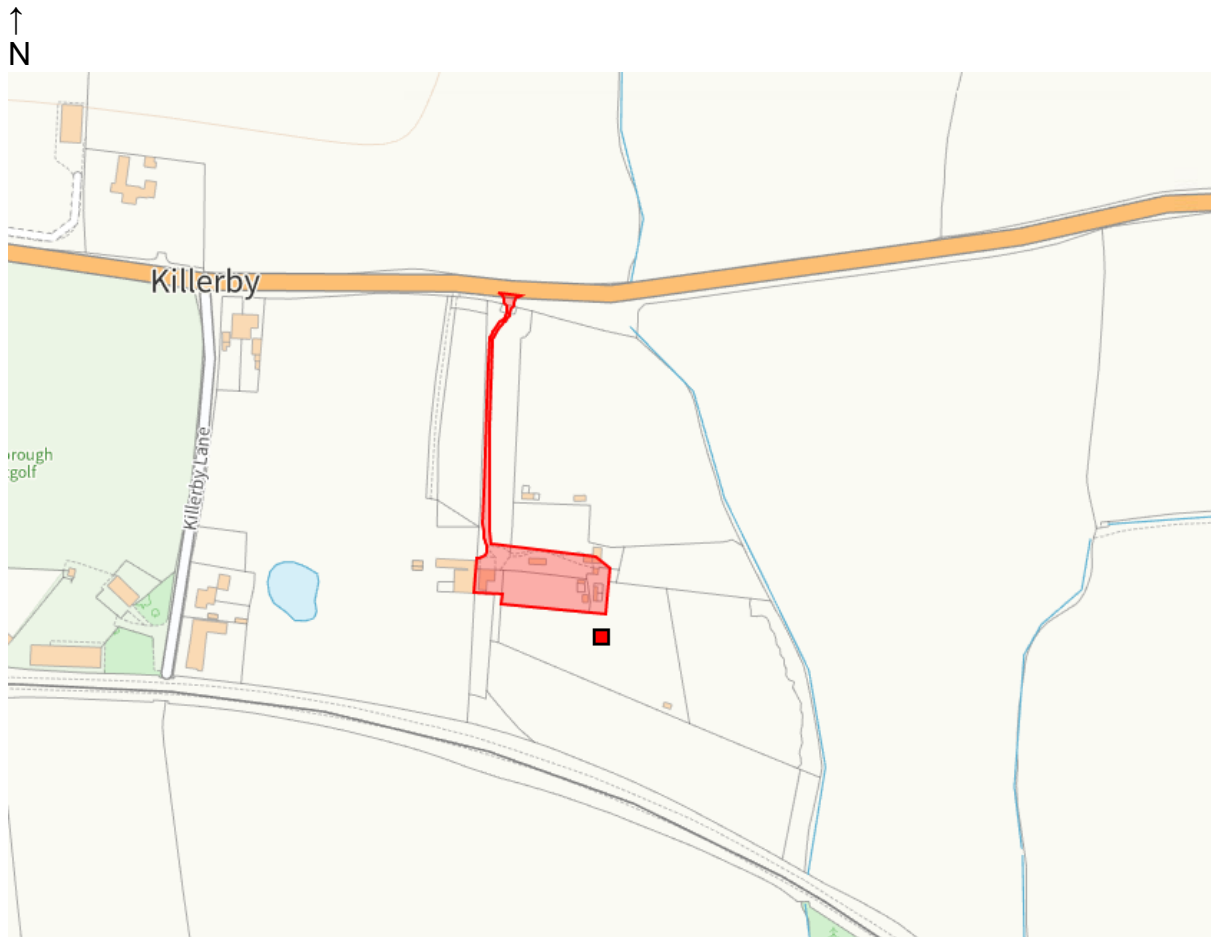
2.0 SUMMARY

RECOMMENDATION: That planning permission is REFUSED

2.1 The proposed development takes place in the open countryside, outside of the defined Development Limits of any settlement. The application is supported by limited information. It has not been demonstrated that the proposed development is essential for farming, forestry or other essential land management activity; neither has it been demonstrated that the proposed development relates to the functional needs of, or consolidates or diversifies an established rural business. As such the proposed development does not comply with paragraph 84 (a) of the National Planning Policy Framework or Criterion (a) and (b) of Policy ENV6 (Development Affecting the Countryside) of the Scarborough Local Plan (2017).

