

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0704/FL

Development description: alterations to and change of use of outbuilding to form 1 no. holiday let/family annexe (dual use)

Site address: 2 Prospect Field, High Hawsker

Parish: Hawsker-Cum-Stainsacre

Case officer: Mrs Helen Stephenson

Applicant: J N Tindall
2 Prospect Field , High Hawsker, Whitby, YO22 4LG

Agent: Cheryl Ward Planning
24 Westfield Mews, Kirkbymoorside, YO62 6BA

Director of Planning's Recommendation

Approval subject to the following:

Conditions

Condition number	Condition code	Condition text															
1.	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>															
2.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>06 Sept 2021</td> </tr> <tr> <td>Block Plan</td> <td>21/ERM/56</td> <td>06 Sept 2021</td> </tr> <tr> <td>Proposed plans & elevations</td> <td>21/ERM/56</td> <td>06 Sept 2021</td> </tr> <tr> <td>Proposed Section</td> <td>21/ERM/56</td> <td>06 Sept 2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location Plan	N/A	06 Sept 2021	Block Plan	21/ERM/56	06 Sept 2021	Proposed plans & elevations	21/ERM/56	06 Sept 2021	Proposed Section	21/ERM/56	06 Sept 2021
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Proposed Section	21/ERM/56	06 Sept 2021															
3.	RSU000	<p>The development hereby approved shall not be used for residential purposes other than as an annexe to be used only or members of the family of the occupier of the main dwelling known as 2 Prospect Field, Hawsker or for holiday letting purposes. The accommodation hereby approved shall remain ancillary to the main dwelling and shall form and remain as part of the curtilage of the main dwelling as a single planning unit, unless otherwise agreed in writing by the Local Planning Authority. 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>															

4.	RSU015	<p>Holiday Unit Not Sold or Leased Separately - Inside Villages (insert)</p> <p>The holiday unit hereby permitted shall form and remain part of the curtilage of the main dwelling known as 2 Prospect Field as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.</p>
5.	MATS04	<p>Stonework and Roofing Tiles to Match</p> <p>All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.</p>
6.	MATS46	<p>Window Frames in Reveals to Match Existing</p> <p>The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
7.	MATS72	<p>Black Coloured Rainwater Goods</p> <p>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.</p>
8.	HWAY00	<p>Prior to the development hereby permitted first being brought into use, the step and associated handrails serving the side door to the main dwelling shall be removed from site and the parking area shall be maintained a minimum width of 4.8 metres, kept clear of obstructions and retained for its intended purpose at all times.</p>

Reasons for conditions

Reason number	Reason code	Reason text
1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

2.	PLAN00	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 North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3.	RSU000	In order that the development complies with Strategic Policy M, Policy UE4 and Policy CO12 of the North York Moors Local Plan.
4.	RSU000	The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling in accordance with Policy UE4 of the North York Moors Local Plan.
5 to 7.	MATS00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.
8.	HWAY00	In accordance with Policy CO2 of the North York Moors Local Plan and to provide for appropriate on-site vehicle parking in the interests of highway safety and the general amenity of the development.

Informatives

Informative number	Informative code	Informative text
1.	MISCINF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

Consultation responses

Parish

No objection subject to building regulations approval.

Highways

No objection although the LHA does not agree with the submitted parking plan but it is accepted that there is sufficient parking for three cars.

Environmental Health Officer

No objection.

Yorkshire Water

Insert

Third party responses

Name

None received.

Publicity expiry

Site notice expiry date - 15 October 2021.



View of application site from main road. The site comprises a two storey semi-detached property under a hipped roof with detached garage to the side. The site is bound by a mature leylandii hedge which screens the garage; only the roof is visible above the hedge.

Document title



Photograph of garage building taken from the driveway. It is constructed of stone under a clay tile roof. The gable facing the side elevation of the house is characterised by a garage door, personnel door and window, with two further windows in the side elevation facing the roadside boundary.



Driveway to property which is likely to be sufficient to accommodate three cars although parking and manoeuvring space is restricted by the door step and hand rails serving the main dwelling.

Background

2 Prospect Field is a relatively modern two storey, semi-detached property constructed of coursed stone under a hipped, clay tile roof. The property is located at the north-west end of the village, close to the junction with the main A171. The property fronts the main route through the village and is one of two properties occupying the corner plot with Prospect Field cul-de-sac. The vehicular access drive lies to the side (east) of the property with a detached garage/workshop located in the side garden which gained planning permission in 1987.

