

North York Moors National Park Authority

Parish: Eskdaleside-Cum-Ugglebarnby

App No: NYM/2020/0305/FL

Proposal: variation of condition 3 and removal of condition 4 of planning approval NYM/2018/0680/FL to allow the change from holiday letting unit to local occupancy letting dwelling with revised access and parking arrangements

Location: The Oaks, Littlebeck, Sleights

Applicant: Mr & Mrs J Weeks
c/o Agent

Agent: Prism Planning Ltd
fao: Mr Steve Barker, Milburn House, 17 Woodland Road, Darlington, DL3 7BJ,

Date for Decision: 24/06/2020

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed Site Plan	14063 P103	17 November 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. RSUO13 The occupation of the dwelling hereby permitted 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 has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or
2. Currently in employment in the National Park; or
3. Having an essential need to live close to relative(s) who are currently living in the National Park; or

4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
5. Former residents whose case for needing to return to the National Park is accepted by the Authority.

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 1 to 5 above.

Note A: For the purpose 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 purpose 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 Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.

3. WPDR01 Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I 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.
4. HWAY00 There must be no access or egress by any vehicles between the highway and the application site for the purposes stated above until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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Informative(s)

1. INF00 In the interests of Highway Safety and for the avoidance of doubt the access to the South of dwelling hereby approved and to be known as "The Oaks" shall not be used for day to day domestic access to the site. This access shall only be used in exceptional circumstances such as for building maintenance works. The access and parking associated with the site shall be in accordance with the details as conditioned under Condition 1 of this approval.
2. INF00 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing ind est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20streets%20works%202nd%20edition.pdf)
 The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Reason(s) for Condition(s)

1. PLAN01 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the NYM Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.
2. RSUO13 In order to comply with Strategic Policy M of the North York Moors Local Plan 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.
3. WPDR00 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 Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
4. HWAY04 In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of both vehicle and pedestrian safety and the

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Consultations

Borough/District -

Parish –

Highways – On the clear understanding that this application will be conditioned to remain ancillary to the main residence, this will ensure that the residents have a right of access from the public highway to the dwelling and therefore, there are no highway objections to the application.

Further comments from the Highway Officer following the clarification that the applicant does not wish for the building to be tied to Mill House any longer:

The applicant has indicated that the only vehicular access from the publicly maintained highway will be that at the north western part of the site on the outside of the bend in the road. A visibility splay of 2 metres by 33 metres should be achievable at this location by cutting back the hedges. The other existing accesses should be confirmed as to what use they will remain to be, vehicular, pedestrian or none. If those accesses are to have no formal vehicular use, the grass verges should be reinstated and as this is part of the publicly maintainable highway, this work will need to be done by an approved and accredited contractor working with a Highways licence.

Consequently the Local Highway Authority recommends that the following Condition and informative are attached to any permission granted.

Environmental Health Officer – no objections to this application.

Natural England - Natural England currently has no comment to make on the removal of condition 3

Site Notice/Advertisement Expiry Date – 16 July 2020

Others – Ms Susan Willmington of Red Barn, Littlebeck
Good news, only 2 holiday cottages now left on this site.

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**Background**

Mill House, Littlebeck is a house and holiday cottage business located close to the Beck in Littlebeck, at the centre of the settlement. In 2018 permission was granted to convert an existing single storey building to holiday accommodation. The building is located adjacent to the road as you come down into Littlebeck from the West formerly known as the Gnome wood carver's workshop. Due to the land levels only the roof of the building is visible as you pass. The boundary of the site is surrounded by a close boarded fence along the roadside giving very limited views of the structure.

At the time of the original conversion the applicant stated that from 1994 to 2012 they had gradually replace the timber and artificial stone in the building with herringbone stone and the building was reroofed in the preceding two years with a pantile roof. The building now has a much more solid construction than formerly, however these works have been carried out as "repairs" over time and therefore are now authorised.

The building was formerly used as a workshop/storage area and has a ceiling internally. Permission was granted to convert the space into a two bedroom holiday cottage using all of the existing openings with the addition of three rooflights on the rear elevation which faces the road as there are no windows on this elevation as it looks into the retaining wall.

