

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2019/0198/FL

Proposal: Variation of conditions 2 and 3 of planning approval NYM4/029/0188B/PA to allow use as annexe/holiday letting cottage/local occupancy letting dwelling

Location: Colcroft Farm, Fylingdales

Decision Date: 20 May 2019

Consultations

Parish – No objection

Highways – No objection

Environmental Health Officer -

Fylingdales Village Trust -

Site Notice/Advertisement Expiry Date – 25 April 2019

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.

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3.	<p>The dwelling unit hereby approved shall not be used residential purposes other than for short term holiday letting or long term local needs accommodation meeting the criteria set out below:</p> <p>Local Needs:-</p> <p>The occupation of the dwelling shall be limited to:</p> <ul style="list-style-type: none"> i) a qualifying person; and ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person. <p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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 with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton. RSUO11 Use as Holiday Accommodation Only - Outside Villages</p> <p>Holiday Letting:-</p> <p>The dwelling shall not be let to the same person, group of persons or family for period(s) exceeding a total of 28 days in any one calendar year.</p>
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4.	The holiday letting/local needs accommodation hereby permitted shall form and remain part of the curtilage of the existing property known as Colcroft Farm and shall not be sold or leased off from this site or let off except as holiday accommodation or local needs housing in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
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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.	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 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 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.

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Background

Colcroft Farm lies on the south side of the road to Boggle Hole from the A171. It comprises the main farmhouse and a range of traditional and modern farm buildings. In October 1989 planning permission was given for the conversion of a detached stone and pantile outbuilding into a residential annexe to be used in connection with the main farm house.

This application seeks to vary the conditions attached to that planning permission to allow the use of the unit as either annexe accommodation, short term self-catering holiday accommodation or long term local occupancy residential letting accommodation. No alterations to the building are proposed, simply the change of use.

Main Issues

The most relevant policy of the Core Strategy and Development Policies Document is Development Policy 8 which deals with the conversion of traditional (unlisted) rural buildings.

As the building has already physically be converted into residential accommodation and no further alterations are proposed the main issue to consider is the principle of the proposed use as either short term self-catering holiday accommodation or long term local occupancy residential letting accommodation. With regard to the criteria of Development Policy 8, the building lies within a group of buildings with a permanent residential unit from which the accommodation can be managed. Furthermore the accommodation would be restricted to persons satisfying the local occupancy criteria of Core Policy J or limited to short term (no more than 28 days) self-catering holiday accommodation with the tenure restricted to letting only and tied in ownership to the main residential unit on the farm.

As such the proposal is considered to satisfy Development Policy 8 and approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.