This application proposes the conversion of the garage to a dual use of family annexe accommodation with an intention to offer holiday accommodation in the future. The proposal seeks minor alterations to the fenestration detailing but no extensions are proposed. The unit would provide an open living/kitchen area, shower room and bedroom.

As originally submitted, the applicant's agent stated that there was sufficient space on the drive and within the site for the parking of four cars together with manoeuvring space for them to leave in a forward gear. However, following requests from officers and the Local Highway Authority, a revised plan was submitted showing four car parking spaces but no manoeuvring areas. The Highway Engineer advised that the parking plan was not sufficiently accurate and based on the measurements and layout provided there is only space for three vehicles. This however, is sufficient for the likely parking demand of the host property and proposed annexe/holiday unit.

Policy Context

The relevant policies contained within the NYM Local Plan to consider with this application are Strategic Policy C (Quality and Design of Development), Policy UE4 (New Holiday Accommodation within Residential Curtilages) and Policy CO18 (Residential Annexes).

SPC seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy UE4 requires the development of new holiday accommodation within residential curtilages to: make use of an existing building which is of architectural merit; be compatible with and not detract from the character or appearance of the area; be of an appropriate scale; and, not result in unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

Policy CO18 only permits residential annexes where the development is within the domestic curtilage and it is ancillary to the main dwelling in terms of scale, specification and use; a clear functional need is demonstrated and; in the case of new build, it must be physically attached to the main dwelling.

Main Issues

The main issues to consider with this application are considered to be whether the proposal is of an acceptable size, scale and design for its setting in a residential area, whether either of the proposed uses would affect the residential amenities of neighbours and whether there is sufficient parking for the uses.

Although the garage building is a relatively new structure, for the purposes of the annexe policy (CO18) there is no requirement for existing buildings to be of traditional construction. The building is clearly within the curtilage of the host property and the applicant's agent has advised the unit is required to accommodate a dependant relative. Furthermore, the proposal does not include any extensions or significant alterations and therefore, the use of the building for annexe accommodation is acceptable.

Having regard to the longer term proposal to offer the unit as holiday accommodation in the event it is no longer required for dependant relatives, although the building is not of architectural or historic interest and therefore not wholly in compliance with point 1 of Policy UE4, it is accepted that the building is compatible with the wider area and does not detract from the character of the locality (a modern residential area) and will have already been in residential use by reason of its annexe conversion. Consequently, the main issues in relation to holiday use are considered to be whether the use would result in any unacceptable harm in terms of noise and activity of the neighbourhood.

The unit is of a very modest scale and located within the village, close to the main road. It is only capable of accommodating a maximum of two people and therefore it is unlikely that the use would create an unacceptable increase in noise or activity. However, the proposed parking facilities have been the subject of discussion and having previously stated that four cars can be accommodated and manoeuvred within the site, the agent subsequently advised that holiday visitors would be encouraged to arrive on foot or by bicycle. Additionally, the agent stated that if required, parking could take place on the road or in the adjacent Prospect Field development.

It is noted that in a recent appeal decision where the appellant weighed heavily on encouraging potential customers to arrive on foot or by bicycle due to the limited parking availability at the site, the Planning Inspectorate stated that this would be difficult to enforce, and it was considered inevitable that some customers would access the business by car and seek to park in the vicinity of the site for reasons of convenience.

Therefore, although the use of sustainable transport methods is welcomed and encouraged within the National Park, it does not exclude vehicular traffic considerations from consideration.

Although the Highway Authority has advised that the proposed parking arrangement is unlikely to be achievable but it is considered to be sufficient to accommodate three cars which is acceptable for this particular development. The proposed parking plan did not acknowledge the step and hand rails to the side door of the main house which would encroach into the parking area and further clarification has been sought. The applicant's agent has confirmed that the step and handrail will be removed as part of the development as the occupier (a family member) will move over into the annexe where level access is achievable directly in off the drive.

The Parish Council and Environmental Health Officer have no objection to the proposal and no other representations have been received.

In view of the above, the small-scale nature of the proposal is not anticipated to adversely affect the character of the area or the amenities of neighbouring residents and consequently, approval is recommended.

Prior to commencement conditions

Condition 8 is a prior to commencement condition and has been agreed in writing with the applicant's agent by e-mail received 04 November 2021.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.