

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0754

**Development description:** use of four units as holiday lets (as approved) or local occupancy long term letting dwellings (dual use) (no external alterations)

**Site address:** Newbiggin Hall Cottages, Old Park Lane, Aislaby,

**Parish:** Egton

**Case officer:** Miss Lucy Gibson

**Applicant:** Mr R and Mrs T Howard  
Park Lane Cottage, Newbiggin Hall, Aislaby, Whitby, YO21 1SX

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

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

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>26 October 2022</td> </tr> </tbody> </table> <p>Email dated 12 December 2022 from agent to case officer confirming the amended development description to dual use (holiday letting and local occupancy letting) only.</p> <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	26 October 2022
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Location plan	N/A	26 October 2022						
3	RSU000	<p>The occupation of the dwellings hereby permitted shall be limited to:</p> <p>i. a qualifying person; and</p> <p>ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person.</p> <p>Or</p> <p>iii. 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> <p>And shall form and remain as a single planning unit as the dwelling known as Newbiggin Hall.</p> <p>For the purpose of the above, a person is a qualifying person in</p>						

		<p>relation to the dwellings if he/she has an interest in the dwellings (see Note A) and, immediately prior to occupying the dwellings, he/she has</p> <p>satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:</p> <ol style="list-style-type: none"> <li>1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or</li> <li>2. Currently in employment in the National Park; or</li> <li>3. Having an essential need to live close to relative(s) who are currently living in the National Park; or</li> <li>4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or</li> <li>5. Former residents whose case for needing to return to the National Park is accepted by the Authority.</li> </ol> <p>Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.</p> <p>Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p> <p>Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:</p> <p>Allerston; Beadlam; Burniston; East Harlsey; Eberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.</p>
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**Reason(s) for condition(s)**

Reason	Reason	Reason text
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number	code	
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 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	In order to comply with Policy CO13 of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality and to provide holiday accommodation facilities for visitors in line with Strategic Policy J of the Local Plan.

#### Informative(s)

Informative number	Informative code	Informative text
1	INFO0	Notwithstanding the approved use of the 4 no. units as detailed above, this application does not relate to any external alterations to the building. Any future proposed alterations should comply with the conditions applied to the approval (NYM4/032/0205/PA).
2	INFO0	Coal Referral Area  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 at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>

## Consultation responses

### Parish

No objections

### Highways

No objections

### Environmental Health

No objections

### Third party responses

None received

### Publicity expiry

Advertisement/site notice expiry date: 25 November 2022



This photograph shows the front elevation of the 4 no. approved holiday letting units with the amenity/garden area for each to the front.



This photograph shows the rear elevation of the 4 no. holiday letting units and the parking area.

## Background

Newbiggin Hall is located southwest of Ailsaby Village and is accessed via Aislaby via Old Park lane, heading towards the Esk Valley railway line. The main house is a substantial Grade II Listed stone and pantile farmhouse dating from the late 17th Century, with a range of Grade II Listed agricultural outbuildings to the east. A bridleway runs through the centre of the Newbiggin Hall complex, to the north of the converted outbuilding and main dwelling.

The outbuilding, which is the subject of this application is a stone and pantile former agricultural outbuilding in a linear formation, located to the west of the main house. Planning permission was granted in 2003 for the conversion of this outbuilding into 4no. holiday letting units (2 no. two bedroom and 2 no. three bedroom) with associated parking to the rear and amenity spaces to the front.

As originally submitted this application sought planning consent for a triple use for each unit (holiday let, long-term letting and annexe). Following officer negotiations, the application was amended.

This application now seeks planning permission for the use of four units as holiday lets (as approved) or local occupancy long-term letting dwelling (dual use). No external alterations are proposed.

## Main issues

### Local Plan

The most relevant policies contained within the NYM Local Plan to consider with this application are Policy CO12 (Conversion of Existing Buildings in the Open Countryside), Policy CO13 (Local Connection Criteria for Local Needs) and Strategic Policy J (Tourism and Recreation).

Policy CO12 seeks to permit such development only where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park; is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings; has reasonable access to necessary infrastructure, services and facilities and the proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings.

Policy CO13 sets out that the occupancy of local needs dwellings will be restricted to those currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or currently in employment in the National Park; or have an essential need to live close to relative(s); have an essential requirement for substantial support from relatives or are former residents whose case for needing to return to the National Park is accepted by the Authority. The Policy text sets out that local connection conditions represent a long-term strategy to ensure that at least part of the



housing stock of the National Park remains available to meet the current and future needs of local communities. These dwellings form a valuable part of the existing stock and the Authority will resist applications to have local connection conditions removed, even in Larger Villages where principal residence housing is now supported.

Strategic Policy J seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays and it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

The principle of the conversion of the outbuilding into 4 no. holiday letting units was established in 2003. Therefore, the main consideration for this application is whether the introduction of second use, local occupancy letting, would be contrary to the principles of the NYM Local Plan.

On the basis that the 4 no. units have an established parking area, a shared main access, ample amenity space and whilst not in the residential curtilage of the main dwelling, can be seen in association with the main dwelling, it is considered that the proposed dual use would ensure the development remains commensurate in nature, scale and level of activity. The building makes a positive contribution to the character of the surrounding area and due to the relatively isolated nature of the main farmhouse and associated outbuildings, it is not anticipated that there would be any harm to neighbouring amenity, the adjacent bridleway or to the local landscape.

The dual use would contribute to the Authority's strategy to ensure that part of the housing stock of the National Park remains available to meet the current and future needs of local communities, whilst allowing for sustainable short term holiday stays within the National Park.

The former outbuilding has already been converted and no further alterations are proposed as part of this application.

In view of the above, the application is considered to comply with the Authority's adopted policies and as such, approval is recommended.

#### 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 recommended changes to the proposal including the omission of the annexe use for the 4 no. units so as to deliver sustainable development.