

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0889/FL

**Development description:** conversion of attached outbuilding to 1 no. holiday let with associated parking

**Site address:** Holm Garth, Richardsons Row, Newholm

**Parish:** Newholm-Cum-Dunsley

**Case officer:** Miss Megan O'Mara

**Applicant:** Mr I Peach

Holm Garth, Richardsons Row, Newholm, Whitby , North Yorkshire, YO21 3QS

**Agent:** Spectrum Design

fao: Mr W Henderson, 12 Willow Close, Saltburn, Cleveland, TS12 1PB

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text																		
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.																		
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document/Drawing No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>3 November 2021</td> </tr> <tr> <td>Proposed Elevations</td> <td>Sheet 6 Rev A</td> <td>21 February 2022</td> </tr> <tr> <td>First Floor &amp; Roof Plan</td> <td>Sheet 5 Rev A</td> <td>21 February 2022</td> </tr> <tr> <td>Ground Floor &amp; Site Plan</td> <td>Sheet 4 Rev B</td> <td>14 June 2022</td> </tr> <tr> <td>Bat Survey</td> <td>October 2022</td> <td>20 October 2022</td> </tr> </tbody> </table>	Document Description	Document/Drawing No.	Date Received	Location Plan	N/A	3 November 2021	Proposed Elevations	Sheet 6 Rev A	21 February 2022	First Floor & Roof Plan	Sheet 5 Rev A	21 February 2022	Ground Floor & Site Plan	Sheet 4 Rev B	14 June 2022	Bat Survey	October 2022	20 October 2022
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3	UOR12	The holiday cottage 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.																		
4	UOR15	The units of holiday letting accommodation hereby permitted shall form and remain part of the current Planning Unit presently known as Holm Garth as shown edged blue/red on the site location plan dated 3 November 2021. The holiday units shall not be let out or used in any way if the holiday letting units are functionally separated (either Freehold or Leasehold) and shall at all times remain together in the same overall Planning Unit.																		
5	MC00	No work shall commence on the installation of any replacement or new windows and doors (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window and doors to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The units shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.																		

6	MC00	No work shall commence on the installation of any window or door in the development hereby approved until details of the external finish have been submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details so approved, completed within six months of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
8	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in.
9	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.
10	MC00	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 11 metres measured along all three channel lines of the major road from a point measured 2 metres down the centre line of the access to each of the two proposed parking places. In measuring the splays, the eye height must be 1.05 metres and the object height must be 1.05 metres. Once created, these visibility splays must be maintained clear of and obstruction and retained for their intended purpose at all times.
11	PDR01	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 F 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.

**Reason(s) for condition(s)**

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and

		Country Planning Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	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.
4	RSN UOR10	The site is in a position where the 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 annexe and main dwelling in accordance with Policies CO17 and CO18 of the North York Moors Local Plan.
5	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.
6	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.
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		and that the special qualities of the National Park are safeguarded.
9	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.
10	RSN MHC-05	In the interests of highway safety.
11	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.

**Informative(s)**

Informative number	Informative code	Informative text
1	MC INF01	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 on 0845 1300 228.
2	MC INF 13	Swift 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 ( <a href="https://www.swift-conservation.org/">https://www.swift-conservation.org/</a> ); with additional

		swift box ideas from Action for Swifts ( <a href="http://actionforswifts.blogspot.com/">http://actionforswifts.blogspot.com/</a> ).
3	MC INF 12	<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 the Gov.UK web site (<a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a>). Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site (<a href="https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/#:~:text=All%20birds%2C%20their%20nests%20and,in%20use%20or%20being%20built.">https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/#:~:text=All%20birds%2C%20their%20nests%20and,in%20use%20or%20being%20built.</a>).</p> <p>If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>.</p>

## Consultation responses

### Highways

Object – 20 December 2021 – insufficient visibility splays.

No objection subject to conditions – 14 March 2023 – following amended site plans, Highways resolved no objections subject to application of visibility splay condition.

### Yorkshire/Northumbrian Water

Insert

### Environmental Health

No objection with comments – 16 December 2021 - The means of escape from the first-floor bedroom is through a “high risk” kitchen area. An alternate means of escape will need to be provided.

### Third party responses

No responses

### Publicity expiry

Advertisement/site notice expiry date: 27 January 2021



This photo shows the site as existing.





This photo shows the side of the proposed holiday let from the main road.

## Background

Holm Garth the last dwelling at the southern end of a row of terraced properties. The dwelling is of stone and slate construction with two small dormer windows on the front roof slope, which were approved in 2003. Adjoining the gable end of the dwelling is a stone and slate outbuilding.

This application seeks planning permission for the conversion of part of the ground floor and the whole first floor of this building to form a one-bedroom holiday cottage. All parking associated with the holiday accommodation is to be provided for within the domestic curtilage.

## Main issues

### Local Plan

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details



that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Strategic Policy J relates specifically to tourism and recreation. The policy states that development will be supported 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 and where it provides and protects opportunities for all people to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the enjoyment of those qualities by other visitors or the quality of life of residents. The development should be of high quality, scale and design that takes into account and reflects the sensitivity of the local landscape. The development must not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way and must not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

Policy CO17 states that development within the domestic curtilage of dwellings should only be permitted where the scale, height, form, position and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. The policy also states that the development should reflect the principles outlined in the Authority's Design Guide.

Policy UE4 relates specifically to new holiday accommodation within residential curtilages. The policy states that development will only be permitted where it makes use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. It must not detract from the character or appearance of the locality and be of an appropriate scale. There must be no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

## Discussion

The development site is located within the main built-up area of Newholm. The dwelling is the last of a terrace of dwellings and, together with the adjoining outbuilding, is a prominent view from the highway. This application seeks permission for the conversion of the outbuilding to form a one-bedroom holiday cottage. The conversion of this outbuilding requires very few external alterations; those that are proposed are minor, including replacement windows and the introduction of rooflights. It is not considered that the proposed development will be harmful to the host building or the character of the surrounding area.

In regard to the use of the building as a holiday cottage is considered that it is unlikely that the development would result in a level of noise and activity that would be harmful to the surrounding area. There are no other dwellings immediately adjacent to the building and therefore the wider harm is minimal. All parking associated with the holiday cottage will be provided for within the front garden area of the dwelling. Highways

initially objected to the application on the grounds that there were insufficient visibility splays, however the applicants submitted amended site plans which included alterations to the boundary wall and gates to improve the visibility. Following the submission of amended plans, Highways withdrew their objection and recommended a condition for visibility splays which has been applied.

All relevant bat surveys have been completed and the Ecology team are satisfied with the results.

In view of the above, it is considered that the proposed development, in terms of the principle of use and also design, adheres to the Authority's adopted policies and Design Guidance. As such, the application is recommended for approval.

#### **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 reduction in number of rooflights and site layout to meet highways requirements, so as to deliver sustainable development.