

# North York Moors National Park Authority

## 12 October 2023 Planning Committee members update sheet

### Item 2, NYM/2023/0513

#### Consultation responses:

**Parish** – Whilst the Parish Council intended on speaking at the meeting, due to unforeseen circumstances this is not possible. We therefore send our apologies for not being able to attend the meeting and wish to confirm that the Parish Council was unanimous in opposing the application, for the reasons set out in our objections.

**Highways** – The construction of the access, including the footway along the front of the site has been constructed satisfactory. There are no other local highway considerations to be made for this application.

#### Third party responses:

**E. Stewart, 12 Esk View, Egton** – Object for the following reasons:

- I have lived at no 12 Esk View since 1999. My ‘front door’ is on the ‘east side’ of the property. My garden is also on the east side of the property.
- I understand from the plans that I saw some months ago that the planned access road was to be next to my property – allowing me some distance between my house and the proposed new dwellings. I understand that this is no longer the case, and the proposed dwellings are to be built right next door to my property (losing light and view).
- I understand that my local Parish Council has objected to the plans to increase the number of dwellings in the National Park and in Egton which is a small village community with limited resources.
- I object to the access road in the plans as now understand them to be on the other side of the proposed new dwellings – with the end result being that my view and light being blocked. I simply cannot bear the idea that every time I leave my property, I will look at brick walls of the new dwelling, blocking my view from the garden (east side of my dwelling) and blocking light for my plants.
- I have worked hard to create a diverse environment in my garden – light blocking my garden goes against the national planning to preserve diversification.
- I would also like to take the opportunity to complain about the removal of the ancient hedgerow to the east of my property – which had managed for many years to act as a natural windbreak to my garden. The impact on the wildlife has been extreme. I watched for months as this irreparable damage to the ancient hedgerow as worsened the survival of the birds who used to nest in the hedgerow – including sparrows.

- It is now time for the National Parks to care about the wildlife. There is not as I understand it a need to build expensive houses on the edge of Egton. I object to the dwelling houses. I completely object to the houses being built right next to my property and the loss of life and wellbeing that I and the wildlife with inevitable suffer if the road is not built as a natural barrier between me and the new proposed houses.

**Please note amendments to the following conditions:**

- |    |        |  |
|----|--------|--|
| 2. | PL01   | add plan phasing plan: 05-2023-1002 - Received 8 August 2023   |
| 5. | AC21   | No up-lighting shall be installed on either residential development phase hereby permitted. Any external lighting installed on either residential development phase hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.  |
| 6. | GPMT02 | No work shall commence on the construction of the walls on either residential phase hereby approved until a sample of the materials to be used in the construction of the external surfaces for that residential phase shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and cills, cladding and render if necessary) shall also be made available. The development of each residential phase shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development of that residential phase. |
| 7. | MC00   | All pointing in each residential development phase hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builder's sand) with a slightly recessed bagged finish.   |
| 8. | MC00   | No work shall commence on the installation of any new windows or external doors in each residential development phase hereby approved until plans showing the details of all window frames and external doors to be used in that residential development phase have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour. The window frames and exterior doors shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.  |

9. GPMT20 No external trickle vents (other than concealed trickle vents) shall be incorporated into any new windows on either residential property hereby approved and shall not be installed thereafter.
10. GPMT23 The guttering to be used in each residential development phase hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity
11. GPMT26 All rainwater and foul water goods utilised in each residential development phase hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity
12. MC00 No work shall commence on excavation works to install drainage to serve each residential development phase hereby permitted until full details of the proposed means of disposal of foul and surface water drainage for that residential development phase have been submitted to and approved in writing by the Local Planning Authority. The development of each residential development phase shall not be brought into use until the drainage works have been completed for that residential phase in accordance with the approved details.
13. MC00 Add the word “public” before highway.
14. MHC-10 No dwelling must be occupied until the related parking facilities for that dwelling have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
15. LD04 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of each of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
16. MC00 No work shall commence on the construction of the walls of each residential development phase hereby approved until details have been submitted to and approved by the Local Planning Authority of the location of integral bat boxes/access tiles and in-built swift boxes to be installed in that residential development phase. The development of each residential development phase shall be carried out and in accordance with the approved details and thereafter be so maintained
17. MC00 Before the development of each residential development phase is first occupied a schedule of landscape maintenance for that residential phase for a period of 30 years shall be submitted to and

approved in writing by the Local Planning Authority. Before the first residential use of the access road, a schedule of landscape maintenance for the access road for a period of 30 years shall be submitted and approved in writing by the Local Planning Authority. The schedules shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

### **Item 3, NYM/2023/0553**

#### **Consultation responses:**

**Parish** – Strongly objects to this application. Runswick Bank Top residents do not want this to happen. There are already two permanent outlets for food within approx. 100 metres and a third re-opening shortly. There are no toilet facilities in the car parking area. It is a small settlement and any temporary food outlets would disrupt the peace and tranquillity of a special place in the National Park.

