

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0248

Development description: erection of timber clad cabin for use as holiday accommodation (retrospective)

Site address: Suffield Cottage, Suffield

Parish: Suffield-Cum-Everley

Case officer: Mrs Jill Bastow

Applicant: Ms Frances Lockey
Suffield Cottage, Suffield, Scarborough, YO13 0BJ

Agent:

Director of Planning's Recommendation

Refusal for the following reason(s)

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	<p>The proposal would introduce a level and form of commercial tourist activity which would be inappropriate within the domestic curtilage of an existing private dwelling, and owing to its siting along the shared boundary, would give rise to an intensification of activity on the site likely to cause additional noise and disturbance to the occupiers of the neighbouring property than would be generated from private domestic use, contrary to North York Moors Local Plan Policy UE4 (New Holiday Accommodation Within Residential Curtilages) which only permits new holiday accommodation within residential curtilages where there would be no harm in terms of noise and activity on the amenity of the neighbourhood.</p> <p>Furthermore, proposal does not provide for a small camping or glamping unit as required by Policy UE4 and instead relates to the retention of a sizeable timber cabin for holiday letting purposes, which is not of a character or appearance</p>

Document title

	worthy of retention sufficient to override detrimental impact on neighbouring residential amenity.
2	The proposal would utilise the location of the previously approved garage and stable building, potentially leading to pressure for additional structures for domestic garaging and storage within the curtilage, which due to the open nature of the site would be visually intrusive, detrimental to the character of the area and contrary to Policy CO17 (Householder Development) of the North York Moors Local Plan which requires that the change of use of existing outbuildings should not lead to future proposals for additional outbuildings.

Consultation responses

Parish

Objects to the retrospective use of the building as a holiday let and took an extremely dim view of this applicant and the way things seems to have been manipulated.

- There were no objections to the original application NYM/2022/0115 for a stable and tack room/hay store; only the garage element has been built. The submitted plans are elevation only; furthermore they are not accurate as there is an outside extension to the north west elevation which houses a bath.
- The reviews on AirBnB indicate the property has been used as a holiday let since at least January 2023.
- It will result in intensification of use and increased noise and traffic.
- The applicant's original supposed need for a stable and tack room/hay store is still presumed extant.
- If consent is granted, then no outside lighting please unless it is dark skies compliant.

Highways

No objection as the holiday letting unit will be accessed via the existing constructed vehicle access from the highway.

Environment Agency

No objection. Advise that an Environmental Permit may be required in respect of the discharge of domestic effluent from a treatment plant/septic tank.

Environmental Health

No objection

Third party responses

No comments received

Publicity expiry

Advertisement/site notice expiry date: 13 June 2023

View of the holiday letting cabin from the main road through Suffield



View of the holiday letting cabin from within the domestic curtilage to Suffield Cottage



View of the holiday letting cabin from within the paddock to Suffield Cottage



Background

Suffield Cottage is a semi-detached, stone-built property which lies on the north side of the main road through the dispersed hamlet of Suffield. The property has been extended and altered in the past and is served by a private drive which sweeps round the side of the dwelling to a parking area at the rear. The garden extends some 15 metres to the side of the property and 15 metres to the rear to give a sizeable curtilage. The applicant also owns the land immediately to the north of the existing curtilage which extend a further 50 metres.

Planning permission was granted in October 2021 for an extension of the domestic curtilage some 10 metres to the north across the full width of the existing garden; this has been implemented. In April 2022 planning permission was granted for the construction of an L-shaped timber clad garage and stable building. The garage element would be within the extended domestic curtilage and be served by the existing driveway whereas the attached stable and hay/feed store will be located within the adjoining paddock.

Following the grant of planning permission for the garage and stable building the applicant sought the Authority's advice in May 2022 as to whether the change of use of the garage into annexe and/or holiday letting accommodation would be supported.

The applicant was advised that as the garage had not at that time been built, it could not be considered as a change of use but instead the construction of a detached holiday cottage/annexe within the garden of Suffield Cottage. Given the strict policies regarding new housing development in the open countryside, the applicant was advised that it was highly unlikely that the Authority would look favourably on a proposal to build a holiday cottage/annexe within the domestic curtilage of Suffield Cottage. Attention was drawn to Policy CO17 which only allows for new build annexe accommodation as an extension to the main dwelling.

