

North York Moors National Park Authority

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

Application No. NYM/2019/0249/FL

Proposal: variation of condition 4 of planning approval NYM/2011/0417/FL to allow use as local occupancy dwelling/holiday letting cottage

Location: 6 Coastguard Cottages, The Duty Room, Fisherhead, Robin Hoods Bay

Decision Date: 07 June 2019

Extended to:

Consultations

Parish – No objections

Highways – No objections

Site Notice Expiry Date – 21 May 2019

Others –

Natural England – No objections

Ms Johnson, 4 Coastguard Cottages – No objections in principle, but concerns have been raised regarding drainage.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	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.
3.	WPDR01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

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4	RSU00	<p>The occupation of the accommodation units hereby permitted shall be limited to either:</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>or for holiday letting purposes.</p> <p>For the purpose of the above, a person is a qualifying person in relation to the accommodation 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>
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		<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, Irtton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.</p> <p>Note C: 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.</p>
5	MATS7 2	The rainwater goods installed on the property shall be coloured black and thereafter so maintained.

Reason(s) for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	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.
3.	WPDR01	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 Core Policy A and NYM Development Policy 3.
4.	RSU00	The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
5.	MATS02	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.

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**Background**

The Old Coastguard Lookout Station is located at the top of a steep winding private track that leads up from New Road at the bottom of Robin Hoods Bay, past the Fisherhead Outdoor Pursuit Centre and to the rear of Coastguard Cottages. It is accessed from the track and then through the field in which it is located. The site is outside but adjacent to the Robin Hoods Bay Conservation Area.

The building is constructed of red brick with a slate roof and a timber bay window at the front and is reminiscent of much of the railway architecture found along this part of the coast. It has a domestic appearance despite its non-residential former use. Whilst the building is very small, it is set in substantial grounds that are set immediately to the rear of the domestic gardens of the Coastguard Cottages.

Planning permission was granted in 2011 for the extension and change of use of the property to a local occupancy dwelling (NYM/2011/0417/FL). This application seeks planning permission for the variation of condition 4 to allow the property to be used for both local occupancy accommodation and as a holiday let (dual use).

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Main Issues

Development Policy 8 of the North York Moors Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self-catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not required changes to the buildings curtilage or new vehicular access or parking areas.

In view of the above policy, it is considered that the dual use of the building for both local occupancy accommodation and holiday accommodation is in accordance with the authority's adopted policies. The immediate neighbours were consulted on this application and no objections were raised, however concerns were highlighted regarding the drainage of the property. It appears this issue is more of a civil matter and cannot be taken into account in the determination of this application. The parish council were consulted and no objections were raised. In view of the above, planning 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.