

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0235

Development description: change of use from care home (Use Class C2) to one principal residence dwelling (Use Class C3) (no external alterations)

Site address: Moorview House, Station Road, Robin Hoods Bay,

Parish: Fylingdales

Case officer: Miss Emily Jackson

Applicant: Moorview Care

fao: Mr Craig Pierotti, 13 Museum Street, York, North Yorkshire, YO1 7DT, UK

Agent: Thompson Architecture

fao: Mr Philip Thompson, Thompson Architecture, 32A Yorkersgate, Malton, yo17 7ab, United Kingdom

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	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	UOR14	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 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. 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.

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 UOR16	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.
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Consultation responses

Parish

No objection to this Planning Application, however, request that the property is not used as a 2nd home or holiday accommodation.

Highways

No Objections

Natural England

No Comments Received

Environmental Health

No Objections

Third party responses

C. Southcombe – Falconhurst, Mount Pleasant South, YO22 4RQ

No objection but comments summarised below: -

There will be a temptation for the property to be used as a holiday let which is a concern.

Round the corner on Mount Pleasant South there are two disabled parking spaces. If the spaces were in some way linked to the existence of the care home then there may be a move to remove the spaces altogether. The spaces need to be retained, properly marked and that policing of parking generally in the village needs to be improved.

The strip of land that extends from Moorview at the rear and runs along the back of our house does not belong to them but is part of the alleyway that used to run between the houses of Mount Pleasant North and Mount Pleasant South. Yorkshire Water's supply to the houses runs under that strip. Our concern is that sooner or later that pipe will have a major leak that could cause a real problem not only for us but for all those living on the two streets including MoorView and it will be difficult for Yorkshire Water to access.

Publicity expiry

Advertisement/site notice expiry date – 30th May 2023

Photograph showing front elevation of Moorview House, Robin Hoods Bay



Background

Moorview House is a three-storey, semi-detached, victorian style property occupying a prominent position on the corner of Mount Pleasant South, a residential street located north of Robin Hoods Bay Centre, outside of the Conservation Area. The property is constructed of red brick under a slate roof and decorative gable and matches the distinctive Victorian/Edwardian properties that can be seen in the immediate residential area. The property has had several uses over the years, including its current use as a residential care home.

In July 1998, permission was granted for the change of use of Moorview House from a bed and breakfast to a residential care home to be used in connection with the existing Storra Lee Care home that adjoins Moorview House to the right-hand side. There is no other planning history for the property that would impact this application.

This application seeks permission to change the use of Moor View House from a Residential Care Home (Use Class C2) into one Principal Residence Dwelling (Use class C3). No external alterations are proposed as a result of the change of use.

This change of use application has been submitted following the closure of Moorview House due to difficulties in recruiting care staff in the Robin Hood's Bay area and wider Whitby area. As a result of the closure, the previous residents of Moorview House have been re-located to other care facilities, and Moorview House now lies vacant.

Main issues

Local Plan

The most relevant policy contained within the North York Moors National Park Authority Local Plan 2020 to consider with this application is Policy CO7 (Housing in Larger Villages).

Policy CO7 states that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village only, with proposals meeting the need for smaller dwellings, or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

Material Considerations

Moorview House is located to the north of the Robin Hoods Bay which is defined as one of the larger villages in the Local Plan where the conversion of an existing building into housing is supported in principle if it lies within a main built-up area and makes a positive contribution to the character of the settlement. Within this policy, such housing should be restricted to a principal residence occupancy condition to support the service function of larger villages within the National Park.

With the above in mind, Moorview House is located in a prominent position within one of the main residential areas in the North of Robin Hoods Bay and has an appearance that contributes positively to the character of the settlement; therefore, it is considered that the conversion of this building into a principal residence dwelling would be compliant with Policy CO7.

As the building is currently used for residential (care home) use, it has not been necessary for a viability and marketing test to be undertaken to show the facility is no longer suitable or viable in that location as this is only required when a change of use would result in the loss of a community facility/space.

There are no external alterations proposed, and therefore, the proposal would not have any impact upon the appearance of the wider street scene.

With regard to the consultation comments received by both the parish and a third party that raise concerns over the use of Moorview House as a second home/holiday let, it has been agreed with the applicant for a principal residence condition to be placed on any approval which requires the property be used as a main residence only and not as a second home or holiday let.

Further concerns were raised by a third party relating to the two disabled parking spaces located at the top of Mount Pleasant South in addition to the use of a strip of land that extends from Moorview House at the rear. However, these issues are not planning considerations as they raise issues of a civil nature or matters to be addressed by the Local Highways Authority and Yorkshire Water.

Conclusion

For the reasons outlined above, the proposal meets the aims of Policy CO7 and as such, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

N/A

Pre-commencement conditions

N/A

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

Approval (No Amendments Required)

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.