2.2 The proposals will introduce an unnecessary development into the landscape, and the open countryside. The siting of the caravan/lodge with associated raised seating areas, garden, and vehicle parking/turning area would be harmful to the visual appearance and character of the isolated location within an open landscape. As such the proposal would appear prominent, jarring, and incongruous. The proposals are considered to be contrary to the requirements of Policies ENV6 and DEC1 of the Local Plan which require development to be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside. It would also be contrary to paragraph 135 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history including the surrounding built environment and landscape setting.

2.3 Insufficient information has been submitted with the application to demonstrate 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat, as the pre-development baseline value is unknown. Given the lack of information it is not considered that the deemed condition requiring biodiversity gain condition is capable of being discharged successfully. The lack of adequate information fails to comply with Para 187 of the NPPF and the Environment Act 2021 as unable to identify and pursue opportunities for securing measurable net gains for biodiversity.



© Crown copyright and database rights 2026 Ordnance Survey License number AC0000825864

3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-

[SCAZF25/00993/FL | Change of use of land for the siting of a caravan/lodge to provide agricultural workers accommodation | Chelson Fields Killerby Scarborough YO11 3TP](#)

Relevant Planning History

SCA10/02447/OL – (2012) Single two-bedroomed dwelling with garage, located adjacent to existing general purpose buildings – Refused, for the following reasons:

- (i) In the absence of proven viability of the enterprise, approval of this proposal would be contrary to the provisions of the Local Plan due to the farm's location close to Cayton village where the applicant is currently accommodated only a short distance away. The Local Planning Authority is not convinced of either the existence of such need or that there are other exceptional circumstances.
- (ii) A dwelling in this isolated position, divorced from any nearby village farm and prominently located south of Killerby Lane would have an unacceptable impact on the open landscape setting of Killerby. As such approval of a dwelling in this position would be contrary to Policies E1, E5 and E12 of the adopted Scarborough Borough Local Plan.
- (iii) Although the applicant has farmed the land since 1983, no evidence has been produced to show that a viable holding has been established as is required by PPS7. In addition, a new dwelling on this site of less than 5Ha, in the absence of proven agricultural need to satisfy the criteria in Annex A of PPS7, would set an undesirable precedent which would make other, similar applications harder to resist.

Appeal APP/H2733/A/12/2176993/NWF of application SCA10/02447/OL was dismissed.

The Planning Inspectorate did not consider that the functional need for a dwelling had been demonstrated, having regard either to the existing or the proposed operations. Furthermore, the proposed dwelling would not be linked to an existing, demonstrably financially sound enterprise. The Planning Inspector also concluded that the proposal would introduce isolated residential development into the otherwise open countryside. Local and national policies seek to protect the countryside from unnecessary development in order to retain its undeveloped, tranquil character.

SCA14/02566/FL (2015) - Proposed agricultural building for use as seed/tractor/implements storage – Approved

SCA15/00698/FL (2015) - Temporary siting of log cabin for 3 years to provide agricultural workers accommodation – withdrawn

SCA16/00868/FL – (2016) Temporary siting of mobile home for 3 years to provide agricultural workers accommodation – Approved (recommendation of refusal overturned by Planning Committee) granted 09.12.2016

The committee meeting minutes set out that the members reasons for the overturning the officers recommendation: *'The land would be improved through renewed use and landscaping and the small holding would be more secure. It gave the applicant three years to build up the small holding.'*

SCA20/00657/FL (2020) - Proposed fenced area for training/schooling horse - Approved

4.0 Site and Surroundings

4.1 The applications site falls outside the Development Limits of Cayton or any other settlement as defined in the Scarborough Borough Local Plan as such is regarded as 'countryside'. The application site falls within Flood Zone 1, which is the least susceptible to flooding.