#### **Third party responses:**

All below object for the same reasons as stated on the Committee report.

**Ken & Ros Lydall, 12 Ellerby Lane, Runswick Bay**

**N Whittaker, Rose Cottage, Runswick Bay**

**D Whiteley, Cliff Cottage, Runswick Bay**

**Mrs M Metcalfe, 10 Ellerby Lane, Runswick, Saltburn-by-the-Sea**

**Anne King, 14 Ellerby Lane, Runswick bay, Saltburn-By-The-Sea, Cleveland**

**W R McCutcheon, 3 Nettledale Close, Runswick Bay**

**Miss Susan Glover, North Lea, Runswick Bay**

### **Item 4, NYM/2023/0559**

#### **Consultation responses:**

**Parish** – Continues to strongly object to any development in this area.

**North Yorkshire Fire and Rescue** – Response to additional condition – No objection/observation.

#### **Third party responses:**

**K Hemsley, Stowe Lodge, 56 Ellerby Lane, Runswick Bay** – Object - The buildings are of very poor quality and extremely dilapidated, they were expected to be removed as part of the original plans and there seem to be not beneficial reasons to keep them. In fact, one of the only benefits of this car park for local residents would seem to be the removal of the sheds. The indication that they would be used for storage connected to the operation of the car park and compliance with other conditions relating to waste management on site brings further questions/concerns – few car parks have buildings

associated with their operation on site and waste management on site should be strongly opposed.

Keeping the sheds would also increase the confusion at the top of the bank caused by the new car park entrance, especially with the non-removal of the dropped kerb which would encourage unsafe parking and increase highway safety issues.

All below object for the same reasons as stated on the Committee report.

**Ken & Ros Lydall, 12 Ellerby Lane, Runswick Bay**

**N Whittaker, Rose Cottage, Runswick Bay**

**D Whiteley, Cliff Cottage, Runswick Bay**

**Mrs M Metcalfe, 10 Ellerby Lane, Runswick, Saltburn-by-the-Sea**

**Anne King, 14 Ellerby Lane, Runswick bay, Saltburn-By-The-Sea, Cleveland**

**W R McCutcheon, 3 Nettle Dale Close, Runswick Bay**

**Miss Susan Glover, North Lea, Runswick Bay**

**C Hirst, Heathcliffe, 34 Ellerby Lane, Runswick Bay**

### **Item 6, NYM/2023/0432**

The applicant provided further supporting information on 9 October 2023 as follows:

- My planning application relates to a one-bedroom single storey dwelling, known as The Flour Pot, 4 Old Mill Cottages, Rosedale Abbey and the former Cornmill with attached Cottage now known as 1 The Old Mill.

In 2020, I was granted planning permission to sever the tie between the two dwellings and replace holiday let use with local occupancy. However, as this consent was never implemented I am seeking to reinstate this permission with one small change and that is to replace holiday let use with dual use of holiday let and local occupancy.

- The Parish Councils objections to my application are twofold: The Council supports the change to local occupancy on the converted property but is concerned that there is still to be an inclusion on the property of holiday let given the different types of tenure available to the third party users.

4 Old Mill Cottages is a modern self-contained unit which is physically separate from the other properties on the site. Its present use is limited to short term holiday lets but if dual use is allowed it would allow greater flexibility.

- The Council objects to the severing of the tie on the converted property to the primary residence given historical and current planning decisions which predominately retain the link to the original property when creating an extendable housing “room(s)” out with the normal domestic curtilage of the related but unattached property.

4 Old Mill Cottages has never been used as an “extendable room,” since its conversion in 2005. There have been no changes to the site nor to the Authority’s guidelines since the

expiration of my previous approval to sever the tie between the two properties was granted in March 2020, to which the Parish Council provided no objection.

### **Item 7, NYM/2023/0492**

#### **Consultation responses:**

**Parish** – Continues to object to this application.. We do not want to set a precedence whereby other dwellings let out holiday accommodation from sheds/annexes in rear gardens, without sufficient infrastructure in place. The restriction of 15 weeks is there to protect the village from being overrun with visitors throughout the year.

