

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0368

Development description: change of use of four local occupancy dwellings to dual use of either local occupancy letting dwellings or holiday letting accommodation (no external alterations)

Site address: Jevans View, Marys View, South Cheek and Old Peak, Raven Hall Road, Ravenscar,

Parish: Staintondale

Case officer: Mrs Jill Bastow

Applicant: Mr John Gordon Cordukes

c/o Jessica Appleby, Thorpe and Co Solicitors, 12 Belle Vue Street, Filey, YO14 9HY

Agent: Cheryl Ward Planning

fao: Cheryl Farrow, 24 Westfield Mews, Kirkbymoorside, York, YO62 6BA, United Kingdom

Director of Planning's Recommendation

Reason(s) for refusal:

Refusal reason code	Refusal reason text
1	The proposal to allow the use of these properties for holiday letting accommodation would be contrary to the long term housing strategy of the North York Moors Local Plan as set out in Spatial Strategy B, Spatial Strategy M, Policy C08 and Policy C013. These policies seek to ensure that local needs housing within the smaller villages of the National Park, of which Ravenscar is one, is retained to meet the housing needs of those with a local connection, contribute to a balanced mix of housing and sustain local communities. No evidence has been submitted that the properties have been marketed at a suitable price and for an appropriate period to demonstrate that they are no longer needed to meet the housing needs of those with a local connection.

Consultation responses

Parish

Objects to the application in the strongest possible terms. The need for local occupancy housing in Ravenscar has not gone away. There is no evidence within the supporting papers that the applicant is unable to find tenants for the properties - in fact exactly the opposite, he is giving them notice to quit. Likewise, there is nothing within the supporting papers which demonstrates justification for the properties being used for holiday accommodation. The statement in the supporting papers "Having the flexibility/fallback to use the accommodation for short term 'holiday letting' as means of using the accommodation will allow the properties to prosper" is disingenuous – the properties already prosper, just not as much as they would if they were all used as holiday accommodation. It has therefore been assumed that the main reason for the application is the financial benefits which would accrue to the applicants by holiday letting use in preference to private residential letting.

It should be pointed out that at least one of the properties - Old Peak – is already in breach of planning conditions as it's being rented out as a holiday property and has been so for over a year via Sykes Holiday Cottages.

The cumulative impact of a block of 4 adjacent properties all becoming holiday properties will irretrievably alter the ambience of the area and cause unacceptable noise and disturbance in a quiet area. There is no longer adequate parking behind all the properties - areas shown as suitable for parking are now grassed over. Problems are already being experienced by adjacent properties to Old Peak as a result of noise, parking etc.

There is no way this application accords with adopted Local Plan Policy UE4 (new holiday accommodation with residential curtilages) and it flies in the face of every attempt by NYMNP planners to ensure local needs/occupancy housing is available.

Highways

No objections

Environmental Health

No objections

Third party responses

Geoff Smallwood & Mary Luckhurst, Scar View, Raven Hall Road, Ravenscar

Object to the application and make the following comments:

- Confused by the proposal for dual use as either local occupancy lettings or holiday lettings and obscures what seems to be the purpose of the application, a

mechanism to by-pass the current local occupancy conditions on the four dwellings.

- If in the future any of the dwellings are offered for sale, presumably any person would still need to meet the criteria in the local occupancy condition to be able to live in the house full-time, but if they intend to rent it out as a short-term holiday letting, they would not need to meet the local occupancy criteria. In this event, how would the dwelling be priced for sale? The market price for houses with local occupancy conditions is often significantly lower than for houses without such conditions. If the house were offered for sale at a lower price level commensurate with a property with a local occupancy condition, then it may be ‘snapped-up’ fairly quickly before any local person could arrange a mortgage but if priced at a higher level commensurate with a property which can be rented out as a holiday letting, then it may be unaffordable to local persons that local occupancy conditions are usually aimed at.
- If one of the dwellings is purchased by a person who rents the property out as a holiday letting, and so would not need to meet the local occupancy criteria, could that person also use the house on a parttime basis, as a weekend retreat and in effect a ‘second home’?
- Should the application be approved, ask that the ‘dual use’ of the dwellings as holiday lettings ceases if the property/ies are offered for sale at any point and that they can only be offered for sale with the current local occupancy conditions in place with no other use permitted.
- Old Peak (one of the affected dwellings) is currently in use as holiday letting accommodation (since May 2022) and is often rented by groups of friends or similar, with a commensurate number of cars. All four cottages are three-bedroomed and the impact from their use as holiday lettings could be significant.
- The use of the four dwellings as holiday lettings is not required or essential to keep them in active use and ensure their long-term use for the lifetime of the development.
- With the exception of Old Peak, currently used as a holiday letting, the other three dwellings are occupied by long-term residents and two of these have been resident for more than ten years. We are unaware of any attempt to market Old Peak as a long-term letting before being marketed as a holiday letting, although we cannot be certain of this.
- Long-term lettings seem to be in demand in Ravenscar as evidenced by the current long-term occupants of the dwelling and as such we fail to understand why the use of the four dwellings as holiday lettings is required to keep them in active use and to ensure their long-term use.

