

North York Moors National Park Authority

District/Borough: Ryedale District
Parish: Lockton

Application No. NYM/2019/0038/FL

Proposal: Variation of conditions 2, 6 and 7 of planning approval NYM3/081/0036T/PA and condition 2 of NYM/2004/0018/FL to allow the reorganisation of existing 3 no. holiday units and managers accommodation/fourth holiday let, to form 2. no. local occupancy dwellings (including the parish of Pickering) with attached residential annexe/holiday cottage at Fox & Rabbit Holiday Cottages A169 Lockton Pickering

Location: Fox And Rabbit Cottages, Lockton Lane, Lockton

Decision Date: 21 March 2019

Extended to:

Consultations

Parish -

Highways - No objections

Environmental Health Officer -

Site Notice Expiry Date – 25 February 2019

Others –

Mr and Mrs DJ Cockerill and Son, Fox And Rabbit Farm, Lockton Lane, Lockton -

We would like to raise the following concerns:

- 1) We have a right of way for farm access past the properties concerned which is required at all times, day and night. Any parking arrangements must ensure we have continued access.
- 2) The properties are in very close proximity to the farm which is a working beef and arable unit. This means there will be noise from agricultural machinery, often at unsociable hours and weekends. As the farm is a working beef unit there will be noise from the cattle and also smell from manure etc.
- 3) Any families moving into the properties would have to be very aware of the dangers of a working farm.
- 4) At present there are issues with water pressure, the current owner of Fox and Rabbit Cottages, Mrs G Hymas often comments that the water pressure is low when cattle are drinking to such an extent that holiday makers in the cottages cannot use the shower.



Director of Planning's Recommendation

Approval subject to the following condition(s):

1. **Standard Three Year Commencement Date**
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
OS Location Plan	4347A EX10 01	21/01/2019
Block plan showing location of parking and amenity areas	4347 AR20 02	11/02/2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

Application Number: NYM/2019/0038/FL

3. The occupation of the dwelling units hereby permitted and edged red and blue on the attached plan shall be limited to:
- i) a qualifying person; and
 - ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.
- For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:
- a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
 - b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
 - c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
 - d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or
 - e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.
- Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.
- Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.
- Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary and the parish of Pickering, with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Eberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.
4. The dwelling unit edged green on the attached plan, shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling hereby approved, edged red on the attached plan, and shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for members of the family of the occupier of the main dwelling or as holiday letting accommodation. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Application Number: NYM/2019/0038/FL

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
6. All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.
7. The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. The external face of the frame to all new windows shall be set in a reveal of a minimum of 10cm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. **Guttering Fixed by Gutter Spikes**
The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. **Black Coloured Rainwater Goods**
The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J and Development Policies 8 and 19.

Application Number: NYM/2019/0038/FL

5. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
- 6 – 8. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
9. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 10 & 11. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.

Background

The Fox and Rabbit Holiday Cottage site is located close to the A169/C67 junction. The site is fairly isolated but has neighbours to either side; the Fox and Rabbit Inn to the west and Fox and Rabbit Farm to the south with the associated farm yard and buildings to the east. One of the cottages are in fact physically attached to the pub.

Planning permission was granted in January 2000 to create 4no. one bedroom holiday cottages and Office. In February 2007 an application to vary condition 6 of the original consent to allow one holiday cottage to be used for accommodation of the manager/manageress or holiday purposes was approved subject to a Section 106 Agreement. This S106 Agreement achieved three aims: 1) tied the ownership of the whole site; 2) Restricted three units to holiday accommodation only and not for permanent residential accommodation and; 3) restricted the single unit edged in red to holiday letting purposes **or** for housing a person who is wholly or mainly employed in the management of the site.

The whole complex was put on the market in 2006 and attracted an offer was accepted but this was later withdrawn based on a change in circumstances of the purchaser.

Application Number: NYM/2019/0038/FL

In order to help secure a sale, an application was submitted in 2012 to extend the holiday letting restrictions to periods up to six and also proposed a variation to condition 2 of the original permission to allow two no. single bedroom holiday lets to be amalgamated into 1 no. two bedroom unit of accommodation and to vary condition 6 of NYM/2004/0018/FL to allow short hold tenancies for up to six months. This scheme was amended and approval was granted in 2016 comprising changing the use of the manager's accommodation to a permanent local occupancy dwelling with the remaining three cottages being re-organised to provide a further local occupancy dwelling with attached annexe/holiday cottage. It was agreed that this approach would ensure that any permanent residential units were of improved proportions and that the use of the third unit as a holiday let or annexe would address the barriers identified by prospective purchasers.

The property has continued to be on the market, and details of interest provided by the Estate Agent have been submitted by the applicant. This shows there have been 112 viewings, only a tiny no. of which would meet the local occupancy restriction and two offers were made but withdrawn, a third offer was made overlapping with a higher offer so was rejected.

In terms of marketing, whilst the site has been marketed for approximately 12 years, it has not been specifically marketed as two separate properties with individual values, to reflect the 2016 permission, but has only been marketed as a single planning unit, on Right Move, as holiday accommodation. However, when people have enquired it has been suggested possible to buy separately and there was one expression of interest for the smaller unit from someone who did comply but they could not gain the finance.

This application originally sought permission to remove the holiday and local occupancy restrictions to allow the properties to be sold on the open market, without any restrictions. However due to the lack of appropriate marketing, the scheme has been amended to effectively renew the lapsed permission, for two separate local occupancy units, one with an attached annex/holiday let, but to widen the restriction to include the parish of Pickering, as was approved at a property nearby, known as Charm View.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application is Core Policy J (Housing).

The principle of allowing two local occupancy units has previously been approved, so the main issue for consideration here is whether the inclusion of the parish of Pickering is reasonable.

The property has been on the market in one form or another for 12 years and has not sold. The Authority has been pragmatic in the interpretation of Core Policy J in other cases, such as Charm View at High Kingthorpe (NYM/2012/0669/FL) where the local occupancy has been extended to include the parish of Pickering, and property in Goathland where the local occupancy limit has been extended to the parish of Whitby.

The site has been continuously marketed through a local agent since October 2006, with the price reduced to £495,000 for the whole complex. Officers accept that this is a realistic price for the whole complex and that the site has been actively marketed without success. However, the sales particulars have focused on selling the complex as a whole, as holiday units, rather than separating them as two independent local occupancy dwellings, with two separate values, so it is not considered the 2016 permission has been marketed as thoroughly as it could have been.

There have been expressions of concern from the neighbouring farm, with regard conflicts with the farm and poor water supply. However, the number of units and nature of accommodation is the same as the previous permission. These issues were considered at that time and Officers accepted that whilst the proposal site is close to the Fox and Rabbit public house and bound on the other side by a working farm, the site benefits from fairly substantial grounds allowing for a comfortable degree of separation between the businesses. Furthermore, the site benefits from established screening, particularly to the east and south. It is considered that any potential purchasers of the site will be aware of these facts at the time of purchase and therefore expectations will be managed at the point of viewing. Furthermore, the residential units proposed have their principal elevations and main orientation away from the Public House

Although this proposal seeks consent for an extended local occupancy area, it is considered that in view of the length of marketing, the close proximity of the property to Pickering, that this is a reasonable and pragmatic approach to ensure that the development provides accommodation for local people.

In view of previous approvals to extend the local occupancy area into Pickering, and the length of marketing undertaken, it is considered that the proposal is in accordance with the spirit of CPJ and this scheme is capable of a delegated determination.

Consequently, approval is recommended.

Approval (Amendments Requested and Received)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including amending the nature of the occupancy restriction, so as to deliver sustainable development.