

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2023/0727

**Development description:** change of use of two local occupancy dwellings to dual use of either holiday letting accommodation or principal residence dwellings (no external alterations) (part retrospective) (revised scheme following refusal of NYM/2023/0368)

**Site address:** South Cheek and Old Peak, Raven Hall Road, Ravenscar

**Parish:** Staintondale

**Case officer:** Mrs Hilary Saunders

**Applicant:** Mr John Gordon Cordukes

c/o Agent

**Agent:** Cheryl Ward Planning

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

## Director of Planning's Recommendation

Refusal for the following reason

### Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposal to allow the use of these properties for holiday letting accommodation and principal residence dwellings 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 CO8 and Policy CO13. These policies seek to ensure that local needs housing within the smaller villages of the National Park, of which Ravenscar is one, are 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

Very strong objections to this proposal. Reducing the number of properties from four to two is merely an artifice in an attempt to achieve the applicant's aims. Council can see no valid reason for this application to be granted. The reasons for refusal given by NYMNP officers in the decision notice for NYM/2023/0368 hold good.

### Highways

No objections

### Yorkshire/Northumbrian Water

Insert

### Environmental Health

Regulatory Services - Holiday lets have the potential to be noisy and disruptive given that it may be occupied by large groups on holiday. We treat all holiday lets in the borough as commercial operations and require landlords to have the same duty of care as to be expected at hotels and bed and breakfast establishments even if the landlord is absent on site.

As such, landlords should have sufficient control and monitoring arrangement in place to ensure any noise/anti-social behaviour/parties are dealt with swiftly and promptly in the same manner as an in-house/onsite landlord would be expected to.

Should consent be granted, I would recommend the following matters are secured by condition:

1. The requirement for a noise management plan for the site, to be approved by the planning authority prior to commencement, and
2. A local agent or representative of the landlord who is contactable during hours of occupancy by guests in the event of complaints or incidents.

Residential Regulations – No objections on housing grounds

### Third party responses

#### Name

The following people have objected for some or all of the following reasons:-

G. Smallwood & M Luckhurst, Scar View, Raven Hall Road, Ravenscar

K McEwen, Hayburn Dene, Staintondale

R & C Tordoff, The Pines, Ravenhall Road, Ravenscar

- Reference is made to adjacent dwelling, Scar View. Our understanding is that this previously had a local occupancy condition attached to it but that this was relaxed to

a principal residence condition in 2019. The previous owners put the house on the market in around 2017 at a price commensurate with its local occupancy status, but that after a period of some 18 months the property had failed to sell. This is the 'normal' route to apply for permission for a local occupancy condition to be relaxed to a principal residence.

- Ravenscar already has a more than adequate supply of holiday accommodation. There needs to be a reasonable balance between tourism needs and local resident needs. We believe that this application goes beyond any such reasonable balance.
- Understand that one of the dwellings in the current application (Old Peak) was occupied by a long-term resident prior to its use as a holiday letting. As we note below, the two long-term residents of Jevans View and Marys View (both included in the previous application) have recently been evicted.
- Concerned about noise from holiday lets – re-enforced by comments from EHO.
- Inadequate parking - Although there are parking bays on the road these are always full in summer and weekends. There are no parking restrictions and the hazards at peak times would be aggravated if these properties were to become holiday lets.
- These houses were only given planning to be built, approximately 25 years ago, because there was deemed a need for cheaper accommodation in the relatively expensive area of Ravenscar and Staintondale.
- To make these homes unavailable for local people now and in the future, who meet the necessary criteria, seems very unfair.
- Consider changing the status of these homes would set a dangerous precedent. By changing the status even by increments, the value of the property will be beyond reach for young families and key workers. We have a glut of holiday cottages and a shortage of low-cost homes.
- The application has been reduced from four dwellings to two, requesting either holiday lettings properties or principal residence dwellings. Given that the weekly rental as a holiday let exceeds the likely monthly rental from the residential let it would seem entirely likely that both properties would become holiday lets.
- The owner of all four properties, were they to achieve removal of the local occupancy requirements for two properties, could argue that a precedent had been made for removing local occupancy rules and therefore all four could be let as holiday lets.
- This would also set a precedent for NYMNPA being able to impose local occupancy restrictions on future developments. This would also impact the use such policies in other National Parks.

- The original application stated that the four properties are two bed roomed, but they are all three bed roomed and therefore would realise substantially higher price. As holiday let's there is a difference in both rental prices and the client group. We would suggest a three-bedroom property is more likely to attract mixed family groups or groups of friends, this has noise impacts and also on parking.
- This will not be beneficial to tourism, there are already a number of holiday lets in Ravenscar. Existing tourism businesses could suffer from an excess of competition.
- Surprised by lack of comments by Residential Regulation Manager - surely North Yorkshire Council has concerns when elderly tenants are evicted by private landlords.

### Publicity expiry

Advertisement/site notice expiry date – 8 December 2023

View of the two pairs of semi-detached dwellings from the road – the application pair are the stone and pantile properties.



## Background

This application relates to a pair 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 four dwellings (two pairs of semis) 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 was granted in October 2019 to remove the local occupancy condition attached to Scar View (detached dwelling) 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.

Planning permission was refused earlier this year 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. This application was refused as there was no evidence of the marketing of the dwellings to demonstrate that they are no longer required to meet the housing needs of local people, and even if that had occurred the change to holiday letting would be contrary to policies contained in the local plan, which would only permit a change to principal residence.

This current application is a variation to the previously refused scheme and now relates to two rather than all four of the above properties. Planning permission is sought to vary the local occupancy condition relating to South Cheek and Old Peak to a flexible holiday let or principal residence use.

Again, 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.

## 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.

## Material considerations

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 CO8, 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 CO13 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.

This application is seeking to vary the occupancy restriction to allow a 'dual use' of either principal residence housing or holiday letting accommodation and has to be considered under Policy CO13. To allow the use of these two properties as short term holiday letting accommodation or principal residence dwellings 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 three-bedroomed units (this is as shown on approved plans and current holiday rental details although agent refers to 2 bed dwellings) they 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.

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 CO13 which specifically 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 has been undertaken and the owner has not sought to demonstrate that the accommodation is no longer needed for persons with a local connection in housing need.

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 needs 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. Furthermore, it seems that these properties have only recently become vacant.

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

The proposal is partly retrospective, with Old Peak already being rented out as a holiday let – with booking for at least the next twelve months. In views of this it is also recommended that enforcement action be pursued.

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

If approved, it is possible that the proposals would unduly affect any people with protected characteristics, particularly the elderly who may have been previously residing within these properties.

#### Pre-commencement conditions

Not applicable.

#### 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.