

Additional Sheet

As agent acting on behalf of the applicant we apply for condition 9 of planning permission NYM4/033/0179C/PA dated the 19 December 2002 to be removed as to allow the applicant to sell the two holiday cottages (Blacksmith Cottage and Anvil Cottage) which currently form part of the Property (The Old Blacksmith Arms) as two individual units.

The applicant is currently prohibited from doing this due to condition 9 of the permission dated the 19 December 2002, which states:

“The holiday accommodation hereby approved shall form and shall remain part of the main dwelling known for the time being “old Blacksmith Arms”, as a single planning unit”.

The reasoning given for this condition is:

“The local planning authority does not consider that the holiday accommodation hereby approved could operate independently if the main house due to the lack of suitable independent curtilage and parking areas.”

Background

The applicant purchased the Property on the 10 January 2002. The Property at the time of the applicant's purchase a dwellinghouse.

On the 19 December 2002 planning permission was granted to convert part of the Property in to two self-contained holiday cottages along with part of the existing dwellinghouse.

The applicant has run a holiday let business using the two self-contained holiday cottages since 2003. The applicant no longer resides in the dwellinghouse and this is now rented under an assured shorthold tenancy agreement.

In 2018 the applicant marketed the Property in order to sell, however the applicant failed to sell the Property including the dwellinghouse and the two holiday cottages and has been advised that it is unlikely that the whole Property can be sold due to the extremely limited size of the market. The applicant was advised that it would be sensible to sell the two holiday cottages as two separate units.

The applicant was advised that there was a restriction on the planning permission that would prevent the sale of the holiday cottages as two separate units and instructed us to confirm this. In August 2018 you sent us a copy of the planning permission and on the 23 January 2019 we submitted a pre-application advice in relation to removing condition 9 to permit a sale of the holiday cottages as individual units, a copy of which is enclosed.

Your Pre-Application Advice

We were provided with pre-application advice on the 30 January 2019, a copy of which is enclosed.

In relation to the first paragraph you have indicated that where the holiday cottages are not in the same ownership there can be issues with a lack of control. We do not share this view as the applicant does not reside in the dwellinghouse at the Property and she manages the holiday cottages from another address and as far as we are aware there have been no issues in relation to the local amenity. On that basis we come to the conclusion that there would be no difference to the local amenity if the applicant managed the holiday cottages offsite from a third party managing the holiday cottages offsite.

In relation to the second paragraph you have asked for plans to confirm how the Property would be split between the holiday cottages and the dwellinghouse, however it is not the intention of the applicant to split the yard, but rather to grant rights over the yard to use it as described below.

Grounds for the Application

The applicant intends to sell the two holiday cottages by way of two transfers of Part from the Property and the applicant thereafter would retain the dwellinghouse and the land within the curtilage of the Property excluding the two holiday cottages.

The applicant intends to grant a right of way on foot and by vehicle over the retained land to allow owners & occupiers of the two holiday cottages to access the two holiday cottages which is gained by an accessway from the main road that leads in to a yard.

Along with the aforementioned right of way the applicant will grant a right to each holiday cottage to park one privately own fully taxed roadworthy motor vehicle in an allocated parking space as indicated on the attached plan. Please note that we are not in a position to provide a plan to a scale of 1:200 or 1:500 at this time and we hope this plan along with the photographs, which are to follow will demonstrate clearly the location of the parking spaces and that the fact that they can be used without interfering with the rights of the occupier of the dwellinghouse and the public, however if you come to conclusion that you cannot consider this application without plans to the scale of 1:200 or 1:500 please notify us prior to rejecting this application.

As agents we have visited the site and we confirm that the locations of the proposed parking spaces would allow access on foot and by vehicle for the occupier of the dwellinghouse to the yard in front of the dwellinghouse past parking space 1 and would allow members of the public to use the public path which abuts the Property behind parking space 2.

These parking spaces would be fully marked.

As discussed in our letter of the 23 January 2019 we take the view that there is no difference in owners and occupiers of the holiday cottages after they are sold visiting the holiday cottages and using rights granted by the applicant over owners and occupiers visiting the holiday cottages where the holiday cottages and the yard in front of the holiday cottages forms part of the same Property. We do not believe that there would be any issues with regards to the local amenity as owners and occupiers of the holiday cottages would still visit the holiday cottages as they do now.

For the reasons above and cited in our letter dated the 23 January 2019 we would be grateful if condition 9 of the Planning Permission could be removed.

NORTH YORKSHIRE LAW SOLICITORS