To the front of the building is a small sitting out area on a gravel area to the front of the property. Under the previous application associated parking was to be provided inside the curtilage of Mill House itself on the opposite side of the beck with access to the site on foot via an existing footbridge over the beck up to the workshop/proposed holiday cottage.

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Under this application that applicant now wishes to vary the holiday letting condition to a Local Occupancy condition and remove the tie to the main house for management of the site. To enable the tie to the main house to be removed the applicant has provided details of a new access arrangement which uses the existing access and parking area to the north of the application site which connects back down to the proposed dwelling via a footpath. The existing access to the south is not owned by the applicant and therefore they are not able to carryout works which will bring this access up to Highways Standards. They have however asked that the access is retained to provide access for maintenance vehicles to the site.

Main Issues

Littlebeck has not been considered to be large enough to be listed as a “smaller village” under the Local Plan policies and therefore this application has to be considered as a conversion within the open countryside under Policy CO12.

Policy CO12 - Conversion of Existing Buildings in Open Countryside states that the conversion of existing buildings in Open Countryside will only be permitted where:

1. The building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park;
2. The building is structurally sound and capable of conversion without substantial rebuilding, as demonstrated by a qualified structural engineer’s report;
3. The building is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings;
4. The building has reasonable access to necessary infrastructure, services and facilities;
5. The proposal is of a high quality design that reflects the form and character of the building and provides for essential functional requirements without unacceptable harm to the fabric of the building or its setting. The design should retain existing external features which contribute significantly to the character of the building including original openings and roofing materials;
6. The proposed use does not lead to changes, for example, in the building’s curtilage or in relation to any new vehicular access or parking area that would adversely affect the character and appearance of the building or the surrounding landscape;
7. The building is located within an existing group of buildings that have a close physical and visual relationship to each other; and
8. The proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings.

Where the above criteria can be met, and where there is an existing residential unit within the group of buildings conversions will attract a local connection condition, however they do not need to be tied to any other unit.

The use of the building as habitable accommodation has already been agreed and an acceptable design was proposed under the earlier application. As the dwelling would change for a holiday cottage to a dwelling under this application, permitted development rights have been removed under this proposal.

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The current Holiday Letting cottage is tied to Mill House to meet the requirements of the previous policy and to ensure that safe and satisfactory parking for the site can be achieved which was across the Beck close to Riverside Cottage. Under this application the applicant wishes to remove the tie to the main dwelling as this is now allowed under the new Local Plan policy. Therefore a new access route and parking spaces are proposed to be used in association with this application to the north of the site. The route uses existing roads and footpaths which has recently been upgraded, although the parking area is some way from the house and up a slope. The agent acknowledges that this is not the most convenient and states that whilst it may not be ideal by suburban standards, it is not unusual for car parking to be remote in the National Park and Littlebeck, and due to the peculiar characteristics of the site this the only available option to them. They have stated that the proposed route is practical, useable, exists already and is better than the car parking area used in association with the holiday cottage at present.

There is an existing access to the site from the south which should not be used by the approved holiday cottage. The agent has stated that this area constitutes unregistered land that the applicant has no legal ability to do anything to it, in terms of physical works. They have however also stated that the access provides a potential access point to the low side of The Oaks, should they ever need to get a lifting platform in for example for maintenance purposes. They have therefore stated that they cannot see that it is necessary to do any works to permanently close it off this access in association with an application solely for the removal of an occupancy condition. The Highway Officer has not required the existing access to be formally closed off, however they have sought confirmation as to what use they will remain to be, vehicular, pedestrian or none. The applicant has confirm that they do not own the land and therefore cannot make changes to it and they would like to keep it for exceptional access issues such as for repairs to the building etc. Therefore an informative has been added to the decision notice to clarify that this access should only be used in exceptional circumstances such as for building maintenance works and that the access approved under Condition 1 should be the main day to day domestic access to the site.

The existing conversion is considered to fully accord with the requirements of Policy CO12 and no further alterations are proposed under this application, approval is therefore recommended.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposed access and parking, so as to deliver sustainable development.