

North York Moors National Park Authority

Plans list item 3, Planning Committee report 18 May 2023

Application reference number: NYM/2023/0151

Development description: Change of use of land to form extended domestic garden (retrospective) together with use of summerhouse as holiday letting accommodation (no external alterations)

Site address: Shambala, Fylingdales

Parish: Fylingdales

Case officer: Mrs Jill Bastow

Applicant: Dr Helen Ellis-Caird, Shambala, Fylingdales, YO22 4QN

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	The development hereby permitted shall be carried out in accordance with the following approved plans: <table><tr><td>Document Description</td><td>Date Received</td></tr><tr><td>Location Plan</td><td>3 April 2023</td></tr></table>	Document Description	Date Received	Location Plan	3 April 2023
Document Description	Date Received					
Location Plan	3 April 2023					
3	PDR03	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings shall be erected other than those expressly authorised by this permission.				
4	UOR12	The summerhouse hereby approved shall not be used for residential purposes other than ancillary to the main use of the dwelling known as Shambala or 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.				

Condition number	Condition code	Condition text
5	GPMT27	The flue to the summerhouse shall be coloured matt black within six months of the date of this decision and maintained in that condition in perpetuity.
6	AC20	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 Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

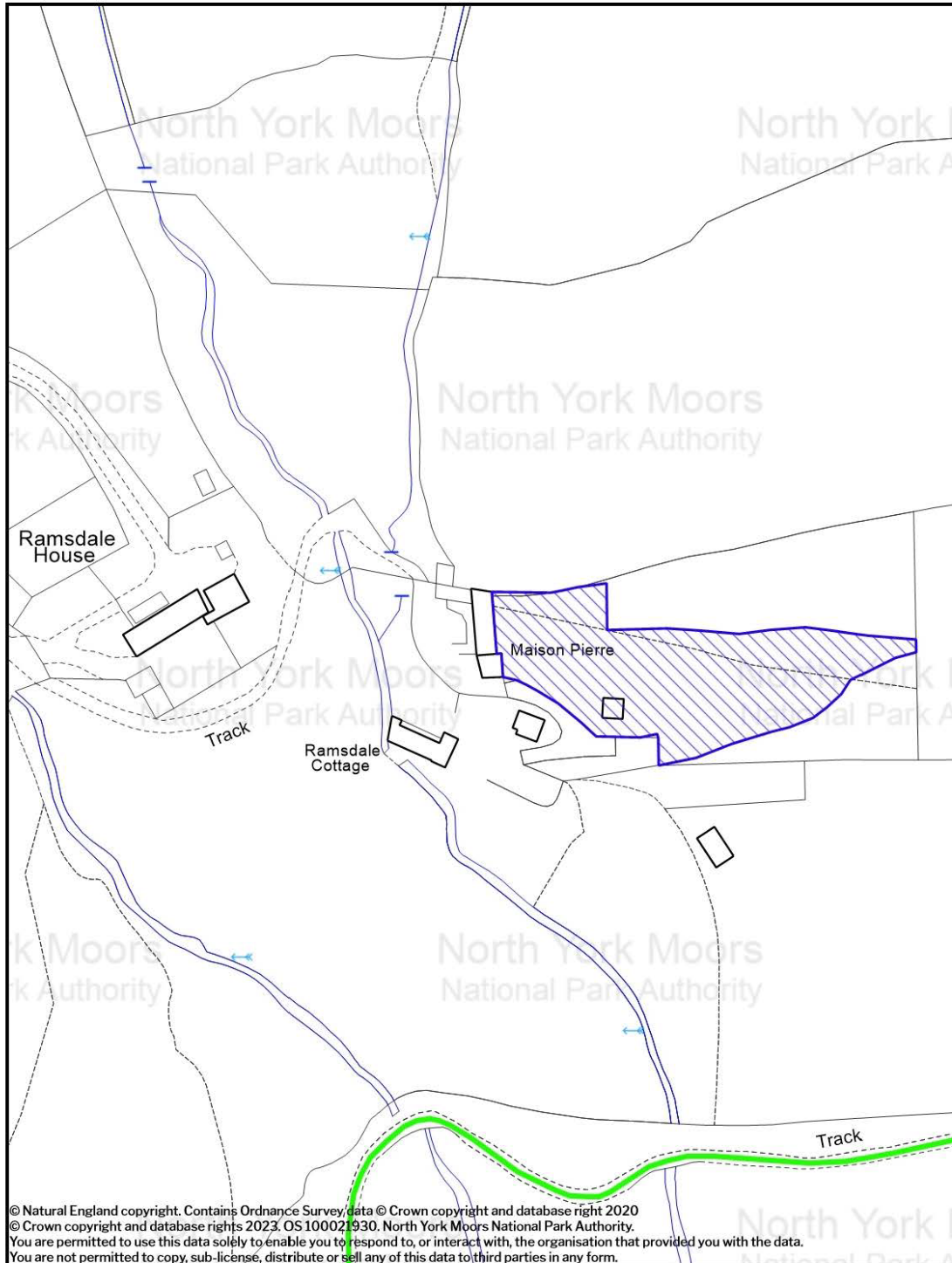
Map showing application site.