#### **Third party responses:**

**Mike & Helen Cheall, 58 Ellerby Lane** – Request original comments to be withdrawn from the application.

**Mr Morrell of 54 Ellerby Lane, Runswick Bay, North Yorkshire** – No objection - I live next door to the applicant at 54 Ellerby Lane and are probably the closest neighbour to Stowe Cottage which is the subject of the application. Permission was initially granted in 2016 but restricted to 15 weeks of letting per year.

I made no objections to the application at that time and after approximately seven years I can say that I have not experienced any issues with the guests to cause me to change my mind and therefore I am happy for the letting period to be extended as requested by my neighbour.

**Mrs Yvonne Hazlett at 31 Ryeland Lane, Ellerby** – We are the previous owners of the above address, which we sold to the present owner, Mrs Kit Hemsley, in December 2022.

We would like to support Mrs Hemsleys application to have the current restriction on letting weeks, removed/varied, based on the following observations and our own experience. For six years we holiday let the separate annex, 'Stowaway ' with a 15 week per annum limit as condition of planning permission, from the National Parks NYM planning department.

In all that time, we received no complaints with regard to any aspects of the holiday letting activity, either written or verbal, and to our knowledge, nor did NYMNP Planning Department. As we tended to concentrate our letting weeks 'allowance' during the summer months, guests were able to enjoy use of part of the garden, were allowed to bring up to two dogs which also had access to the garden. Despite this outside use, even our closest neighbour whose garden is immediately adjacent to Stowaway, often commented that he experienced no disturbance or nuisance and had no problem with the letting. Presumably, were more weeks to be allowed, these would likely be out of season with less use of the outside amenity?

It is our view therefore, that no additional nuisance, disturbance or cause for complaint, would arise from the lifting of the current 15 week restriction and offer our full support to Mrs Hemsleys' application to have this removed.

**Mrs Carole Hirst of Heathcliffe, 34 Ellerby Lane** – Support this application - the limitation of weeks available to holiday let is not in keeping with other holiday lets in the locality and I fail to see any reason why this should be imposed. The property let has full planning permission and provides off road parking.

**Helen Massey, Castle House, Runswick Bay (Runswick Bay Cottages)** – I would like to register my support for the application NYM/2023/0492 and to clarify some of the points that have been made in the report to committee.

- I have been the lettings agent for “Stowaway” in the grounds of Stowe Lodge both for the current owner Ms Hemsley, and the previous owners. I am also a long term member of the Runswick Bay community with many friends living on Ellerby Lane and the surrounding streets, villages and towns.
- As a holiday rental, we have enjoyed a good level of interest in the property since opening and have established a loyal base of regular visitors to the area. This is despite fierce competition from the expansion of the new holiday homes at the Pines on Runswick / Hinderwell Lane approx. ½ mile away over the last three years.
- We have not had any objections or complaints from neighbours or from the community in relation to ‘Stowaway’ or had any difficult guests in six years. By nature of the property only sleeping two people and being quite small and limited in its facilities, the use of the lodge is ideally suited for couples who come to the area to walk, relax, eat out and explore.
- The comment from the Parish Council seems a bit conflicted. As a former parish councillor, I find it unusual to see such a stance being taken and I question whether the application has been fully understood?
- The property is already long established, has operated without issue, is supporting a parish resident with an income where she has no other main income, it providing economic benefits to the village and surrounding villages - even if only small and I'd ask how this lodge is any different to the lodges on the Pines, a dedicated holiday park which is allowed to operate 12 months of the year? I would also question why Policy UE4 is cited as applicable – this relates to new build developments, and this is not a new build. And finally, when the property is referred to a “shed in the garden” – this was a purpose built property – not a shed conversion or replacement. The infrastructure is in place, the use is established, the site is not isolated from local services but the premises due to their size and lack of space for facilities are not suitable for permanent residential occupation. The property sits empty for 37 weeks of the year.
- I would suggest that the current 15 week restriction no longer serves any purpose, and a 30 week restriction or anything less than 52 weeks would be unjustified and unacceptable. I hope that the planning committee can understand the individual circumstances of the applicant, that there is a lack of planning reasons to not grant

52 weeks of operation so that she can enjoy, if she chooses, to rent the property and have the same capabilities of other larger operators in the area.

