

**From:**

**Subject:** NYM/2021/0820/FL

**Date:** 07 February 2022 07:40:39

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Good Morning

I hope you are all well.

With reference to application NYM/2021/0820/FL, we would like to notify you of our wish to attend the meeting to speak in relation to this item on Thursday 10th February. Thank You.

Kind Regards

Colin McCosh

Colin & Heather McCosh  
Glebe Cottage  
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17<sup>th</sup> December 2021

Ref: NYM/2021/0820/FL

We would like you to consider our objection to the application NYM/2021/0820/FL

This change of use was initially applied for as a variation, NYM/2021/0826/LB which we found very unusual, the application / variation was very subtle and misleading as it appeared at first glance it was pertinent to a weather canopy, to which we have no objection, which is just as well as it had already been fitted for a few weeks when the application became public. We objected to the variation (Re 2020/0339 and 0368 (variation to condition 2) to allow for mixed use, either, family annex or holiday accommodation) and were very surprised to read that the owners were acting on the advice of an authority officer, to relax a strict condition laid down by the authority. We wrote to the authority objecting to the variation and within 48 hours received a full application for the change of use. Why was 826 made public before 820? It almost appears as if this was an attempt to ghost the change through.

This build and use has been incredibly contentious over the years. Various applications have been put forward, objected to, consequently passed with conditions, all the conditions have been breached by the owners and then not enforced by the authority, to which we feel incredibly let down. The last application was passed with strict conditions, that once again have been ignored, conditions limiting the use of the stable to family members only. The unit has been advertised on airbnb throughout the summer and regularly used by guests. The owners have stated covid has been instrumental for their use of the stable, to accommodate social distancing between guests and themselves. If social distancing and safety was such an issue to the owners, surely they should have organised their bookings accordingly and planned to accommodate their safety concerns and also should have removed the advert from the internet, but they did not. If Covid be the reason, it was during Covid that they applied retrospectively for it to be family accommodation, surely they should have applied for business use then.

We feel there has been a significant failure on behalf of the authority. Firstly, the unit (stable) was built out of spec and should have been knocked down and rebuilt within specification. The Enforcement Officer leading on the case was adamant for this to happen and insistent that planning regulations were followed, but subsequently went on maternity leave, and it appears that it was not enforced. Planning was applied for, to turn the stable into a photo studio, although we objected, stating that it was earmarked for a dwelling (this is fact, a builder we know was asked to quote for the work and we have been proved correct). At the planning meeting, **all of the planning committee were adamant it could not be used as a dwelling and a condition was applied.** This building was never used as a photo gallery! This condition was breached when the stable was turned into a

dwelling with no consent, no enforcement action was taken and retrospective planning applied for, application submitted, further objections, but still passed with conditions - dwelling for family members only, retrospective planning applied for, again condition breached when stable advertised on Airbnb and guests holiday in stable, no action taken and incredibly advice given from authority to apply for a variation!!! After objections, this has now become a full retrospective planning application.

We feel there is more to this strategy than meets the eye. We would like to know why have there been three separate applications when, we know, this was the long term plan all along and probably why it was originally built bigger than planning allowed. If the owners had applied for a holiday annexe straight away would it have been refused? Would they have contravened policies? Have they negotiated their applications around the policies? We think so and all subsequent applications and appeals should have been continually refused.

We would like to know why an officer is assisting in overturning their own condition and also how an officer can realistically state that this development is sufficient distance from our property to not be a problem - the units border the whole of our rear garden, as stated before, they could not be any closer unless they are actually in our garden. As this is our only garden, this severely restricts our use.

NYMNPA have told us they neither have the resources or the funds to uphold breaches of conditions. What costs are involved in sending a letter of refusal on receiving applications and the subsequent retrospective applications and appeals?

We would also like to point out that the previous owners (Mr & Mrs Antony) had several applications refused over a significant period of time to allow permission to install a canopy /porch at Fern Deep, now The Old Rectory, and the new owners fit and complete even before their application is submitted or approved.

Also of major concern is the fact that Kildale is a very small village with no car park or any real car parking facilities to speak of. Cars invariably park on the road through the village, next to The Old Rectory and on Station Road, which has borders with The Old Rectory. The cars parked on the main road substantially hinder passage for walkers and pedestrians, as they encroach onto the pavement and more often than not the only way to negotiate the parked cars is to pass on the now narrowed main road, making it very dangerous as many cars passing through the village from the east do so at speed. Visibility at both junctions by the village green is severely compromised in both directions by the sheer amount of vehicles lining the road and their proximity to the junction, this is an accident waiting to happen. Not only does the main road become congested, Station Road can be narrowed significantly as well, which causes major problems for local farmers and businesses to go about their daily tasks. On many occasions wagons have had to drive over the village green, due to cars parked outside the Old Rectory, thus causing damage to the verges. This is obviously an issue for the Estate, as they have had to put signage up outside the Old Rectory, deterring parking. This problem would only be escalated if The Old Rectory were to expand, as guests cars would well exceed the capacity of the available off road parking offered, combined with the owners own vehicles and horse box.