**North York Moors
National Park**

Application Number: NYM/2023/0151

Scale: 1:1250



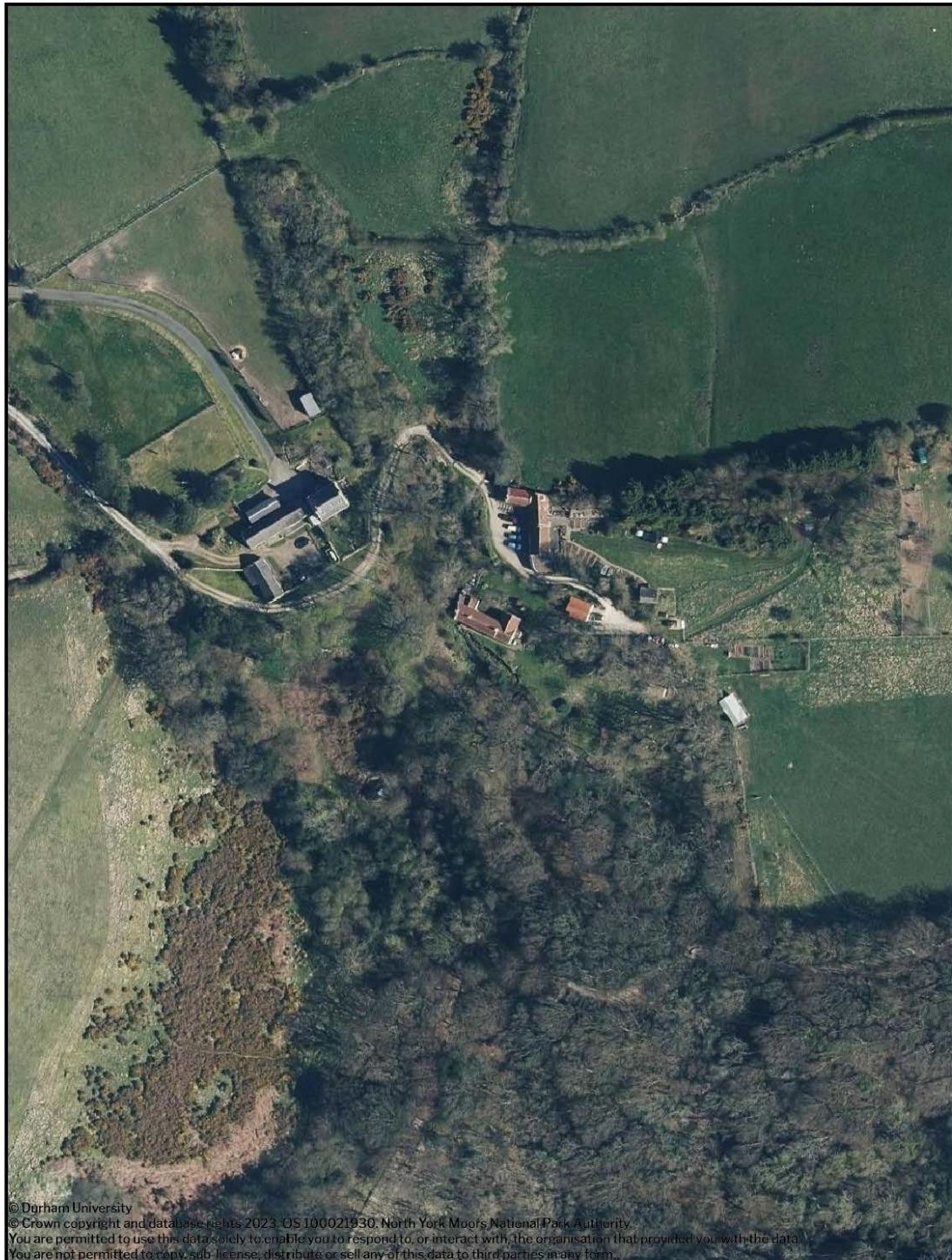
Aerial map showing application site.



