

North York Moors National Park Authority

Plans list item 4, Planning Committee report 10 February 2022

Application reference number: NYM/2021/0820/FL

Development description: change of use of annexe to dual use of annexe or holiday letting accommodation together with erection of canopy above existing French doors on the south elevation (part retrospective)

Site address: The Old Rectory, Station Road, Kildale

Parish: Kildale

Case officer: Miss Megan O'Mara

Applicant: Mr Ian Mcknight, The Old Rectory, Station Road, Kildale, YO21 2RQ

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
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	RSU000	The existing annexe outbuilding shall not be used for residential purposes other than holiday letting purposes or as an annexe to be used only by members of the family of the occupier of the main dwelling known as The Old Rectory. The accommodation hereby approved shall remain ancillary to the main dwelling and shall form and remain as part of a single planning unit with The Old Rectory, 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.

Condition number	Condition code	Condition text
4	MISC00	All parking associated with the main dwelling and the annexe/holiday let hereby approved shall be accommodated for entirely within the curtilage of The Old Rectory.

Informative(s)

Informative number	Informative code	Informative text
1	MISCINF02	The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website .

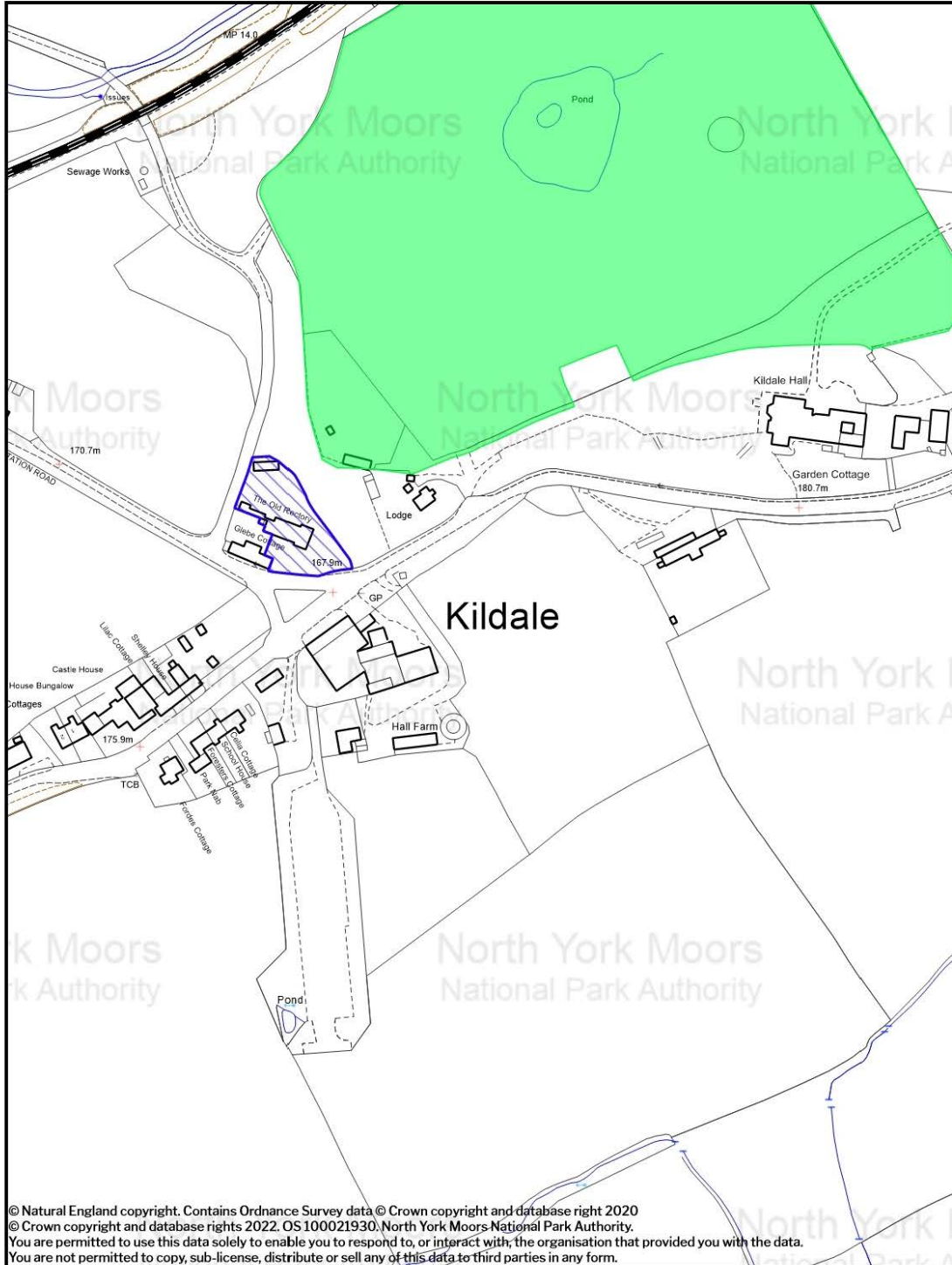
Map showing application site



**North York Moors
National Park**

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Scale: 1:2500



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Photo showing the northern elevation of the outbuilding for which the change of use is proposed.