4.2 The Scarborough to Filey railway line runs to along the southern boundary of the site, and the B1261 Cayton to Lebberton road to the north of the site. The application site is surrounded by fields and the closest settlement is Killerby 580 metres to the north west. Access to the application site is from the B1261 via an informal track.

4.3 The wider application site sits within an open landscape. There are number of relatively small buildings on the site, many have a temporary appearance. There is an existing caravan on the site. The site lies in the flat, expansive countryside to the south east of Cayton. The holding is 11.77 acres (4.7 Hectares).

5.0 Description of Proposal

5.1. Planning permission is sought for the permanent change of use of the site for the siting of a caravan/lodge for an agricultural worker. The application form has been completed to state that planning permission is sought for permanent agricultural workers dwelling, however the submitted information refers to the proposed dwelling falling within the definition of a caravan as per the Caravan Act 1968. The application has, therefore, been considered on the basis that the accommodation will be a caravan unit.

5.2 The proposed caravan will be located approximately 150m from the public highway. Access will be via the existing access track.

5.3 The application has been submitted with an agricultural appraisal, which sets out the applicant's case for a temporary agricultural worker's dwelling. The report is dated October 2025

5.4 The proposed development includes:

- Dwelling/caravan
- The creation of a vehicle parking area
- The creation of the domestic curtilage/garden area
- The erection of raised timber seating areas

6.0 Planning Policy and Guidance

6.1 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

6.2 The Government began a consultation exercise on a new draft of the NPPF. The consultation exercise began in December 2025 and is currently underway. Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and draft policies HO11 (Isolated homes in the Countryside) and S5 (Principle of development outside Settlements) , DP3 (Key Principles for well-designed places), P3 (Living Conditions and pollution), N2 (Improving the natural environment) represents no change from current policy, no more than negligible weight should be given to the suggested change/ changes.'

6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

6.4 The extant Scarborough Borough Local Plan is now more than 5 years old. In accordance with the National Planning Policy Framework (December 2024), the annual housing requirement for this area is 812 homes, as derived from the Standard Method. Including the relevant 5% buffer, the 5-year supply requirement for this area is 4262. Based on the most recent data (from the 2024/25 monitoring period), there is a demonstrable deliverable supply of 2272 homes over a five-year period. This translates to 2.7 years of housing supply when measured against the five-year supply requirement. Therefore, paragraph 11(d) of the National Planning Policy Framework (i.e. the "presumption in favour of sustainable development") is engaged for applications involving the provision of housing.

Adopted Development Plan

6.5. The Adopted Development Plan for this site is:

- Scarborough Borough Local Plan (2017)
- Minerals and Waste Joint Plan (2022)

6.6 The Adopted Development Plan for this site is the Scarborough Borough Local Plan. Relevant policies include the following:

- o DEC1 Principles of Good Design
- o DEC4 Protection of Amenity
- o ENV3 Environmental Risk
- o ENV5 The Natural Environment
- o ENV6 Development Affecting the Countryside
- o ENV7 Landscape Protection and Sensitivity

- Emerging Development Plan - Material Consideration

6.7 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

- Guidance - Material Considerations
- National Planning Policy Framework

- Draft National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide
- Scarborough Landscape Study (2013)

7.0 **Consultation Responses**

CAYTON PARISH COUNCIL

7.1 No objections

NYC LOCAL HIGHWAY AUTHORITY

7.2 No objections. The site currently has a static caravan sited in the location that the proposed single storey permanent workers dwelling is to be located. This static caravan was granted planning permission for the 'temporary siting of a mobile home for 3 years to provide agricultural workers accommodation (Ref: 16/00868/FL). There are no proposed changes to the existing access to the site with the existing highway network. A suitable level of parking will be maintained within the site, including turning for vehicles allowing them to enter and exit the highway in a forward gear. There is not expected to be an increase in vehicle movements as a result of the development. There are no concerns with the current access or with drainage at the site. Construction storage and movements are not expected to be high and can be accommodated within the site.

