

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0300

Development description: use of agricultural workers dwelling as a holiday let for a temporary period of 10 years.

Site address: Island Farm House, Island Farm, Staintondale,

Parish: Staintondale

Case officer: Mrs Hilary Saunders

Applicant: Mr M Else

Grange Farm, Staintondale, North Yorkshire, YO13 0EB

Agent: Cheryl Ward Planning

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

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM12	When the property known as Island House ceases to be owned by Mr Matthew Else or ten years from the date of this permission (whichever occurs first) the use hereby permitted shall cease.
2	MC00	The occupation of the dwelling known as Island Farm House shall be limited to either a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants or as a holiday letting unit. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

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, and as no evidence has been submitted to demonstrate there will not be a future need for this dwelling to serve the needs of local agriculture in accordance with Policy CO16, and that the proposal has been approved in response to the applicants very specific personal agricultural requirements.
2	RSN MISC00	The original dwelling was only granted as evidence had been provided that it was essential to the needs of local agriculture. No evidence has been submitted to suggest there is no longer a need in the locality, as required by Policy CO16 of the Local Plan.

Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	Water supply: We have been advised that the proposed use is connected to mains water supply. If this is not the case and you are to use a private water supply (such as a bore hole, spring or well) you must register with this local authority .
2	MC INFO0	Waste collection: As a commercial operator of holiday lets, you do not qualify for the domestic waste collection. You must use the services of a waste collection provider and keep waste transfer notes of that supplier for a period of two years. Please visit the Gov.UK website .

Consultation responses

Parish

No objections

Highways

No objections

Yorkshire/Northumbrian Water

Insert

Environmental Health

No objections but recommend informatives regarding water supply and waste.

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date- 13 June 2024

Front elevation of Island Farmhouse (courtesy of holiday letting website)



Rear elevation of Island Farmhouse (courtesy of holiday letting website)



Background

Island Farm is located in a relatively isolated position in Staintondale, in a valley bottom. There is one other dwelling, known as “Island Farm Cottage”, immediately to the south-east, which comprises a house and range of holiday cottages.

Planning permission was granted for the erection of this dwelling in 1967 with a condition limiting the occupation of the dwelling to persons employed or last employed locally in agriculture. A later substantial extension was approved on appeal in 1990 for alterations to the roof heights to allow the use of four bedrooms in the dwelling as holiday letting purposes, so in effect creating a seven-bed dwelling with a combined use of agricultural workers dwelling with ancillary holiday letting rooms.

In 2018, the owners of Grange Farm in Staintondale, purchased the land and farmhouse forming Island Farm, as well as Rudda Farm also in Staintondale. Due to the applicants farming practices, the farmland was then managed from Grange Farm (which has three agricultural workers dwellings on that site and further accommodation at Rudda Farm) and consequently, this substantial additional agricultural workers dwelling was not required to house a farm worker.

Consequently, a three-year temporary planning permission was granted to allow the dwelling to be used as a short term holiday let. That permission has now expired.

Planning permission is now sought for a further temporary relaxation of the agricultural occupancy restriction on the house, to allow it to be rented out as holiday accommodation or as an agricultural workers dwelling for up to ten years.

In support of the application the applicant and agent have set out the following background:

A further ten year 'temporary' period will allow the applicant to consider their options for the 'rural' businesses going forward and we see this as a pragmatic way to deal with a currently strong and established rural business.

The holiday let currently makes up a substantial proportion of the farm's income without which the farm business alone is unlikely to be viable. If approved, for a further ten years the proposal would show the National Parks commitment to agriculture and their support for a small rural business.

Two of the applicant's three children are currently away studying, therefore don't require accommodation of their own. But it is expected that all three will return home to work in the business within the next ten years. Hence this is another reason why we would ask for ten years rather than five years (which in contrast is too short a timeframe).

In addition, the applicants have a desire to continue farming themselves for as long as possible.

The property has a long-established holiday letting history, with planning consent already in place for the larger part of the property to be used for holiday letting.

Cleaners, gardener and maintenance are all local to the Staintondale area, giving local employment and the local pub and restaurant have all benefited from additional business.

Main issues

Local Plan

Policy CO16 (removal of agricultural occupancy restrictions) states that the removal of agricultural occupancy conditions will only be permitted where it can be demonstrated that there is no longer a need for the accommodation on the holding or from persons meeting the conditions in the locality. Where this has been successfully demonstrated the condition will be substituted with a condition restricting occupancy to local needs in accordance with Policy CO13.

It is set out within the supporting text that before considering an application for removal of the agricultural occupancy condition, owners must demonstrate that they have actively marketed the dwelling at a realistic price reflecting the occupancy

restriction for 12-18 months, in order to find an occupant who satisfies the condition. It does state that within this marketing period the Authority is likely to support a temporary permission to allow the dwelling to be let on a temporary basis to persons satisfying the local connection criteria.

It goes on to state that once it can clearly be demonstrated that the dwelling has been adequately marketed at a suitable price for an appropriate period with no persons meeting the criteria, the Authority is likely to grant consent for the condition to be replaced with a local connection condition to allow the dwelling to be permanently occupied by persons meeting the local connection criteria, in accordance with Policy CO13.

Material considerations

The above property is not currently (and has not previously been) marketed for sale as an agricultural worker dwelling, and furthermore seeks a holiday letting rather than local occupancy letting use, so is not in accordance with the criteria of Policy CO16

However, this property is unusual as due to an appeal decision in 1990, it is now a seven bed property, with planning permission to rent out four of these bedrooms as holiday accommodation. So, whilst it has not been marketed, it is accepted that the demand for such a large property for an agricultural worker may be hard to find, albeit this hasn't been tested.

The applicant has put forward a specific case (set out above) as to why he is seeking a 10-year temporary permission to use the property as a holiday let. He owns three farms in the vicinity all of which have accommodation; however, the applicant doesn't want to sell the property as it may be needed in the future by his children who intend to move back to the area in the future and work for this extensive agricultural business. Furthermore, the letting out of this property as holiday accommodation creates a significant source of alternative income to supplement that.

Conclusion

In view of the above, it is considered that due to the unusual nature of the accommodation (being a seven bed agricultural workers dwelling – four bedrooms of which have permanent permission for holiday use) the most appropriate and pragmatic way forward would be to grant permission for the variation of the condition for a temporary period of 10 years, but personal to the applicant, on the basis of the particular nature of this property and the particular needs of the applicant now and in the future.

Consequently, a further temporary approval is recommended.

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

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

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 recommended changes to the proposal including amending request for permanent change of use to a temporary period, so as to deliver sustainable development.