

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0924/FL

Development description: variation of condition 2 of planning approval NYM/2020/0207/FL to allow the summerhouse/office building to be used as temporary residential accommodation for 12 months

Site address: South Beck House, Hackness Road, Scalby

Parish: Newby and Scalby

Case officer: Mr Mark Hill

Applicant: Mr Mark Wilson
South Beck House, Hackness Road, Scarborough, YO13 0QY

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1.	RSU00	The development hereby permitted shall be used for domestic use / domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. Other than for a single period of 12 months from the date of this permission, there shall be no alterations to facilitate residential use or residential use of the buildings hereby permitted and any such use beyond the 12 month period will require a separate grant of planning permission from the Local Planning Authority. Both the summerhouse/office and workshop/store shall remain ancillary to the use of the main house known as South Beck House and shall remain as part of the curtilage to the main dwelling as a single planning unit and shall not be leased off separately without a further grant of planning permission from the local Planning Authority.
2.	MISCO0	Three bat boxes shall be installed, in accordance with industry best practise, at the site before the development hereby approved is brought into first use.
3.	MATS00	The external timber cladding of the buildings hereby approved shall be retained a stained dark grey/black and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority
4.	MATS00	The external surface of the roof , doors and windows of the buildings hereby permitted shall be retained dark grey and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1.	RUSU03	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line with NYM Core Policies B and J and would be likely to adversely affect the amenities of existing and future occupiers of the site.
2.	MISC02	In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
3 to 4.	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

Consultation responses

Newby & Scalby Parish

Scheme as submitted. - The Parish Council asked for the 'no residential use' condition be imposed on the summer house/home office to stop it being used as an annex or sold off as a separate dwelling. There is no justification in the application for the relaxation and so object.

Scheme following justification being submitted- None received

Highways

No objections for a temporary relaxation.

Yorkshire/Northumbrian Water

Insert

Environmental Health

The building lacks basic amenities, however if the house facilities are available and it's only for a 12 month temporary period, no objections.

Third party responses

Richard Ward, Scarborough: writes in support of the application. Concerns of neighbours about the recent building of a lake, out buildings and track to rear of garden are overstated, I was the previous owner and I had a lake, stables and the track for tractor access.

Nick & Sandra Thomas, Scalby : Object and draw attention to a previous pre-application enquiry for a detached annex in the garden of the property to which he was advised this was contrary to planning policy so query whether this application is a means to get a detached residential annex by the back door. There has been a history of retrospective applications at the site including a driveway to the said building. As any residential use is unacceptable in policy terms feel no temporary or permanent residential use should be permitted.

Stuart & Margaret Black, Scalby: accept the justification for a temporary relaxation but would strongly object to any permanent relaxation.

Publicity expiry

Site notice expiry date – 7 January 2022

Home office/Summer House in large garden now constructed.



Background

South Beck house is a substantial detached property standing in large grounds at the end of a private drive of similar nature properties. Planning permission has been granted in the past for extensions and remodelling of the house. In recent times retrospective planning permission was granted to retain a large wildlife pond situated in an area of what appears to be remote garden land between the house and the 'Sea Cut'. Whilst there is some doubt as to whether the remote area has always been garden/curtilage in appearance terms the area appears as part of the garden and does not encroach onto open countryside.

In 2018, planning permission was granted for a large scheme of part single, part two storey extensions and a large garage and wild life pond. A revised scheme was approved in 2020.

Later in 2020, planning permission was granted to : retain a large garden extension, to grant planning for two buildings which had begun building without planning permission; firstly a 10m by 5m garden workshop & store together with a sizable 18m by 6.5m wide detached garden summerhouse/home office.

The summer house office attracted local objections fearing the building was a precursor to use as a detached annex for relatives to live in. A planning condition was imposed restricting the use of the building to solely a summer house/home office use and prohibiting any residential occupation to accord with the provisions of Local plan policies CO17 – Householder Development & CO 18 – Residential Annexes.

The summer house/home office has been completed and work in now underway to remodel the house which is currently uninhabitable during the extensive works.

This application seeks permission for a 12 month temporary variation of the 'no residential use' of the summer house/home office to allow it to be occupied whilst the house remodelling is underway and provide a degree of site security..

Main issues

Local Plan Policy CO18 – Residential Annexes, seeks to avoid incremented fragmentation of plots and creation of independent dwellings in positions which would have an adverse impact on the residential amenities of adjoining residents. As such annex proposals are only permitted where they are created from a new build extension (able to become part of the house layout if no longer required) to the main house, or the conversion of an existing building within the curtilage. 'Existing' for the policy is held to be existing for several years not several weeks.

The applicants have previously enquired about the construction of independent accommodation in their rear garden and were advised this was contrary to policy on account of harm to the amenities of neighbours.

In 2020 the applicants, who run a local business partly from home, sought permission for a detached home office/summer house in the large garden and permission was granted subject to a condition that it was not to be used as residential accommodation, the permission also included a detached garden store/workshop both close to the boundary with a residential neighbour.

Previous to that home office/summer house permission, the applicant had been granted planning permission for substantial extensions to the property and garaging and an extension to the garden and lake. The house is currently being remodelled in line with the planning permission, but such are the invasive nature of the remodelling the house is barely habitable.

This application seeks permission to utilise the home office as a residential annex for 12 months to provide a degree of security for the building site, its gardens and outbuildings.

In the circumstances the request is considered reasonable.

The thrust of neighbour and Parish objections are to prevent the annex being used as a permanent residential annex in flagrant breach of adopted local plan policies, the conditions of the previous permission have been temporally amended to ensure the use reverts to its intended home office/summer house and thus can be dealt with under the delegation scheme.

Pre-commencement conditions

There are no pre-commencement conditions.

Contribution to Management Plan objectives

Approval is considered likely to help meet Policy C10 which seeks to ensure new design conserves the built environment.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework