



Appeal Decision

Site Visit made on 24 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/H2733/W/21/3275121

90-91 High Street, Snainton, Scarborough, North Yorkshire YO13 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M & P Goodrick against the decision of Scarborough Borough Council.
 - The application Ref 20/02242/FL, dated 13 October 2020, was refused by notice dated 21 January 2021.
 - The development is described as: 'retrospective application for the siting of a shepherd's hut for holiday accommodation'.
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Preliminary Matter

1. I observed that the development described above has already been carried out. I have dealt with the appeal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for siting of a shepherd's hut for holiday accommodation at 90-91 High Street, Snainton, Scarborough, North Yorkshire YO13 9AJ in accordance with the terms of the application, Ref 20/02242/FL, dated 13 October 2020 and the plans numbered as 1001/02, 1001/03 and the site location plan, subject to the conditions set out in the attached schedule.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety; and
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties in terms of noise and disturbance.

Reasons

Highway Safety

4. The appeal site is a garden associated with the dwelling 90 High Street. The site is accessed via a long straight access track which serves the gardens of at least five other residential properties on High Street. The gardens tend to be remote from the dwellings that they serve, and the majority include parking areas for vehicles, with direct access from the track. The track accesses the highway through a gap between the buildings of 89 and 92 High Street. These buildings front the pavement and limit visibility from the access in both directions. The gap between the buildings is narrow and only wide enough for

one car. The access is one of a number of such accesses in similar circumstances along High Street.

5. As a consequence of the above, the visibility from the access is less than ten metres in either direction. The access therefore falls well short of the Highway Authority's recommended visibility requirements of 24 metres x 2.4 metres and is substandard. However, whilst High Street is a reasonably busy road, I am mindful that any deficiencies of the current access arrangements would continue to exist with or without the shepherd's hut in place. Therefore, I must consider whether it is likely that the increase in the use of the access and the lane would result in unacceptable risks to safety.
6. The shepherd's hut is described as being capable of accommodating two people. It is therefore reasonable to assume that the development generates a single additional vehicle in most instances. Given that the access already serves six dwellings, with potential for more than one car per household, I am of the view that the development is unlikely to result in a significant increase in the number of vehicles using the access.
7. Moreover, the appellant argues that visitors tend to rely on local takeaways and restaurants for food. Given the close proximity of local shops, takeaways and restaurants to the appeal site, it is likely that some of these will be accessed on foot during their stay, thus limiting the number of journeys in a car.
8. Nonetheless, the chances of vehicles meeting when exiting or accessing the development are likely to have slightly increased to some extent, as a result of the presence of the shepherd's hut. However, this is still likely to be a relatively rare occurrence due to the reasonably low numbers of vehicles and trips involved. Whilst I recognise that this may result in some degree of inconvenience and need for drivers to be mindful of the potential for vehicles coming in the other direction, this is no different to the current situation.
9. On the site visit my impression was that vehicle speeds were generally slow, with drivers likely to be aware of the potential for vehicles to be accessing or exiting from the number of existing accesses along High Street, including from the appeal site. This is supported by the Highway Authority's confirmation that there have been no recorded incidents relating to this access.
10. For the above reasons I conclude that the development does not have an unacceptable effect on highway safety. The proposal would therefore comply with Policy TOU4 (c) of the Scarborough Borough Local Plan (2017) (SBLP) which supports proposals for new visitor accommodation where the road network and the site's access can safely accommodate any traffic generated.

Living Conditions

11. The shepherd's hut is located to the northern edge of the garden serving the appeal property. A hot tub and a picnic bench are positioned roughly between the line of the shepherd's hut and the northern boundary wall. The garden is predominantly laid to grass and slopes down from the hut to a tall hedge separating the garden from the parking area which serves the shepherd's hut and the appeal property. A tall boundary hedge defines the boundary with the access track and garden of No 89. The boundary with Pear Tree House to the east is demarcated by a close boarded fence.

