

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0848

Development description: use of annexe as holiday let, local needs letting dwelling or annexe (triple use) (no external alterations)

Site address: Annexe at High Fairhead Farm, Grosmont

Parish: Grosmont

Case officer: Miss Megan O'Mara

Applicant: Nr D Hodgson, 25 Eskdaleside, Sleights, Whitby, YO22 5EP

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	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.
2	MC00	The occupation of the unit, known as Annexe at High Fairhead Farm, shall be limited to either a local occupancy letting unit, a family annex or a holiday letting unit.
3	UOR13 PT 1	<p>For the purposes of Condition 2 above, local occupancy means:</p> <ul style="list-style-type: none">i. a qualifying person; andii. a wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person. <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:</p>

		<ol style="list-style-type: none"> 1. Currently resident in the National Park, having been resident in the Park for at least the previous three years; or 2. Currently in employment in the National Park; or 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or 5. Former residents whose case for needing to return to the National Park is accepted by the Authority. <p>Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.</p> <p>Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p>
	UOR13 PT2	<p>Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:</p> <p>Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.</p>
	UOR13 PT 3	<p>Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)). In the event that this happens, the local occupancy restriction shall however be replaced by a principal residence restriction as follows: -</p>

		<p>The application property 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.</p> <p>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.</p>
4	MC00	For the purposes of Condition 2 above, '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
5	MC00	For the purposes of Condition 2 above, if used as annexe accommodation, the accommodation shall be used only for members of the family or the occupier for the time being of the main dwelling.
6	MC00	The unit of holiday letting/local occupancy letting/annex accommodation hereby permitted shall form and remain part of the current Planning Unit presently known as High Fairhead Farm as shown edged blue/red on the site location plan dated 11 December 2023. The holiday letting/local occupancy letting/annex accommodation shall not be let out or used in any way if the letting unit is functionally separated (either Freehold or Leasehold) and shall at all times remain together in the same overall Planning Unit.
7	MC00	There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the

		centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 1.05 metres. These visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
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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 MISC00	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 not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
3	RSN MISC00	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 not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
4	RSN MISC00	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 not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
5	RSN MISC00	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 not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
6	RSN MISC00	The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan.

7	RSN MHC-05	In the interests of highway safety.
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Informative(s)

Informative number	Informative code	Informative text
1	MC INF02	The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the ground stability web site [http://www2.groundstability.com].
2	MC INF00	The development site is subject to a Section 106 agreement which relates to the use/occupancy of the unit. The applicants are required to amend the Section 106 accordingly following the issue of this decision.

Consultation responses

Highways

No objections – recommended condition

Environmental Health

No objections

Third party responses

No responses

Publicity expiry

31 January 2024

Background

High Fairhead Farm is situated in an elevated position within the open countryside to the east of Grosmont Village. The main dwelling is constructed of coursed natural stone with a slate roof.

Planning permission was granted in 2007 for the conversion of a small stone garage/outbuilding for the purpose of an agricultural workers annexe/family annexe. The application also included the construction of a small porch to the rear. In 2011, permission was granted to vary the occupancy restriction to allow for the use of the unit for local occupancy letting. A Section 106 agreement is in place relating to the use of the unit as a local occupancy let.

This application seeks planning permission for triple use of the unit for the purpose of annexe, local occupancy let, and holiday let.

There are no external alterations proposed.

Main issues

Local Plan

Policy CO18 relates specifically to residential annexes. The policy states that development will only be permitted where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use. There should be a clear functional need for the ancillary accommodation and in the case of a new build annexe; it is physically attached to the main dwelling with an interconnecting door. All proposals should also meet the requirements of Policy CO17, Householder Development.

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.

Strategic Policy J relates specifically to tourism and recreation. The policy states that development will be supported where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset and where it provides and protects opportunities for all people to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the enjoyment of those qualities by other visitors or the quality of life of residents. The development should be of high quality, scale and design that takes into account and reflects the

sensitivity of the local landscape. The development must not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way and must not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

Policy UE1 relates specifically to the Location of Tourism and Recreation Development. Tourism and recreation development will only be permitted where it is located in Helmsley or within the main built up area of one of the villages listed in Strategic Policy B; or in Open Countryside where it involves a small scale conversion and/or extension of an existing building of architectural or historic interest, or where it complies with Policy UE2.

Discussion

The Authority's adopted policies support adaptive reuse of traditional buildings within the open countryside providing they are not isolated, they are of architectural or historic interest and are structurally sound. Where appropriate, these uses could include holiday letting, annexe accommodation or local occupancy dwelling.

The building to which this application relates has already been converted and its use as accommodation has been accepted and now established. This application seeks to widen the scope of approved uses of the building from just local occupancy letting, to a triple use including annexe and holiday accommodation. This will mean that the applicants can switch between uses depending on what suits them best at the time.

Whilst the policies within the Local Plan do support these uses individually for converted traditional buildings, it should be noted that the proposed triple use is a concern given that the varied use could result in a complete loss of a local occupancy unit (of which NYMNPA policies predominantly seek to avoid), should the applicants choose not to use it as such again. The fact that this building is a converted building in the open countryside, tied to the main dwelling, means that the triple use in this instance can be supported; the same approach would not be taken to an in village local occupancy dwelling as it would result in a loss of valuable local, permanent, residential use.

A Section 106 agreement ties the annexe unit to the main residential unit and restricts the occupancy of the unit to local needs. The applicants are required to address the legal restrictions independently of this application.

In view of the above, 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.