### **Additional background information**

The applicant has written in with the following information:

I will here use some of the details from the decision notice for NYM/2016/0367/CU:

'The building is a detached timber clad, pitched roof building located in the far northeast corner of the domestic curtilage, close to the side boundary with No. 54 Ellerby Lane. Internally the accommodation is spread over the ground floor only. The building is served with a driveway and hardstanding for parking which is a continuation of the existing drive. There is parking on the site for the main house and for the building in question and this will continue to be the case.

In summary, the building is at the end of No. 56 Ellerby Lane's long rear garden and some distance from both of the adjoining neighbouring properties. No's. 54 and 58 are built in line with each other and No. 56 slightly set further back into the site, indeed No. 58 has a similar sized domestic building on the west side boundary.

In this context it is not considered that the levels of noise created would be excessive, it is considered unlikely that the occupants at No's 54 and 58 would experience significant disturbance as a result of the change of use.

The building is well screened by hedges and garden vegetation and has become well established within its surroundings. Conditions are recommended to ensure the structure is retained as annexe/holiday accommodation which is considered to be more supportive of the local economy and helps to promote the second purpose of National Parks which is to ensure public enjoyment of its special qualities.

### **Contribution to Management Plan objectives**

The proposed development will result in the provision of a small scale, low level use unit of holiday accommodation which will assist in the delivery of Policy B3 and B4 of the National Park Management Plan which seeks to attract more tourists to the National Park in line with the principles of 'wise growth' which recognises that increases in tourism activity can be achieved alongside protection and enhancement of the natural and cultural environment within the National Park.

### **Conclusion**

The proposal would not be in conflict with Development Policies 14 and 19 of the NYM Core Strategy and Development Plan Documents. Development Policy 14 requires new tourism development to not generate an increased level of activity including noise, which would detract from the quality of life of local residents. Development Policy 19 seeks to ensure that development does not adversely affect the residential amenity of neighbouring occupiers.



Planning policies are not supportive to new-build holiday units. However, as the building exhibits a quality design and a good standard of amenity for existing and future occupants of land and buildings and with no demonstrable harm to planning interests the application is recommended for approval.'

## Current situation

I took 'Stowaway' (the holiday let) over when I bought Stowe Lodge in December 2022. I refurbished Stowaway, added extra landscape screening for privacy and started letting it through Runswick Bay Cottages in April. I clean and maintain Stowaway myself. My 15 weeks of letting was up in September. I did not approach my neighbours about removing the variation until I'd been running Stowaway for several months and had experienced for myself the presence of visitors. I have to say that I very rarely can tell they are in the property as it has a car port, they often park and walk or catch the bus during their stay.

I haven't had any adverse comments regarding 'Stowaway' since I've owned and let it and I understand this is also the case for the previous owners in their 6 years of letting it.

When I first approached North York Moors National Park to remove the 15 week limitation and change it to unlimited it was indicated that this shouldn't be a problem. I wasn't made aware of any issues until after the public consultation period. During the public consultation period there were no objections from the public.

I am a permanent resident, working from home, making my main living from the holiday let while I build my ceramics business. I have exhibited locally through the Inspired Gallery at The Moors National Park Centre at Danby, North Yorkshire Open Studios and Staithes Festival of Art and Heritage, and there was recently a piece in the Daleman about me restarting my work. I grew up in Lythe just down the road.



## Hinderwell Parish Council

I do not understand Hinderwell Parish Council's comments:

12 October 2023 Planning Committee members update sheet

'NYM/2023/0492 - Object: Hinderwell Parish Council do not want this to be granted to provide accommodation available for more weeks/year. This may set a precedence for other properties to let sheds in rear gardens without appropriate infrastructure/permissions.

Stowaway has full planning permission granted in 2016. It never was a 'shed', it is still the same building that was built around 2014. It has full infrastructure -water, electricity (I have recently installed solar panels on the main house which also feed Stowaway), and it has off road parking. Describing my property as a shed leads me to think they haven't read the planning application it relates to and that they accepted in 2016 (7 June 2016). To say it would set a precedence is misleading, it has had planning permission for seven years and any new development must go through the planning process.

### **Stowaway with integral carport/patio**



Some of the comments from recent visitors:

'We've really enjoyed our stay here. The cottage is very comfortable and beautifully decorated, and the bird watching was a bonus'.

'We immediately felt at home .... beautifully decorated and well equipped .... we enjoyed the birds too - Mr and Mrs Pheasant and woodpecker. Also recommend the X4 bus....'.

'...cosy and well-equipped home. The garden, the birds and warm welcome.'

'Stowaway is bijou, well thought out, tastefully decorated, and well equipped. Home from home but with more downtime.'

'Fab place! Peaceful setting and a great base to explore, hope to return!'