12. Vehicles accessing the shepherd's hut parking area will likely pass close to the boundaries of the neighbouring gardens that are adjacent to the access track. On the site visit I saw that the shepherd's hut parking area was clearly marked out and the short walk to the adjacent grassed area containing the shepherd's hut was easily apparent. As this is an existing vehicular access serving a number of different properties, the noise arising from vehicle movements, including engine noise and door slamming, will already be experienced by the occupants of the neighbouring properties to a degree. Given this existing situation, I am of the view that the one additional vehicle likely to be generated by the shepherd's hut and the associated 'comings and goings' will not have resulted in a significant increase in noise or disturbance to a point where it has significantly harmed the enjoyment of the aforementioned gardens by the occupants of the neighbouring properties.
13. As the development is a single shepherd's hut that is unlikely to be occupied by more than two people, noise levels arising from it, including from people talking will not be high. Furthermore, I note that the location of the hot tub and picnic bench to the north of the shepherd's hut would also serve to limit any noise arising from them to an extent. It is also likely that the presence of the shepherd's hut limits the use of this part of the garden by the appellants, further limiting noise levels experienced by neighbours.
14. I accept that there may be slightly more use of the garden than would be expected from a dwelling that is not in holiday use, for example, during the week. Nevertheless, on the basis of the scale of the development and my above reasoning, I am not convinced that any noise arising from the development is likely to exceed levels that would be expected within a reasonably quiet residential area such as this. For these reasons, the development is not harmful to its tranquil residential character.
15. For the above reasons I conclude that the development would not be harmful to the living conditions of the occupants of neighbouring properties in terms of noise and disturbance. The proposal would therefore comply with Policy DEC4 of the SBLP which seeks to ensure development preserves living conditions and does not give rise to unacceptable noise or disturbance.

Other Matters

16. Letters of objection have raised concerns that an increase in people using the access track could give rise to security breaches within this relatively private area. There are also concerns that visitors could block driveways or could mistakenly park in neighbour's parking areas. However, as considered above, I saw that the parking area and the route to the shepherd's hut was clearly marked. As such, in my view, the likelihood of holidaymakers mistakenly wandering into neighbouring garden areas or parking in the wrong area would be very low.
17. I have had regard to the potential for increased wear and tear on the driveway and pressure on the sewage system as a result of the development, however, given the small scale of the development, neither of these issues are of such significance to withhold planning permission.
18. Letters of objection have referred to the proximity of the development to the boundary of the Snainton Conservation Area (the CA) which lies immediately to the north of the appeal site taking in the surrounding agricultural land. The CA

wraps around the site to an extent as it also takes in a portion of the access track and the appeal property to the south. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Given the proximity to both boundaries of the CA, it is reasonable to conclude that the appeal site lies within its setting, however being an enclosed private garden among similar private gardens, this setting contributes little to the CA which derives much of its significance from the traditional terraced buildings fronting the road and the agricultural setting of the village. As a development within the setting of the CA, the shepherd's hut is unlikely to be publicly visible and even if it were, it would be viewed as an outbuilding within a private garden, in an area where outbuildings are reasonably prevalent. For these reasons the development has not resulted in an adverse effect on the significance of the CA.

Conditions

19. I have not imposed a time limit condition for implementation as the shepherd's hut is already in situ. The Council have suggested conditions which I have considered against the advice in the Planning Practice Guidance and amended where necessary. A condition limiting the number of shepherd's huts to one is necessary as I have found that the proposal is acceptable due to its small scale and additional units may result in greater effect on highway safety and living conditions.
20. It is also necessary to restrict the occupation of the shepherd's hut to short stay holiday purposes in order to prevent other use and secure the economic and social benefits in accordance with Policy TOU4 of the SBLP. In the interests of enforceability, I have included the requirement to keep a register of occupiers of the shepherd's hut as part of that condition.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) No more than one shepherd's hut shall be stationed on the site.
- 2) The shepherd's hut on the site shall be occupied for holiday purposes only and shall not be occupied on a permanent basis nor as a person's sole or main place of residence. It shall not be occupied by the same person, groups of persons or family for period(s) exceeding a total of 28 days in any one year. The site owners/operators shall maintain an up-to-date register of the names of all occupiers of the shepherd's hut, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.