In August 2022 the applicant again approached the Authority advising that the garage had been constructed (but not the stable) and they now wished to convert it into either annexe and/or for holiday letting accommodation. The applicant was advised that by constructing the garage with the intention of immediately seeking planning permission for its change of use they were trying to circumnavigate the restrictive planning policies for development in the open countryside and that the proposal was tantamount to the construction of a detached holiday cottage/residential annexe which, as previously advised, would not be supported.

The applicant was also advised that Policy UE4, which deals with proposals for holiday accommodation within a residential curtilage, is only supportive 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. As a new build timber clad garage, the building is of no architectural merit or historic interest, and its contribution to the character of the surrounding landscape is considered to be neutral.

However the applicant was advised that as the original planning permission for the garage and stable building did not include a condition restricting the use of the garage to the parking of vehicles or storage purposes, then provided it was built in accordance with the approved plans, it could be used for overflow living accommodation incidental to the main dwelling however this did not allow its use as a separate unit of accommodation such as a holiday cottage.

The garage has not been built in accordance with the plans as originally approved in October 2021 and as such this application seeks planning permission for the construction of a new building timber cabin for holiday letting purposes within the domestic curtilage of Suffield Cottage. The cabin measures 9 metres by 4.7 metres with an eaves and ridge height of 2.4 metres and 3.4 metres respectively, with a small lean-to outdoor bathroom extension to the north elevation (measuring 1.75 metres by 1.75 metres). It is clad with horizontal timber boarding under a dark grey profile sheeted roof.

Main issues

Local Plan

The most directly relevant policy of the Local Plan is UE4 (New Holiday Accommodation Within Residential Curtilages) which only supports the development of new 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.

The policy also states that 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. By camping and glamping units, the Local Plan refers to units under 25 sq.m, not connected to the foul drainage system.

The applicant in their supporting statement refers to Policy UE2 (Camping, Glamping, Caravans and Cabins) however this deals with proposals out with domestic curtilages, such as on a farm or at a public house and is not applicable in this case where the proposal relates to the provision of holiday accommodation within the domestic curtilage.

Discussion

The original planning permission for the construction of a garage and stable building partly within the domestic curtilage of Suffield Cottage and partly without was assessed against Policy CO17 (Householder Development) and Policy CO20 (Equestrian Development for Private Use). It was considered that the outbuilding would be

subservient to the main dwelling and would serve an ancillary purpose by providing garaging, storage and stabling for hobby purposes associated with the residential use of the host property. The use of the stable was restricted to horses kept for hobby/domestic purposes ancillary to the occupation of Suffield Cottage; no restriction was placed on the use of the garage for the parking of vehicles or storage only.

However the stable has not been built and the garage has not been built in accordance with the approved plans; as such this application should not be assessed as the conversion of an existing building but rather as construction of a new timber cabin for holiday letting purposes within a domestic curtilage. As such the proposal does not make use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area as required by Policy UE4.

Policy UE4 only permits new holiday accommodation within the domestic curtilage where it is for a new camping or glamping unit. In this case the proposal is for a timber cabin with a footprint in excess of 42 sq.m. It has been located along the eastern boundary of the domestic curtilage immediately adjoining the neighbouring property where it has potential to cause noise and disturbance through increased activity on site to the residents of that property.

A search of the Authority's records indicates that where approval has been given for new holiday accommodation within domestic curtilages, these are for small glamping units such as camping pods or shepherds huts at isolated properties where there are no neighbours that might otherwise be affected by the additional activity about the site.

As a new build timber cabin, the building is of no architectural merit or historic interest, and its impact on the character and appearance of the surrounding landscape is considered to be neutral.

In view of the above it is considered that the proposal is contrary to Policy UE4 in that it relates to the retention of a timber cabin for holiday letting purposes rather than a small camping or glamping unit which would give rise to an intensification of activity on the site and given the siting of the unit along the shared boundary with the neighbouring property, is likely to cause noise and disturbance to the occupiers of that property, contrary to Policy UE4. As such refusal is recommended.

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

Not applicable in this case.

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 concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported

in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.