NYC ENVIRONMENTAL HEALTH (Private Sector Housing):

7.3 No comments

NYC ENVIRONMENTAL HEALTH (Commercial and Regulation Team):

7.4 No comments

NYC ECOLOGY

7.5 Note that the applicant has claimed the "Self-build and custom build" exemption from biodiversity net gain requirements. It is a planning decision as to whether BNG exemptions are valid.

YORKSHIRE WATER

7.6 This proposal is in an area not served by the public foul sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. (Officer Note – The Environment Agency has not been consulted as the proposal does not fall within the EA criteria for consultation)

PUBLICATION OF APPLICATION

7.7 Three site notices were posted 13.11.2025, the period of consultation ended 07.12.2025. No representations were received.

8.0 **Environment Impact Assessment (EIA)**

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 **Main Issues**

9.1. The key considerations in the assessment of this application are:

- Existing Status
- Principle of development
- Impact to visual amenity and character
- Highway Implications
- Drainage
- Biodiversity Net Gain

10.0 **ASSESSMENT**

Existing status

10.1 Temporary planning permission of 3 years was granted for a caravan in 2016 (planning application 16/00868/FL). It is not clear from the current application when the caravan was located on site. Aerial photographs show the caravan in a different location in 2018 to the current location. The 2018 location was not the location approved as part of 16/00868/FL. Planning permission 16/00868/FL required that the caravan be removed within 3 years of its placement on the site (Condition 3). No application was made for the discharge of Condition 5 (required tree planting). The caravan that is currently located on the site is not in the position approved in planning application 16/00868/FL, it is located further to the east of the approved location. The aerial photographs show a caravan in the current location from 2019 onwards. As such officers do not consider that planning permission 16/00868/FL has been implemented. In addition the caravan has not been in the current position for in excess of 10 years as such it is not immune from enforcement action. If it was considered that the location of the caravan was broadly similar to that approved in 16/00868/FL, the siting of the caravan is not immune from enforcement actions for non-compliance with the conditions of the planning permission (namely conditions 3 and 5). It is not considered that the presence of the existing caravan provides any justification for the proposed residential caravan.

Principle of Development

10.2 The agent has advised that the proposed development falls within the definition of a caravan, however the agent also refers to the existing and proposed caravans as buildings in the supporting information. No information has been submitted with the application to indicate that the proposed development is a building rather than caravan. A statutory definition of a caravan is to be found in the Caravan Sites and

Control of Development Act 1960, as supplemented by sec.13 of the Caravan Sites Act 1968 which deals with twin-unit caravans. The 1960 Act at sec. 29 states that a “caravan “means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted. The proposed dimensions of the caravan fall within the size limits updated by The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006. The proposed caravan would be constructed off-site and brought to the site. The proposed development is considered to be the siting of a caravan rather than the erection of a permanent building.

10.3 The NPPF sets out that in paragraph 84 the planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

(c) the development would re-use redundant or disused buildings and enhance its immediate setting;

(d) the development would involve the subdivision of an existing residential building; or

(e) the design is of exceptional quality, in that it:

- I. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- II. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

10.4 The application site lies outside the development limits and for the purposes of Scarborough Local Plan Policy SH1 (Settlement Hierarchy) the application site is regarded as being within the 'Countryside'. As such Policy ENV6 (Development Affecting the Countryside) is considered to be relevant. The policy is considered to reflect the policy set out in the NPPF. Policy ENV6 states that:

Outside the defined Development Limits, new developments will be limited to those for which a countryside location is essential, including:

- a. Development that is demonstrated to be essential for farming, forestry or other essential land management activity;*
- b. Development that relates to the functional needs of, or consolidates or diversifies an established rural business;*

c. Development that facilitates the re-use of an existing building that is worthy of retention given its contribution to the character of the area;
d. Development involving the replacement of existing non-agricultural buildings that have a negative impact on the character of the area with one of a higher quality:

Replacement of residential buildings must be on a one for one basis;

e. Development relating to an appropriate recreational or tourism related activity requiring a countryside location; or,
f. Other forms of development requiring a countryside location that can be shown to be necessary in the proposed location for technical or operational reasons.

