

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0823

Development description: variation of condition 6 of planning approval NYM/2012/0285/FL to amend the wording of the local occupancy condition in line with the 2020 Local Plan

Site address: The Granary, Bannial Flatts, Guisborough Road, Whitby

Parish: Newholm-Cum-Dunsley

Case officer: Miss Lucy Gibson

Applicant: Miss Jennifer Lonsdale
The Granary, Bannial Flatts, Guisborough Road, Whitby, YO21 1SQ

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	MC00	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.
2	MC00	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 14, Classes J to O shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
3	MC00	The occupancy of the units hereby permitted within the red line of this application shall at no point exceed one full time (local occupancy dwelling) and four holiday cottages.
4	UOR13	<p>The occupation of the northern most unit of conversion hereby permitted shall be limited to:</p> <ul style="list-style-type: none"> i. a qualifying person; and ii. a wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person. <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has 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> <ul style="list-style-type: none"> 1. Currently resident in the National Park, having been resident in the Park for at least the previous three years; or 2. Currently in employment in the National Park; or

	<p>3. Having an essential need to live close to relative(s) who are currently living in the National Park; or</p> <p>4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or</p> <p>5. Former residents whose case for needing to return to the National Park is accepted by the Authority.</p> <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; Ebberston 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> <p>Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans).</p> <p>The local occupancy restriction shall however be replaced by a principal residence restriction as follows: -</p> <p>The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without</p>
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		<p>modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home.</p> <p>The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation</p>
5	MC00	All units within the red line of the application site, other than the northern most local occupancy conversion, 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 anyone calendar year.
6	MC00	The holiday units referred to in condition 5 shall form and remain part of the curtilage of the existing dwelling known as Granary, Bannial Flat Farm 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 5 above without a further grant of planning permission from the Local Planning Authority; until such a time as when the northern most local occupancy unit has been completed and occupied when this unit shall then become the 'main dwelling' that the 'units' should not be sold or leased off from, or let off except as holiday accommodation in accordance with the terms of condition 5.
7	AC19	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8	MC00	All new window frames, glazing bars, external doors and door frames shall be installed in accordance with the plans and cross sections submitted to the Local Planning Authority on the 6 November 2015 and shall be maintained in that condition in

		perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	GPMT13	The windows and doors hereby approved shall be coloured dark grey and thereafter be maintained in perpetuity.
10	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
11	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
12	MCOO	The external timber cladding and doors of the storage building hereby approved shall be stained dark brown and the roof sheeting shall be dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1-2	RSN PD01	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 Strategic Policies A and C and Policy CO17 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
3	RSN MISC00	In order to comply with Strategic Policy M 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. Holiday accommodation has also been permitted to provide facilities for visitors in line with Policy UE2 of the Local Plan.
4	RSN MISC00	In order to comply with Strategic Policy M 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.
5	RSN MISC00	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 to provide facilities for visitors in line with Policy UE2 of the Local Plan.
6	RSN UOR12	The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling in accordance with Policy UE4 of the North York Moors Local Plan.
7	RSN AC01	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 North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
8-12	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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

Parish

No comments received

Third party responses

No comments received

Publicity expiry

Advertisement/site notice expiry date: 29 December 2022



This photograph shows the converted barn known as The Granary, which forms 4 no. holiday letting units and 1 no. local occupancy unit.

Background

Bannial Flat Farm comprises the original dwelling and a large 'E' shaped range of traditional agricultural outbuildings infilled with modern barns, located on the north-eastern boundary of the National Park, 200m north of the Guisborough Road and the A169. Permission was previously granted for the conversion of part of the traditional agricultural building into an unrestricted dwelling in 1998 in line with policies operating at the time. These works were undertaken and this dwelling (now known as the Granary) along with the attached agricultural buildings have been sold off separately to the rest of the agricultural buildings and the original house.

An application was then approved in 2012 for the conversion of the barns attached to the Granary into 4 no. holiday letting units and one local occupancy unit as well as the addition of a new storage building.

A later application in 2013 gained approval to vary condition 2 attached to the 2012 consent to allow a 4m extension to the storage building to accommodate a bio-mass central heating system supplying heat via a district heat main.

Approval was also granted in 2015 for the variation of condition 13 of NYM/2012/0285/FL and variation of condition of NYM/2013/0165/FL to permit the installation of composite windows and doors.

This application seeks planning permission to vary condition 6 of approval NYM/2012/0285/FL to amend the wording of the local occupancy condition in line with the 2020 Local Plan.

Main issues

Local Plan

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

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.

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 structurally sound and capable of conversion without substantial rebuilding, 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; is of a high quality design retaining existing external features which contribute significantly to the character of the building including original openings and roofing materials; does not lead to changes in the building's curtilage or in relation to any new vehicular access or parking area that would adversely affect the character and appearance of the building or the surrounding landscape and the proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings.

New uses for rural buildings that may be permitted under this policy are employment, education or training; holiday accommodation or permanent local occupancy residential use; tourism facilities; community facilities (in exceptional circumstances) and purposes incidental to the residential use of the dwelling.

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. Applications to remove a local connection condition will only be permitted if it is clearly demonstrated that the property has been adequately marketed at a suitable price and for an appropriate period of 12-18 months. In such circumstances the Authority will apply a principal residence condition.

The principle of converting this building into living accommodation has been approved and implemented through the previous permission for the local occupancy unit (northern most unit) and 4 no. holiday letting units in 2012. The only change applied for is to change the criteria for the Local Occupancy restriction to reflect the new 2020 Local Plan. The units will remain as one single planning unit.

The revised condition would have no adverse impact on neighbouring amenity and would accord with the Authority's Adopted policies.

There have been no objections to the proposal to vary the condition and in view of the above, the 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.