**North York Moors
National Park**

Application Number: NYM/2023/0151

Scale: 1:1500



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The existing summerhouse for which permission is sought to ren out as short term holiday accommodation.



View of the extended garden looking east back towards the main dwelling with the summerhouse along the southern boundary and the wooded area along the north



Consultation responses

Parish

No objection to the extension of the domestic curtilage (retrospective) but object to the change of use of the summerhouse to a short-term holiday let on the following grounds:

The accommodation is 45m from the owners' accommodation and described as being suitable for a small family. However, the description suggests a single room only 15.75m² (4.5m x 3.5m), with toilet and shower. The current plans give no information about how this wooden structure would be adapted to become a safe, self-contained holiday let. Further information is required about internal layout, heating, cooking facilities, laundry, fire protection, etc. The Parish Council feel it is too small to accommodate four people.

There is no direct access to the proposed accommodation other than by a shared track, which crosses neighbours' property. This would impact on neighbours in terms of noise, potential for trespass and their own security.

Maintenance of the track is shared equally by the applicant and neighbours. The plans do not address the impact of additional traffic on the track, access for emergency vehicles and subsequent maintenance costs.

The plans are very vague, and the pictures are not very clear, but the issue of a septic tank/septic field doesn't seem to be addressed or, is unclear and parking has not addressed at all.

Highways

No objection. On the understanding that occupants and visitors of the proposed property will have a right of access between the A171 and the application site, it is not considered that the proposal will have any impact on the public highway.

Natural England

No objection.

Environmental Health

No comments.

Third party responses

Jane Warburton, Ramsdale Cottage, Fylingdales

Objects and wishes to express the following concerns:

- Use as holiday accommodation will impact on the peace, safety and tranquillity of this beautiful and quiet location.
- The summerhouse has developed from a small shed to a summerhouse with electricity and water supply; would not wish to see this become a permanent residence.

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- Is the intention to rent the summerhouse out throughout the year? Will there be a maximum number of days/nights, or maximum number of occupants specified? Would dogs be allowed?
- Access for vehicles (including emergency and delivery vehicles) to both my property and to Shambala should not be obstructed, including the turning circle by parked cars and parking for the proposed holiday accommodation should be specified as the hardstanding next to the steps accessing the summerhouse.
- Additional traffic created by the proposed holiday accommodation would impact on the costs of maintaining the track access which is currently shared equally.
- Is the water supply and sewage drainage system suitable for holiday accommodation? There should be no runoff to my land which is sited below the property.
- Additional noise and waste would be created.
- There are two gypsy caravans located to the east of Shambala and all these concerns would apply if the applicants were ever minded to apply for planning to use those for holiday accommodation also.
- Potential that guests may trespass on to private land. my property. If the application is granted and there should be clear information provided for guests regarding property boundaries and the lack of any right of way across my land to ensure privacy and safety.

E A Alderson, Ramsdale House, Fylingdales

Wishes to express the following concerns:

- Access is at the end of a single winding track and adequate turning needs to be maintained for emergency and delivery vehicles which is not restricted by parked cars.
- Support all the comments made by the neighbour at Ramsdale Cottage.

Consultation expiry

07 April 2023

Background

Shambala is a detached property occupying a secluded position at the end of a single width private lane leading south from the A171 for approx. 1 km. and serves three residential properties plus two holiday cottages and some agricultural buildings.

With regard to the history of the property, planning permission was originally granted in June 1993 for the conversion of a farm building into a dwelling then in January 1997 planning permission was granted for new windows to the dwelling and an extension to the domestic curtilage to the rear. In December 2008 and October 2017 planning permission was granted for a two storey rear extension to the property but neither permissions were implemented and have now since lapsed.

There is a timber summerhouse (the subject of this application) which lies beyond the domestic curtilage as approved in 1997 and as such planning permission should have been sought at that time for a further extension of the domestic curtilage along with the siting of the summerhouse. However, given that the summerhouse was completed in 2012, more than ten years has lapsed and therefore the extension to the domestic curtilage and the summerhouse are immune from any enforcement action and can lawfully remain.

This application seeks planning permission for the use of the existing summerhouse as holiday letting accommodation with no external alterations. The applicant was advised at pre-application stage that when seeking permission for the use of the summerhouse that they also regularise the current situation with regard to the extent of domestic curtilage and as such that is also included in the application.