Photo showing the outbuilding on the far left and the neighbouring Glebe Cottage on the far right. The structure between is a domestic outbuilding within the curtilage of Glebe Cottage.



Photo showing the southern elevation of the main dwelling with the replacement canopy in situ.



Consultation responses

Parish

No response received.

Ward

No response received.

Highways

16 December 2021 - The information supporting the application states that there will be no increase in the number of rooms available for Bed and Breakfast. As such there are no highway objections.

Natural England

13 December 2021 - No objections.

Environmental Health

2 December 2021 - No objections.

Water

No comments received.

Third party responses

Mrs Sutcliffe on behalf of Kildale Estate, Kildale Hall, Whitby, North Yorkshire, YO21 2RQ

The objector considers that the use of the outbuilding for holiday letting purposes will have a detrimental impact on the occupiers of Glebe Cottage and that the development is in contravention of policies CO12, CO17, CO18 and UE4. It is also highlighted that there are concerns regarding the relevant impact on neighbours and on the Kildale village community caused by lack of adequate parking facilities within the Old Rectory residential curtilage to support these developments.

The objectors also make reference to previous breaches and non-compliance at this particular site; however, the history of a property or applicant is not a reason for refusal.

Mr and Mrs McCosh, Glebe Cottage, Station Road, Kildale, Whitby, North Yorkshire, YO21 2RH

The objectors feel that the proposed change of use of the outbuilding will have a direct impact on their quality of life and private use of their domestic curtilage. They consider that the development will result in an increase in noise and activity, as well as overlooking from a rooflight in the outbuilding. The development is described to be an intrusion on their private amenities.

Mr and Mrs McCosh also state that they are concerned that the proposed change of use will result in dangerous parking on Station Road due to a lack of adequate parking facilities within the curtilage of The Old Rectory.

The objectors also make reference to previous breaches and non-compliance at this particular site; however, the history of a property or applicant is not a reason for refusal.

Consultation expiry

6 January 2022

Background

The Old Rectory is a Grade II listed property on Station Road in Kildale. The property is of traditional stone and pantile construction and sits within a substantial curtilage. The site has a varied planning history, including various alterations and extensions to the main dwelling and outbuildings. The applicants operate a bed & breakfast at the property under permitted development rights.

In 2010 Planning permission and Listed Building consent was granted (NYM/2010/0401/FL & NYM/2010/402/LB) for alterations to the outbuilding to form a gallery/photographic studio, together with the re-location of an oil tank, restoration

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works to the coal shed, installation of a wood burning stove in hay loft and construction of two timber stables and a tack room.

In 2020 an application was submitted (NYM/2020/0339/FL) for the variation of conditions 2 and 3 of planning approval NYM/2010/0401/FL. The variation was to allow a change of use from the approved gallery/photographic studio to an annexe to be used by the applicant's daughter. This application was approved, together with NYM/2020/0368/LB which related to the retrospective installation of a flue in the outbuilding.

This application seeks planning permission for the change of use of the outbuilding to allow for dual annexe and holiday letting accommodation. There are to be no physical alterations to the building. The application also seeks retrospective planning permission for the installation of a replacement canopy over the door on the southern elevation of the main dwelling. The galvanised steel canopy is 200cm wide, 50cm deep and 50cm in height.

Main issues

Local Plan

The most relevant policies of the Local Plan in the determination of this application are Strategic Policy C (Quality and Design of Development), Strategic Policy I (The Historic Environment), Policy CO17 (Householder Development), Policy ENV11 (Historic Settlements and Built Heritage) and Policy UE4 (New Holiday Accommodation Within Residential Curtilages).

Strategic Policy C relates to the quality and design of development within the National Park. The policy 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 CO17 states that development within the domestic curtilage of dwellings should only be permitted where the scale, height, form, position, and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. The policy also states that the development should reflect the principles outlined in the Authority's Design Guide.

Strategic Policy I relates specifically to development affecting the Historic Environment. The policy states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area

Policy ENV11 relates specifically to Historic Settlements and the Built Heritage. The policy states that development affecting the built heritage of the North York Moors

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should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials, and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural, and architectural features.