- At least two of the long-term residents have recently been served with termination notices which does not seem to align with the proposed use of the four dwellings as holiday lettings as a ‘fallback’ position or simply to allow ‘flexibility’.
- Short-term holiday lettings may result in an increase in noise nuisance. Old Peak commenced being used as a holiday letting around May 2022 and the noise levels emanating from this property are substantially higher than for the other three dwellings with residential use. Should the application be approved there would be an increase in noise, disturbance and activity, particularly if hot tubs are installed in the gardens and as such ask for a condition to be imposed prohibiting the installation of hot tubs, barbeques and similar which may encourage outdoor ‘partying’, including the removal of the hot tub already in place at Old Peak.
- There is no through traffic along Raven Hall Road and virtually all visitors are day-trippers. Traffic noise levels are therefore low during the evening
- Behind and outside of the rear curtilage of the four dwellings is an area of land for vehicle access and turning which under the planning conditions should be maintained clear of obstruction and retained for its intended purpose. We have a right of way with or without vehicles at all times and for all purposes across this land. Each of the dwellings has a single garage and a single parking space within their curtilage however not all are available for use: the parking area for Jevans View is grassed, has a shed on it and is fenced-off; for Marys View it is grassed and has garden furniture on it, and for South Cheek it is grassed and fenced-off. The garages are only suitable for small city cars. As such there is only one useable car parking space between all four of the dwellings.
- The current ‘informal’ arrangement of local resident parking on the access has not caused us a problem however, often those renting Old Peak have two or more cars and the parking causes an obstruction of the available turning space. If the application should be granted, we would ask that strict conditions on parking be imposed so that the access and turning is not obstructed.
- As a potential block of holiday cottages, there is a greater potential concentration of effects and nuisance and there would be nothing to stop people from booking more than one of the proposed holiday lettings, or all four, at the same time for whatever purpose, such as hen/stag parties or similar. We believe that such a proposed ‘block’ development of holiday lettings is out of character with the rural and quiet nature of Ravenscar.
- There is a covenant on the deeds requiring the properties to not be used for any purpose other than as private dwelling houses.

Mavourneen Cross, Crag Hill, Raven Hall Road, Ravenscar

Concerned that a change to dual use would likely lead to these houses being exclusively used as holiday lets, therefore reducing the population of permanent residents invested in the village, and jeopardising the community spirit in the village.

R & C Tordoff, The Pines, Raven Hall Road, Ravenscar

Object for the following reasons:

- It will render three tenants homeless, causing stress and anxiety whilst allowing a much more lucrative holiday letting business for the owner;
- The removal of the occupancy restriction will be detrimental to local people seeking homes in the area.
- A block of four holiday lets will be detrimental to village life with increased noise and traffic.

Kelsall McEwen, Hayburn Dene, Staintondale

Objects on the grounds that these houses were given planning permission to be built specifically for local occupancy use. They are social housing and should remain so, especially as there is such a need. There are enough holiday cottages but insufficient low cost rentals for local families in Ravenscar.