Providing that the type of development accords with one or more of the above criteria, or any other relevant policies in the plan, the scale of the proposal should be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside

10.5. The proposed development is not considered to fall within criterion (b) to (e) of paragraph 84. Neither is the development proposed development considered to fall within criterion (c) to (f) of Policy ENV6. The agent/applicant states that the proposed development is essential to the existing farming enterprise. As such it falls to be considered whether the proposed development would fall within criterion (a) and (b) of Policy ENV6 and part (a) of para 84 of the NPPF.

10.6 The application has been submitted with an agricultural appraisal, which sets out the applicant's case for a temporary agricultural worker's dwelling, the report does not refer to a permanent siting. It appears to be the same report that was submitted with application SCA16/00868/FL (dated April 2016). The report has not been updated to reflect current circumstances or how the business may have progressed in the previous 9-10 years.

10.7 The report sets out that a dwelling is required for the security of the site, and the welfare of the livestock that require 24 hour supervision. The supporting information advises that the holding is 11.77 acres (4.7 Hectares).

10.8 The supporting report refers to a business plan, this has not been submitted with the application. It is noted that this holding has been in existence for some time, however no financial information has been submitted with the current application. No information has been submitted to indicate that the farming enterprise has been previously profitably, is currently profitable, or is expected to be profitable.

10.9 The report sets out that the business trades as Swiers Organic Farming Ltd. The Companies House website confirms this business was dissolved in November 2021.

10.10 The submitted report sets out that the land is split between rearing and grazing land for geese, chickens, quails and sheep and the production of organic vegetables and plants. The poultry also produce the eggs which are sold through the business.

There was no evidence of this livestock at the time of the site visits. At the time of the site visits officers noted the livestock totalled 4 alpacas, 3 sheep, 2 ponies, and 1 chicken. In terms of the functional need for a dwelling, no evidence has been provided to demonstrate that a constant on-site presence would be needed for the animals currently on site, or the animals detailed in the report. Whilst the site visits took place during the winter months there was little evidence that a farming enterprise was being undertaken.

10.11 The applicant's concerns relate to the security for the animals and the site. However, it would be usual for other forms of security to be put in place to overcome the problem of intruders in the first instance. Whilst it was noted there was a warning sign referring to CCTV, there did not appear to be any CCTV on site, thus there is little by way of a deterrent. It is noted that the majority of the buildings on site are in a poor state of repair and would provide limited security. A secure agricultural building was granted permission in 2014, however this has not been constructed above slab level. There is little justification for a permanent dwelling on security grounds as a secure storage building could be considered to overcome this difficulty.

10.12 The agent advises that there are no dwellings in close proximity which can meet the functional need. The details for the applicant's current address have not been provided with the application, however the applicant confirmed at the site visit that they lived in Cayton. The agricultural appraisal claims that the site is too remote from any existing dwellings within the closest settlement of Cayton. The justification for the proposals is also based on the time spent driven between the site and the applicant's house. It is concluded that the applicant's justification of fuel costs and time spent driving between Cayton and the site should carry little weight and does not justify the creation of a new dwelling within the open countryside. The site is approximately 1 mile from the applicant's home and would be reachable in a very short period of time (a matter of minutes) should any emergencies occur with the limited number of animals present on the site.

10.13 There is no evidence that the agricultural enterprise exists or if it does that it is currently economically viable. Furthermore, the proposed dwelling would not be linked to an existing, demonstrably financially sound enterprise. There is no justification for the siting of a caravan for agricultural worker or a permanent dwelling on the site based on the needs of the existing operations. If the dwelling could be shown to be *essential* for a farming enterprise, a temporary dwelling would normally be considered while the enterprise is built up to a profitable level. This was previously permitted in 2016 however no evidence has been forwarded to demonstrate that the enterprise has been built up to a profitable level in the intervening 9 years. Furthermore, no authorised residential accommodation has been required since the expiry of the previous planning permission and the present time. Following the initial 3 years consent of planning permission SCA16/00868/FL the holding has not developed to a level where a permanent dwelling is justified and given the gap between expiry of the 2016 permission and now without any form of authorised residential accommodation a further temporary consent would not be justified.