### **North York Moors correspondence**

Your letter dated 27/9/23 states:

12 October 2023 Planning Committee members update sheet

'It has been raised that there are significant concerns with the proposed intensification of holiday letting use at the site through the variation of the condition to allow a 52 week letting period. Policy UE4 within the NYM Local Plan is clear that new holiday letting accommodation within domestic curtilages should not be supported and this is something that the Authority's members felt strongly about in the 2020 Local Plan consultation period'.

This is not a new holiday let, it's been operational since 2016, so I don't understand how Policy UE4 relates to my existing holiday let. The property already has permission outside of the 15 weeks to be used by friends and family so I fail to see how visitors being 'holiday let guests' rather than friends and family would lead to an 'intensification'. The only thing the increase in letting time would do is enable flexibility for me and increase revenue coming to a Runswick Bay permanent resident rather than to one of the second homes or park homes (which have a full year or 11 month allowance) down the road.

It strikes me that this is also contrary to the new tourism strategy for North Yorkshire which aims to be part of a Local Visitor Economy Partnership (LVEP) and attract more visitors and support the tourism sector.

### **Removal of 15 weeks**

- 15 weeks is very limiting and seems completely at odds with other local holiday letting which is either unlimited or 11 months.
- I spent an unnecessary amount of time this year worrying about going over the allocated time, counting days to make sure I didn't get overbooked.
- There are costs associated with letting the property which are annual in nature, such as insurance with liability and PAT testing, which mean costs per week are increased just because they are over such a short period.
- Any increase in letting is likely to be in non-summer months when guests are less likely to sit outside, although my experience is a couple staying make very little noise anyway.
- Furnished holiday lets need to be available to be let for at least 210 days (30 weeks).
- I have no intention of letting for 52 weeks of the year I just want more flexibility and to remove the worry of over booking.

### **Relevance to NYM Local Plan and other objectives**

#### **Tourism and recreation**

2.32.' respond to an evolving and expanding tourism market whilst conserving and enhancing the very assets ...' – extra holiday let capacity can be created just by increasing the weeks available at 'Stowaway.'

2.36 'New development will need to be resilient to changes in weather and opportunities need to be taken to minimise climate altering emissions in new development and deploy more renewable forms of energy' – Stowaway is fed in

part by my new solar panels and battery which are located on/in the main house. Visitors also tend to park their car at the property and either walk or use the X4 bus which provides a fabulous service to Whitby and Saltburn and all the coastal locations in between.

### **Objectives – understanding and enjoyment.**

5.4 First purpose principles

4. 'Proposals should result in the better use of visitor facilities in locations with existing services'..... once again extra guest capacity can be created just by increasing the weeks available, and Runswick is well catered for regarding bus service, pubs, beach and walks.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Outcome 4, Objection 17 which seeks to establish regenerative tourism as a guiding principle and encourage visitors to make a positive contribution to the National Park.

### **In conclusion**

I think 'Stowaway' should be seen as an asset by the North York Moors, it is good quality, tranquil, environmentally friendly accommodation which has little if any impact on its location or local residents. It is currently an underutilized asset because of the 15 week restriction. It also enables its owner, living at the property, to generate an income whilst building another equally beneficial business.

### **Additional background information**

The applicant has written in with additional information (10/10/23).

In response to Hinderwell Parish Council's new comments (9/10/23) relating to my planning variation.

Once again there appears to be a lack of knowledge/understanding relating to the application. Hinderwell Parish Council itself accepted the original application in 2016, for Stowaway in its original form not a shed. The interference that there is insufficient infrastructure is once again confusing as it always had full infrastructure (water, power, parking, bathroom, kitchen) in place. The assertion that the 15 week limit is there 'to protect the village from being overrun with visitors throughout the year' is astonishing especially when paying visitors are limited to two and I'm allowed unrestricted friends and family to stay for 365 days.

This additional comment from Hinderwell Parish Council seems to be in response to me asking to speak to a Hinderwell Parish Council committee member as I felt my application had been misunderstood.

Hinderwell Parish Council response – 'I spoke with our chairman before our full Council Meeting last Thursday. His comments were that you could have come to our September

12 October 2023 Planning Committee members update sheet

meeting, which is widely advertised, and your planning application was on the agenda. Hinderwell Parish Council's comments have not changed'.

At the time I didn't feel I needed to attend the Hinderwell Parish Council meeting in September as there seemed no reason, they had already supported the original planning application in 2016 and I had no indication that there would be a reason for them to object.