Cllr Gail Agar & Mr George Agar, Church Road Farm, Ravenscar and Alan Souter, Sharron Agar and Daniel Souter, Moorcliffe, Church Rod, Ravenscar

Strongly object for the following reasons:

- We share the right of way on the access road and more vehicles will mean our access will be limited or blocked.
- There are more than enough holiday lets in Ravenscar and Browside and the fabric of the village life will be undermined by taking away permanent homes or long term lets.
- These were initially built as low cost housing for local residents who bring support to the village, which has a cricket team, vibrant Church and village hall all in need of constant support from locals to survive with increasing costs to remain open. To keep the dynamics of the population; children are an important part of life in small villages and the school buses and taxis need a flow of young people to also be cost effective for NYCC.

Glenn and Lynne Gorner, Peak House, Raven Hall Road, Ravenscar

Object for the following reasons:

- We moved to Ravenscar 3 years ago to enjoy the tranquil setting and make every effort to be part of this small community. Our immediate neighbouring property ('Moraine') is a holiday let. This is far from ideal as we never know who will turn up and we cannot make any meaningful relationships.
- Already there are circa 12 holiday lets in and close to Ravenscar. In the winter, most of these properties are empty, which hardly lends itself to feeling that we live in a sustainable and thriving community. If permission is granted for 4 properties to be sold as holiday lets, then it is extremely likely that they will all remain mostly empty during the winter months.
- We are aware of the impending eviction of two elderly tenants who, each have lived for many years at two of the 4 properties. This notice of eviction may also potentially be extended to the young family who live in the third property (Old Peak is already a holiday let). This will diminish our community as all of the above contribute to our village life.
- We understand from the Parish Council that the developer, who purchased the land and built these 4 properties did so on the understanding that they must be made available for local people. We feel that it is objectional that the developer now appears to be seeking to make an enhanced profit by applying for change of use.

Ms Helen Todd, Jevans View, Raven Hall Road, Ravenscar

Comments that she has lived as a tenant in the property for 16 years and have now received formal termination notice. Does the application to change to holiday use mean the covenants on the original deeds no longer apply?

Further comments received:

- The proposal directly contravenes the directives contained in the appeal decision notice for the dwellings.
- On completion the dwelling stood empty for some years as those with enough money to buy the properties did not comply with the covenant conditions.
- I was able to qualify in 2007 and my need now is even greater as my support network is in Ravenscar yet I have been told to leave.
- Concerned that all four dwellings will become holiday lets causing rowdy behaviour and parking problems.
- As occupied houses they help create a sense of community in Ravenscar which needs to be protected.
- Sadly two vulnerable pensioners have been told to leave their homes to make way for holiday makers.
- This is my home and where I paint to raise money for local and national charities.

David & Valerie Russell, Ravenhurst, Church Road, Ravenscar

Object on the grounds that the use of the 4 properties as holiday lets is likely to create unwelcome sound intrusion for local residents as well as overuse of the limited parking at the rear.

Mr. D E Morgan & Mrs. V M E Morgan, Ness Hall, Station Road, Ravenscar

Object for the following reasons:

- These four houses were only allowed to be built with the local occupancy restriction; three are currently let under this restriction and two of these tenants have been served eviction notice which coincide with this application.
- One of the houses is a holiday let and although the landlord has been instructed to stop this usage is continuing to do use it. A hot tub has been installed in the back garden and lights and music etc accompany this some evenings to the annoyance of residents.
- The intention would seem to be to turn all four into holiday lets. The request to sell the houses would be understandable if tenants could not be found, but this is not the case.
- Staithes has become mainly a holiday let village in recent years and the same is happening in Robin Hood's Bay where fewer than half the houses in the old village are permanently occupied. Runswick Bay has hardly a permanent resident. This should not be allowed to happen to Ravenscar, but in the past sixteen years the number of holiday lets has increased. The result of such development is that the life-blood of the village is sucked out and house prices become unaffordable for locals to live here.

Publicity expiry

Advertisement/site notice expiry date: 27 July 2023

Front elevation of the four properties fronting onto Raven Hall Road

(courtesy of Google)



Background

This application relates to two pairs of semi-detached properties positioned on the east side of Raven Hall Road and towards the northern end of the village of Ravenscar, with views out across the bay to Robin Hoods Bay. Outline planning permission was originally granted for the four dwellings along with the detached property, Scar View immediately to the North, at appeal in July 2000, with the reserved matters granted permission in January 2021. A condition was imposed by the Inspector in line with the then emerging Local Plan restricting the occupancy of the properties to persons satisfying the local occupancy criteria.