10.14 The functional need for a dwelling on the site has not been demonstrated, having regard either to the existing or the operations set out in the supporting report.

Having regard to the advice in the NPPF and to Policy ENV6, it has not therefore been shown that there is an *essential* need for the applicant to live on the site. It has not been demonstrated that the *development essential for farming, forestry or other essential land management activity; neither has it been demonstrated that the proposed development relates to the functional needs of, or consolidates or diversifies an established rural business.* As such the proposed development does not comply with paragraph 84 (a) of the NPPF or Criterion (a) and (b) of Policy ENV6 (Development Affecting the Countryside) of the Scarborough Local Plan (2017). As such the proposed development is not acceptable in principle.

10.15 Whilst the agent has advised they would be willing to accept an agricultural occupancy condition. For the above reasons it has not been demonstrated that the dwelling/caravan/lodge is required for an agricultural worker, as such the condition would not comply with the conditions tests namely that it would not be relevant to the proposed development, and it would not be precise.

Impact to visual amenity and character

10.16 It is considered there would be no impact to protected landscapes. The proposal development would not be readily noticeable from the Scarborough to Filey Railway line as determined by the Planning Inspector in the 2012 appeal for SCA10/02447/OL . However a caravan/lodge in this isolated position, divorced from village, and prominently located south of Killerby Lane would have an unacceptable impact on the open landscape setting. Upon dismissing the previous appeal the Inspector found that "*Local and national policies seek to protect the countryside from unnecessary development in order to retain its undeveloped, tranquil character. Allowing individual isolated residential properties in the countryside would erode those principles and, once accepted, have the potential to be repeated often leading to incremental and harmful loss of the character of the open countryside.*" It is not considered that National Planning Policy, with regards to the protection of the countryside, has changed in this respect in the intervening years.

10.17 Given no essential or functional need for an agricultural workers dwelling has been demonstrated it is considered that the proposals will introduce an unnecessary development into the landscape, and the open countryside. The siting of the caravan/lodge with associated raised seating areas, garden, and vehicle parking/turning area would be harmful to the visual appearance and character of the isolated location within an open landscape. The isolated and open nature of the application site would exacerbate the prominence of the proposed development, further compounded by the associated domestication of the site. As such the proposal would appear prominent, jarring, and incongruous. The proposals are considered to be contrary to the requirements of Policies ENV6 , ENV7, and DEC1 which requires development to be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside. It would also be contrary to paragraph 135 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history including the surrounding built environment and landscape setting.

10.18 As this is an application for a change of use, any planning permission would have limited control over the type of caravan unit positioned on the site, its design and appearance, as a separate planning permission would not be required to subsequently change the caravan unit on site. A lodge style unit may currently be proposed, this would not necessarily be the case going forward. Nor is a caravan unit considered to be a visually acceptable form of permanent accommodation on a site such as this in the open landscape. Caravans are normally permitted on a short-term basis to give the opportunity for an agricultural holding to develop. If this is successful and on-site residential accommodation can subsequently be justified on a permanent basis, there would be a requirement for a building designed to be sympathetic and in character with the landscape character and local identity and in compliance with the design requirements of local Plan policies ENV 6 and DEC 1 which require that development the scale of the proposal should be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape and Section 12 f the NPPF which requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Therefore a further permission for a caravan on this site whether temporary or permanent would be contrary to these policies.

Highway Implications

10.19 The NPPF encourages development that is sustainably located and accessible. Paragraph 115(b) of the NPPF requires that all development achieve safe and suitable access for all users. It advises at paragraph 116 of the NPPF that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy DEC1 (Principles of Good Design) states that proposals need to provide suitable and safe vehicular access and suitable servicing and parking arrangements

10.20 The Highways team have no objections to the proposed development. The proposed use is not considered to result in an increased use of the access point onto the unrestricted road. The comings and goings to the site are unlikely to materially differ.

