

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0490

Development description: change of use and subdivision of guesthouse (Use Class C1) together with alterations to create two dwellings (Use Class C3) with associated amenity spaces, bin store, shed and boundary treatments

Site address: 1 Eskdaleside, Sleights

Parish: Eskdaleside-Cum-Ugglebarnby

Case officer: Miss Megan O'Mara

Applicant: Mr and Mrs Andrew and Pauline Brown, 1 Eskdaleside, Sleights, Whitby, YO22 5EP

Agent: None

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	Unit 1B (as annotated on the plans submitted) of the development 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.
4	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.
5	GPMT03	All new external materials used in the development hereby permitted shall match that of the existing building including the colour and texture and finish and where these include stone and/or brick, the method of coursing and pointing in the local tradition.
6	GPMT10	All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity.
7	MC00	The proposed boundary fence, notwithstanding the plans submitted, shall be left to weather naturally or dark brown stained and maintained as such in perpetuity.
8	MC00	The development must not be brought into use until the existing access onto Eskdaleside has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
9	MC00	Any doors and gates on elevations of the application site adjacent to the existing highway are constructed and installed such that they do not open over the public highway and be maintained as such in perpetuity.
10	UOR03	The garden shed hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
11	MC00	Prior to the construction of the garden shed hereby permitted, plans and details for the external appearance of the structure should be submitted to and approved in writing by the Authority to ensure that the design of the structure adheres to the Authority's adopted policies and design guidance.

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 MISC00	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to ensure the permanent occupancy of new residential development in order to support the viability of local communities.
4	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.
5	RSN GPMT01	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 building materials are of a high quality and 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.
7	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.

8	RSN MHC-05	In the interests of highway safety.
9	RSN MHC-05	In the interests of highway safety.
10	RSN UOR04	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would be likely to adversely affect the amenities of existing and future occupiers of the site and to accord with the provisions of Policy CO17 of the North York Moors Local Plan.
11	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.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF00	Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Council as the Local Highway Authority. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.
2	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.

3	MC INF 13	<p>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 with additional swift box ideas from Action for Swifts .</p>
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Consultation responses

Parish

No objection

Highways

No objection with suggested conditions

Environmental Health

No objections in principle to the proposals but I would point out that the stairs to the first floor in each proposed property are located in a living room which would be considered high risk in terms of fire safety. To mitigate any fire risk an alternate means of escape from the first floor will need to be considered, for example, escape windows to each bedroom.

Third party responses

No responses

Publicity expiry

Advertisement/site notice expiry date: 26 September 2023

This photo shows the development site as existing.



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Background

1 Eskdaleside is located in a central position within the main built-up area of Sleights on a prominent corner opposite the public toilets. Formally a school, the stone and slate building was used as a guest house following a change of use in 1988. The property was also used as a holiday cottage for a significant period of time without formal change of use.

This application seeks planning permission for the subdivision of the property to create two dwellings, one of which will be subject to a principal residence occupancy restriction. Very little external alterations are proposed; however, the existing garage door will be replaced with a door and window to create access to the new dwelling. It is also proposed that the garden is subdivided to create private amenity space, together with the erection of one small garden shed and replacement boundary fencing.

Main issues

Local Plan

Strategic Policy A relates to Achieving National Park Purposes and Sustainable Development. Within the North York Moors National Park a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

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 M relates to Housing within the National Park. To help meet the needs of local communities a minimum of 551 new homes (29 per year) will be completed over the period of this Plan. The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings. All proposals should be of a high

quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.

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.

Discussion

The proposed external alterations associated with the subdivision are relatively minimal and unlikely to cause harm to the character of the original building or the surrounding landscape. The private amenity space to the rear is considered sufficient for two dwellings of that size. No plans have been submitted for the proposed shed although the dimensions have been confirmed; as such it has been conditioned that the appearance is to be approved prior to construction. In addition, the proposed fencing is annotated as forest green on the plans, however it is considered that weathered naturally or dark brown stain would be more appropriate.

In regard to the proposed use and subdivision of the property, it is considered that the development is unlikely to have a harmful impact on Highways safety or the private amenities of neighbouring properties. Given that its formal use is a Guest House, in accordance with UE3 the Authority would ask for a robust demonstration that the business is no longer viable, often accompanied by a marketing period. However, the use as a Guest House ceased a considerable time ago (estimated 20 years ago) with a period of use as a holiday cottage. In this instance, it was not considered necessary for the applicants to provide a viability assessment. The proposed subdivision to two dwellings will contribute positively to the mixed housing stock within the National Park in the form of two modest 3 bedroom properties, one of which would have a principal residence occupancy restriction.

Overall, it is considered that the proposed development adheres to the Authority's adopted policies and as such, the application is recommended for approval.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.