Planning permission is sought for the change of use of the two pairs of semi-detached dwellings from local occupancy dwellings to dual use of either local occupancy letting dwellings or short term holiday letting accommodation. No external alterations are proposed. No evidence of the marketing of the dwellings has been submitted to demonstrate that they are no longer required to meet the housing needs of local people. Instead, the agent advises that the proposal will ensure the long-term use and preservation of the properties and having the flexibility to use the accommodation for short term 'holiday letting' purposes will allow the properties to prosper.

Planning permission was recently granted in October 2019 to remove the local occupancy condition attached to Scar View and its replacement with a principal residence condition. In support of that application evidence was submitted of an active marketing campaign that did not secure a new owner/occupier that satisfied the local occupancy restriction.

Main issues

Local Plan

The most relevant policies of the adopted Local Plan against which to assess this application are Strategic Policy B - The Spatial Strategy; Strategic Policy M – Housing; Policy CO8 - Housing in Smaller Villages, and Policy CO13 - Local Connection Criteria for Local Needs Housing. Also of relevance is Strategic Policy J - Tourism and Recreation and Policy UE1 - Location of Tourism and Recreation Development.

Discussion

Ravenscar is identified in the Spatial Strategy as one of the smaller villages within the National Park where development is required to maintain the rural character of the village through small scale housing developments to meet local and affordable needs only. This is reinforced in the housing strategy set out under Strategic Policy M which seeks to permit small schemes of local needs housing on suitable small sites within the village to meet the needs of local people and seeks to avoid new homes becoming second or holiday homes through the application of principal residence and/or local connection restrictions to all new housing.

Under Policy C08, so as to meet the needs of the local community, only local needs and affordable housing is supported on suitable small sites within the main built up area of the village. The policy also requires proposals will be expected to meet the need for smaller dwellings.

Although the application does not seek permission for new build properties, the aforementioned policies are relevant in that they set out what housing development is allowed in the smaller villages of the National Park.

Policy C013 sets out the local connection criteria for local needs housing and states that applications to remove (or vary) 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.

Although the application is seeking to vary the occupancy restriction to allow a 'dual use' of either local needs housing or holiday letting accommodation, it has to be considered under Policy C013 as a removal as the two proposed uses are mutually exclusive. To allow the use of these four two-bedroomed properties as short term holiday letting accommodation would go against the whole housing strategy of the Local Plan. The properties would no longer be available to persons with a local connection in housing need at an affordable price given the high rental values that holiday letting accommodation can achieve, and as two-bedroomed units they very much meet the need for more affordable smaller dwellings as identified in the Local Plan.

Local occupancy conditions have been used by the Authority since 1992 to ensure that new housing is used to meet the needs of local people particularly given the limited opportunities for new housing development in the National Park and to support local communities. They represent a long-term strategy to ensure that at least

Whilst under the current Local Plan the criteria used to determine local occupancy have been widened and are now referred to as 'local connection' criteria, their aim remains the same, to ensure that at least part of the housing stock of the National Park remains available to meet the current and future needs of local communities.

The tourism policies of the Local Plan are also relevant to this application as they seek to direct tourism and recreation development to the main built up area of the villages listed under the Spatial Strategy and in the case of any accommodation proposals, require these to be for short term holiday stays. However this support in principle does not override the clear objection to this proposal under Policy C013 which specially rules against the removal or variation of a local connection condition unless it has been demonstrated that the accommodation is no longer required to meet the needs of local people. As such it is not relevant to discuss the merits of the location for tourist accommodation given this would result in the loss of local needs housing.

No marketing of the undertaken and the owner has not sought to demonstrate that the accommodation is no longer need for persons with a local connection in housing need. Indeed from the third party representations received it is very clear that the accommodation is very much needed.

Whilst in the justification to Policy CO13 it does state that a temporary change of use to holiday accommodation may be permitted, this is only in exceptional circumstances where a dwelling is vacant and the owner need time to market the property to find a suitable new occupant; it is not envisaged that the use of local occupancy dwellings as holiday accommodation is a longer term option.

In view of the above the proposal is clearly contrary to the housing strategy of the Local Plan and refusal is recommended.

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

The proposal is not considered to unduly affect any people with protected characteristics.

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.