

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0128

Development description: change of use of outbuilding to holiday letting accommodation

Site address: Underhill Cottage, Blue Bank, Sleights

Parish: Eskdaleside-Cum-Ugglebarnby

Case officer: Miss Kelsey Blain

Applicant: Mr Andrew Hodgson
Underhill Cottage, Blue Bank, Sleights, Whitby, YO22 5EU

Agent:

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="0"> <tr> <td>Document Description</td> <td>Document No.</td> <td>Date Received</td> </tr> <tr> <td>Plans</td> <td></td> <td>21 February 2022</td> </tr> <tr> <td>Drainage Details</td> <td></td> <td>19 April 2022</td> </tr> </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	Plans		21 February 2022	Drainage Details		19 April 2022
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3	RSU011	<p>Use as Holiday Accommodation Only - Outside Villages</p> <p>The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes. 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	RSU014	<p>Holiday Unit Not Sold or Leased Separately - Outside Villages</p> <p>The holiday unit hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Underhill Cottage, Blue Bank, Sleights and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.</p>									
5	MATS73	<p>External Fixtures</p> <p>No work shall commence on the installation of any external</p>									

		fixtures to the building to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
6	MATS74	Flues to be Coloured Matt Black All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	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.

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	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3	RSU000	The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with

		Policy CO12.
4	RSU000	The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan.
5	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C 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.
6	MATS02	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C 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.
7	WPDR01	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 NYM Strategic Policy C and NYM Strategic Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.

Informatives

Informative number	Informative code	Informative text
1	MISCINF01	<p>Bats</p> <p>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</p>

		on 0845 1300 228.
2	MISCINF12	<p>Birds</p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
3	INFO0	<p>Swifts</p> <p>Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design</p>

Consultation responses

Parish

No objections.

Highways

25 April 2022: It is recommended that the visibility splays of the access road with the main highway should be kept clear and this is the responsibility of a third party.

The applicant has stated that the access to the highway is not under their control but on the clear understanding that the residents of the proposed holiday accommodation will have a right of access along this route, there are no highway objections to the proposed development.

07 April 2022: The available visibility has the potential to be restricted by the hedges over hanging the highway verges. There is a sign downhill approximately 40 metres away but is positioned so that vehicles can be viewed under the bottom of it. The required visibility splays correspond to the wire safety restraints on either side of the access.

Consequently the Local Highway Authority recommends a pre-commencement condition stating that:

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05metres and the object height must be 1.05 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Natural England

No objections.

Environmental Health

No objections.

Third party responses

Name

Insert

Publicity expiry

Advertisement/site notice expiry date: 04 April 2022

Photo showing existing outbuilding looking south-east.



Photo showing existing outbuilding looking west.



Background

Underhill Cottage is a traditional stone and pantile farmhouse accessed via a private track to the east of the A169 and located to the south of Sleights. An attached holiday cottage is located to the south of the main house with a detached stone and slate outbuilding to the east.

This application seeks planning permission for the change of use of the detached outbuilding into a holiday let. No external alterations are proposed.

Main issues

The most relevant policies contained within the North York Moors Local Plan to consider in relation to this application are Policy UE4 (New Holiday Accommodation within Residential Curtilages) and Policy CO12 (Conversion of Existing Buildings in Open Countryside).

This application seeks planning permission for the change of use of an existing stone and slate detached outbuilding within the curtilage of Underhill Cottage into holiday letting accommodation.

No external alterations are proposed to the building, however 3 no. rooflights and a black flue were installed prior to this application. The applicant received permitted development advice from the Authority in September 2021 advising that alterations to an existing garage in order to facilitate its use as a home office/gym would not require planning permission, provided the building was not located between a side elevation of the main house and the boundary of the domestic curtilage. Having reviewed historic maps and visited the property, the building in question appears to be a redundant agricultural building that would have formerly served the main farmhouse, now known as Underhill Cottage. However, it is accepted that the building has functioned as a domestic outbuilding for a number of years, although no formal change of use or certificate of lawfulness has been issued. The rooflights are located on the west side of the roof, facing into the yard between the outbuilding and main house, in order to reduce light spill across the open countryside to the east of the site. While the Authority would have preferred the use of flush fitting, conservation style rooflights, it is not felt that the units would have a harmful impact upon the surrounding landscape, however their retention has not been included within this application.

The black flue is considered to be acceptable and has been included within this application.

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.

CO12 relates to the conversion of buildings in open countryside and is supportive of applications which relate to a building of architectural or historical interest which makes a positive contribution to the National Park and which is in an existing group of buildings with a close physical relationship. The policy requires buildings to be: structurally sound and capable of conversion without the need for substantial rebuilding; appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings; close to or have access to necessary infrastructure, services and facilities; the scheme must be of a high quality of design which is respectful to the form, character and retains existing features of the building; the proposed use does not lead to changes to the access or curtilage which would affect the character of the building or its setting; and finally, the proposed use must be compatible with the locality and neighbouring buildings.

The existing building is of traditional stone and slate construction and located within close proximity to the main house and existing holiday cottage. No external alterations have been proposed and as such the character and appearance of the existing building will be retained. The building is viewed within the context of the existing dwelling and holiday cottage and it is not felt that this development would detract from the character of the wider landscape.

The proposal consists of the creation of a 1 bedroom holiday let with parking provided within the existing yard to the east of the main house. The property is accessed via a private track which also serves Underhill Farm and the associated dwelling approved in 1975, both of which are in separate ownership to Underhill Cottage. The agricultural buildings associated with Underhill Farm are located 30 metres from the proposed holiday let and it is not felt that the addition of a 1 bedroom unit would negatively impact neighbouring amenity levels.

The Local Highways Authority raised concerns regarding visibility splays from the private track onto the A169, however following the submission of photographs and comments from the applicant confirming that the land adjacent to the highway verge is owned by a third party, the Highways Officer confirmed that these concerns had been overcome. This is on the understanding that the third party responsible for the hedgerows adjacent to the highway verge have a duty to ensure it remains clear of obstruction and that the applicants have a right of access along the private track to their dwelling and holiday lets.

The Authority's Conservation Officer has confirmed that they have no objections to the proposal which will connect to the existing septic tank, which has been shown to have sufficient capacity for this.

This proposal would result in a small intensification of the existing holiday let business, but it is not felt that this would have a detrimental impact on amenity levels or the character of the surrounding landscape. The existing building is capable of conversion without the need for significant alterations and its use as a 1 bedroom holiday let is

considered to accord with Policy UE4 and Policy C012. As such, this application is recommended for approval.

Pre-commencement conditions

N/A

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.