In support of the application and in response to the neighbours' concerns the applicant has commented that the summerhouse has not been extended only modified internally to provide a larger shower room and kitchenette and that there is no ambition for it to become a permanent residence and they would be happy with a planning condition to that effect. The intention is to not allow dogs when the summerhouse is rented out and guests will be given clear guidelines regarding trespassing on neighbouring land with small 'Private' signs put up if necessary. Furthermore, guests will be reminded of the importance of being quiet and respectful of the peace of the neighbourhood, particularly at night. The guest parking space will be next to the access steps and away from the turning circle so as not to impinge on access to neighbouring properties and additional parking, if required would be provided immediately in front of the host dwelling, Shambala. Finally with regard to the gypsy caravans on the land to the east, these are the property of the previous occupant of Shambala and will be removed once suitable alternative location has been found. There is no intention to retain these as holiday accommodation.

Main issues

Local Plan

The relevant policies of the Local Plan in the consideration of this application are Policy UE4 - New Holiday Accommodation Within Residential Curtilages and Policy CO19 - Extensions to Domestic Curtilages.

Policy UE4 is supportive of proposal for holiday accommodation within a residential curtilage 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 would not detract from the character or appearance of the locality; it is of an appropriate scale; and there is no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood. Proposals for new camping and glamping units within a residential curtilage will only be permitted where the size and layout of the residential curtilage is such that a proposal can be accommodated in a way that does not detract from the character and appearance of the locality and does not cause harm to local amenity.

Policy C019 only permits the extension of an existing domestic curtilage where it will not have an adverse impact on the local landscape character; the land to be incorporated into the domestic curtilage does not form part of a Community Space or a valuable local habitat or heritage asset; and the change to domestic use will not cause unacceptable harm to the amenities of neighbouring occupiers by reason of noise, disturbance or other adverse impact.

Discussion

With regard to the extension to the domestic curtilage, this appears to have been an incremental encroachment over time since planning permission was granted for an extension to the domestic curtilage in 1997 and there is no defined boundary between what might be considered garden and the orchard and woodland in the applicant's ownership. As such it has been established with the applicant that the domestic curtilage follows natural boundary lines and features on the ground – the host dwelling to the west, the grassed access track from the south, the wooded area to the north and the horticultural area (recently planted orchard, chicken coop etc) to the east. The land that has been incorporated as domestic curtilage does not form part of a community space or valuable local habitat or heritage asset. The change of use does not have a detrimental impact on the local landscape character, or the amenities of neighbouring occupiers given they lie primarily to the south and west and the garden to Shambala to the east and as such is considered to comply with **Policy C019**. However, to ensure that this remains the long term situation a condition restricting permitted development rights for further outbuildings is recommended.

With regard to the use of the summerhouse for short term holiday letting accommodation, in terms of **Policy UE4** it is not a building of architectural or historic interest which makes a positive contribution to the character of the surrounding area. As such the proposal must be considered as a new glamping unit for the purposes of **Policy UE4**.

The size and layout of the domestic curtilage (as currently used and for which this application seeks retrospective permission) is substantial and the summerhouse is located along the southern boundary where it is well screened and sufficiently far enough from the host dwelling and neighbouring properties not to have an adverse impact in terms of noise, activity or overlooking. Given the modest size of the unit is only able to accommodate a couple or small family (two adults, two children), which is unlikely to give rise to significant levels of activity, noise or additional traffic. As such it is considered that the summerhouse does not detract from the character and appearance of the locality and the proposed use would not cause harm to local amenity in accordance with **Policy UE4**.

With regard to the issue of drainage the Authority's Ecologist requested further information regarding the capacity of the septic tank to support additional visitors and where it drains to. The applicant has confirmed that the septic tank has capacity to meet the needs of at least six persons (there are three residents in the main dwelling and the summerhouse would have a maximum occupancy of a couple or small family of two

adults, two children). Furthermore, a new soak away for the septic tank, which complied with all legislation was installed prior to the applicant acquiring the property in 2017 which does not drain to a water course. The Ecologist is therefore satisfied that the proposal will not cause pollution.

In view of the above it is considered that the retention of the extended domestic curtilage and the use of the summerhouse as short term holiday letting accommodation would accord with the policies of the Local Plan and approval is recommended.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 4 'A place that lifts the nation's health and wellbeing and Objective 17 which seeks to encourage visitors to make apposite contribution to the National Park.

Explanation of how the Authority has worked positively with the applicant/agent.

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.