In summary, if approved, the authority will file it and move onto its next case, the owners will continually expand their business and maintain a constant stream of guests and we on the other hand will be left to live with it and have to accommodate all these alterations into every day of our lives through no fault of our own. We understand the need for tourism but this should not be at the

cost of others. What have we done to have our lives compromised like this? How can this happen in such a beautiful part of the world? There is more to policies, planning codes, tick boxes, planning statements, there is the long term impact on real peoples' lives, quality of life, mental health, well being, happiness. We cannot stress enough how damaging this is now to our quality of life, there is absolutely no doubt we do not feel like we used to in our garden. There were no such issues when we bought Glebe Cottage, we used to be able to sit in our garden and enjoy the privacy of it, we could have a normal conversation, not anymore, this stable is sited directly behind our private area. The whole rear boundary of our garden is now accommodation and the other side of the party wall is a meeting area for guests and it feels very uncomfortable. We have had on many occasions heads popping up out of windows and over walls viewing us spending time in our 'once' private garden. The guests will be curious to their surroundings and will be unaware of the intrusion they are causing and when guests change every few days, it becomes a regular and unwanted intrusion. It is incredibly disconcerting and genuinely has ruined the life in the 'private' garden we once had, even to the point where we are concerned we are upsetting guests, so our conversations and music are kept low. We have also experienced loud noise from large groups congregating in the seating area at the front of the house, greater numbers than the owners have suggested / quoted they are booking in. telemetary

We believe the owners have demonstrated a complete disregard for authority, contempt even. We believe they have covertly used the system for the own gain, not being honest in the first instance about the end result. We are disappointed they have never been challenged, to our knowledge, or held to account for the breaches of conditions. This is surely now overdeveloped and now exceeds what is appropriate given its location within the village and the very close proximity of the two neighbouring properties. We fear, if given consent, the owners will continue to go about developing the property without the appropriate permission and use the retrospective planning process. We do not know what they will develop next, or when it will all end, which does cause us major concern. This needs to stop now, the authority must stand by its conditions.

We don't want to live next door to a small hotel, if we had, we would not have bought Glebe Cottage over 20 years ago.

Kind Regards

Colin & Heather McCosh

**Kildale Estate  
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Chris France  
Director of Planning  
North Yorkshire Moor National Park Planning Authority  
The Old Vicarage  
Bondgate  
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7 December 2021

Dear Mr France,

**Reference NYM/2021/0820/FL – The Old Rectory Kildale**

I am writing in response to your email of 30<sup>th</sup> November 2021 to Aaron Davies of Farmoor Services inviting public engagement regarding the above application. Aaron is an agent who helps my husband Andrew Sutcliffe and I to look after the Kildale Estate.

We are aware of past developments and building expansion work at the Old Rectory and would like to confirm our agreement with the stated development history as described by Mr and Mr McCosh from Glebe Cottage Kildale in their recent letter to the Planning Authority dated 30<sup>th</sup> November.

We were surprised when the applicants previously sought to convert an annex citing need by their daughter because the Old Rectory is a large family house. The converted space was used for hotel guest accommodation. We were also surprised by the request to make a photographic studio. That space is also used as a separate annex for guest accommodation.

This retrospective application attempts to set the record straight. It seeks approval for change of use of outbuildings, for the development of separate annexes. The wording chosen for variable use disguises the reality, possibly this has been in done to get around policy CO18. Please see The Old Rectory website <http://www.theoldrectorykildale.com>, regarding the accommodation offered to the public.

We observe that the change of use of these outbuildings appears to be in contravention to policies CO12, CO17 and CO18. Policy UE4 also raises the issue of unacceptable harm in terms of noise and activity on the amenity of the neighbourhood. This is particularly the case for the McCosh family who live in Glebe Cottage and who are disturbed by the hotel /holiday guests at close quarters and who suffer great distress as a result.

We have no objection to the quality of design or to the desire of the applicant to make a living.

However, we are concerned about 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. Visitor parking outside the Old Rectory, which sits in the middle of the village, on a key junction opposite Hall Farm, will be highly undesirable.

It has already been observed that when busy, cars specifically from the Old Rectory have parked on the road outside its gate, opposite Hall Farm. Sometimes they have mounted the pavement in order not to block the road to oncoming traffic, thereby preventing people from walking on the pavement safely. Because visibility is short just beyond The Old Rectory passing Kildale Hall, on the main road through the village, cars come around the corner, often in excess of the 30mph speed limit and the danger caused by cars parked on the highway in the vicinity of the Old Rectory is therefore considerable. These cars also cause an obstruction when parked just opposite Hall Farm where large machinery needs to access the road turning right and left without impeding oncoming traffic. This is particularly the case in the summer when visitors are more abundant.

Any extra cars parked outside the Old Rectory on Station Road also cause problems because the road is narrow where it splits either side of the village green. It is in constant use by farm tractors and traffic travelling from Hall Farm, Bankside Farm and Church House buildings. When vehicles park on Station Road outside the Old Rectory they block the road for tractors.

We respectfully suggest that all family and visitor parking should be accommodated within the Old Rectory grounds even if that means using more of the Old Rectory Garden for parking. This could be a condition of approval if the Authority grants this application. Although, it appears that previous conditions of planning approval have been ignored, enforcement of such a condition would be impossible, so it seems reasonable to conclude that compliance is unlikely. On that basis, the application should be refused.

To sum up, please consider whether the development of these outbuildings for commercial use is an over development of the residential Old Rectory site with consequential negative impacts. The property sits tightly between Glebe Cottage and Keepers Cottage, in the heart of the village. Permitting the development of the outbuildings at the Old Rectory to be re-purposed as separate annexes for commercial guests will cause increased parking problems and dangers for the village, in addition to the loss of privacy and peaceful enjoyment for the neighbours in Glebe Cottage.

If the Authority allows this application for retrospective permission, the applicant will then be able to sell the property and its annexes for commercial use having built it up into a hotel business with separate units of accommodation.

We shall find it surprising if the Authority is prepared to permit this application, especially in circumstances where there has been a blatant breach of the previous conditions.

Thank you for taking our letter into consideration

Yours sincerely,

Emma Sutcliffe cc. Andrew Sutcliffe QC, Rose Sutcliffe, Aaron Davies, Kildale Estate