Drainage

10.21 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy ENV3 (Environmental Risk) sets out that Proposals will be expected to mitigate against the implications of environmental risk and the effects of climate change. This can be achieved by using mitigation measures such as Sustainable Drainage Systems where possible in order to facilitate development in areas of sensitive drainage and to meet the requirements of the Water Framework Directive; and ensuring development has adequate provision for foul and surface water disposal in advance of occupation. The supporting text to the policy sets out that adequate provision for foul and surface water disposal and treatment must already exist or be provided ahead of occupation of any development.

10.22 Insufficient information has been submitted with the application, however if the development was considered acceptable drainage details could be sought via condition.

Biodiversity Net Gain

10.23 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

10.24 The agent has completed the application form to state that the proposed development would be exempt from providing BNG as they consider the development to be 'Self-Build and Custom Build development'. The proposed siting of a caravan is not considered to fall within this definition as Section 1(A1) of the Self Build and Custom House Building Act 2015 refers to a building, caravans are not considered to be buildings. However if the development was considered to be permanent enough to fall within the definition of a building then in considering whether a home is a self-build or custom build home, the LPA must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing. The proposed development is for a lodge/caravan, the specification by the lodge manufacturing company was attached to application, there does not appear to be any input into design and layout. As such it is considered that there is insufficient input into the design and layout for the proposed lodge to be considered a 'Self Build or Custom Housing'. As such the proposed development is not exempt from the 10% Biodiversity Net Gain required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021).

10.25 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) requires the minimum of a biodiversity metric, providing baseline information, to be submitted with an application, this has not been submitted in this case. Due to the lack of a metric the statutory biodiversity gain condition cannot be applied to secure onsite biodiversity gains and/or registered offsite biodiversity gains, as the condition cannot be discharged/complied with as the baseline information has not been provided, the actual figure is unknown so officers are unable to determine if 10% would be achieved. The lack of information fails to comply with Para 187 of the NPPF as unable to identify and pursue opportunities for securing measurable net gains for biodiversity and the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021).

Residential Amenity

10.26 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Local Plan Policy DEC 4 seeks to protect amenity.. Good quality development, by definition, should not result in an adverse impact on the amenities of occupiers or nearby properties.

10.27 The proposed development is not considered to negatively impact on the amenity of the users/occupants of the neighbouring land and nearby dwellings.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The proposed development would take place in the countryside outside of the defined Development Limits of any settlement. The application is supported by limited information, which has not satisfactorily addressed the requirements and criteria of local and national planning policy. The NPPF sets out in paragraph 84 that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. This is reflected by Local Plan Policy ENV6 (Development Affecting the Countryside). The proposal does not comply with any of the criteria in the national or Local Policy. In particular it has not been demonstrated that the proposed development *is essential for farming, forestry or other essential land management activity; neither has it been demonstrated that the proposed development relates to the functional needs of, or consolidates or diversifies an established rural business.* As such the proposed development does not comply with paragraph 84 (a) of the NPPF or Criterion (a) and (b) of Policy ENV6 (Development Affecting the Countryside) of the Scarborough Local Plan (2017).

11.2 Given no essential or functional need for an agricultural workers dwelling has been demonstrated it is considered that the proposals will introduce an unnecessary development into the landscape, and the open countryside. The permanent siting of the caravan with associated raised seating areas, garden, and vehicle parking/turning area would be harmful to its visual appearance and character. The proposal fails to achieve the high quality design promoted by Section 12 of the NPPF, in particular the proposed development would be contrary to paragraph 135 as the proposed development would not function well or add to the overall quality of the area, the proposal is considered to result in harm to the visual amenity and character of the open rural landscape. The proposal is contrary to the aims of the NPPF and local planning policies that seek to ensure development respects and enhances the local environment.

11.3 Insufficient information has been submitted with the application to demonstrate 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat, as the pre-development baseline value is unknown. Given the lack of information it is not considered that the deemed biodiversity gain condition is capable of being discharged successfully. The lack of adequate information fails to comply with Para 187 of the NPPF and Schedule 7A of the Town and Country

Planning Act 1990 (as inserted by the Environment Act 2021) as it is unable to identify and pursue opportunities for securing measurable net gains for biodiversity.

11.4 Paragraphs 11 d) of the NPPF requires the granting of planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The provision of 1 no. dwelling/caravan is not considered to significantly and demonstrably outweigh the identified harm when assessed against the NPPF policies as a whole, namely paragraph 84, 135, and 187 of the NPPF and the 10% requirement of the Environment Act 2021.

1.5 Refusal is recommended for the following reasons

12.0. **RECOMMENDATION**

That Permission be refused for the following reasons:

(i) The proposed development takes place outside of the Development Limits of any settlement defined within the Scarborough Borough Local Plan (2017) as such in accordance with Local Plan Policy SH1 (Settlement Hierarchy) the application site is regarded as being in the 'countryside'. The application is supported by limited information, which has not satisfactorily addressed the requirements and criteria of Policy ENV6 (Development Affecting the Countryside) of the Scarborough Local Plan (2017) and paragraph 84 of the National Planning Policy Framework and thus fails to comply with these policies.

Following the initial 3 years consent of planning permission SCA16/00868/FL the holding has not developed to a level where a permanent dwelling is justified and given the gap between time restriction of Condition 3 of planning permission SCA16/00868/FL and the present day without any form of authorised residential accommodation a further temporary consent could not be justified.

The proposal does not comply with any of the criteria of paragraph 84 of the National Planning Policy framework or Policy ENV6 of the Scarborough Local Plan (2017). In particular It has not been demonstrated that the proposed development *is essential for farming, forestry or other essential land management activity; neither has it been demonstrated that the proposed development relates to the functional needs of, or consolidates or diversifies an established rural business.* As such it does not comply with paragraph 84 (a) of the NPPF or Criterion (a) and (b) of Policy ENV6 (Development Affecting the Countryside) of the Scarborough Local Plan (2017). It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

(ii) A caravan/dwelling in this isolated position and prominently located south of Killerby Lane would have an unacceptable impact on the open landscape setting. Furthermore, in this instance given that no agricultural need for an agricultural worker's dwelling/caravan has been justified it is considered that the proposals will introduce an unnecessary development into the landscape of the open countryside. The permanent siting of the caravan/lodge with associated raised seating areas, garden, and vehicle parking/turning area would be harmful to the visual appearance

and character of the isolated location within an open landscape. The isolated and open nature of the application site would exacerbate the prominence of the proposed development, further compounded by the associated domestication of the site. As such the proposal would appear prominent, jarring, and incongruous resulting in harm to the visual amenity and character of the areas. As such the proposed development is considered to be contrary to the requirements of Policies ENV6 (Development Affecting the Countryside), ENV7 (Landscape Protection and Sensitivity) and DEC1 (Principles of Good Design) of the Scarborough Borough Local Plan (2017) which requires the proposal should be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside, and the design should respond positively to the local context and reflect. These Local Plan policies are considered to reflect the design aims of Section 12 of the National Planning Policy Framework, and the proposed development is considered to be contrary to paragraph 135 of the NPPF which requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the landscape setting. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

(iii) The proposed development is not considered to fall within the definition of 'Self-Build and Custom Build development' as such it is not exempted from providing biodiversity net gain required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). Insufficient information has been provided regarding the Biodiversity Net Gain baseline figure for the existing site. It is considered that the deemed biodiversity net gain condition or section 106 planning obligations to secure onsite biodiversity gains and registered offsite biodiversity gains cannot be discharged/complied with as the baseline information is incorrect and the actual figure is unknown. As a result of the lack of adequate information the proposal fails to comply with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) and fails to comply with Para 187 of the National Planning Policy Framework as it has not been demonstrated that the development would provide net gains for biodiversity or identify and pursue opportunities for securing measurable net gains for biodiversity. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.