Policy UE4 relates specifically to new holiday accommodation within residential curtilages. The policy states that development will only be permitted where it makes use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. It must not detract from the character or appearance of the locality and be of an appropriate scale. There must be no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

Principle of use of outbuilding for holiday letting purposes

The use of the outbuilding has changed numerous times throughout its history. The 2010 conversion of the outbuilding introduced a more formalised use and physical alterations to the building but it has remained ancillary to the main dwelling. In 2020, the applicants applied for the use of the outbuilding as annexe accommodation for their daughter; this use was implemented. This application seeks to retain the annexe use which has already been accepted in principle against Policy CO18 under application NYM/2010/0401/FL. The main issue to be considered therefore is whether the site is appropriate for holiday letting accommodation in accordance with Policy UE4.

Policy UE4 requires new holiday accommodation within a residential curtilage to make use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. The outbuilding is of traditional stone and pantile construction, reflective of the local vernacular and therefore it is considered that the proposed development adheres to points 1 and 2 of Policy UE4. The outbuilding is also modest in size and clearly ancillary to the main dwelling, therefore according with point 3 of the Policy UE4 which requires the development to be of an appropriate scale.

Point 4 of Policy EU4 is clear that there is no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood. This is one of the main points of contention with third party objectors to the application and will be discussed in the next section.

Impact on residential amenity of neighbouring occupiers

Two letters of objection have been submitted in response to this application; the objections have been submitted by Kildale Estate and the occupiers of Glebe Cottage, which is the neighbouring property to the development site.

The objections focus on two main points within their objections in relation to the proposed use of the outbuilding for dual annexe and holiday letting purposes. One of these points relates to the impact on the residential amenity of the neighbouring occupiers. The objectors consider that the development will have a detrimental impact, in terms of noise and activity, on the neighbouring occupiers of Glebe Cottage. The current use of the property as a bed & breakfast is referred to by the objectors who

consider that, in conjunction with this business, the additional holiday let would result in an increase in activity on site with a direct impact on their private amenities.

The outbuilding to which this application relates sits along the northern boundary of the curtilage of Glebe Cottage. Glebe Cottage sits adjacent to Station Road and has a tearoom on site which was approved in 1988 and is permitted to operate between the hours of 8pm and 8am.

The applicants have confirmed that the change of use will not result in an increase in activity on site as they are looking to scale back the number of bedrooms used for bed & breakfast accommodation in the main house or to cease the bed & breakfast use altogether.

Officers consider that the proposed holiday let use of the existing annexe outbuilding will not have a detrimental impact on the occupiers of Glebe Cottage in terms of noise and activity and that the outbuilding is a sufficient distance from the neighbouring property in order that it would not harm their private amenities. It is considered that the proposed provision of modest accommodation in the outbuilding within the curtilage of The Old Rectory is likely to generate less noise and activity than the tearoom operating at Glebe Cottage. As such, it is considered that the proposed development is in accordance with point 4 of Policy UE4 as set out within the Local Plan.

Also, to note, the objectors make reference to a rooflight which overlooks the garden of Glebe Cottage; the applicants have responded to this explaining that this window has now been blocked up.

Parking facilities

The objectors also raise concerns regarding the impact that the change of use would have on parking within the local area if the site does not have adequate parking facilities on site.

The local Highways Authority resolved no objections to the proposed development and the applicants have confirmed that all visitor parking can be accommodated within the curtilage. The applicants have also agreed for this to be conditioned.

Impact on Listed Building

There are no physical alterations proposed to the outbuilding, the only physical alterations within this application relate to the replacement canopy over the door on the southern elevation of the main Grade II listed dwelling.

The previous canopy in situ was not original, nor was it considered to be a positive contribution to the heritage asset. The replacement canopy is galvanised steel and measures 200cm wide, 50cm deep and 50cm in height. Whilst consent should have been sought prior to the installation of the canopy, the Authority's Building Conservation team are satisfied that the development is appropriate in terms of scale, position, design, and materials and raise no objection to the application.

Conclusion

Overall, it is considered that whilst the Authority acknowledges that the introduction of holiday accommodation within residential curtilages will inevitably result in some degree of an increase of noise and activity, in the case of this application it will not be at a level that would be detrimental to the neighbouring occupier's enjoyment of their private amenities. It is also considered that by conditioning all visitor and domestic parking to be within the applicant's curtilage, some of the objectors' concerns should be alleviated. In regard to the installation of the galvanised steel canopy, it is not considered that the development has a harmful impact on the host listed property or the surrounding area.

In view of the above, the development is seen to adhere to the Authority's adopted policies and as such the application is recommended for approval.

Pre-commencement conditions

Not applicable.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy B4 which seeks to improve the quality and variety of tourism and recreation facilities and accommodation in the National Park.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.