

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0785

Development description: change of use of holiday letting accommodation to form one local occupancy dwelling and dual use residential annexe/holiday letting unit (no external alterations)

Site address: School House, Langdale End

Parish: Ebberston

Case officer: Miss Emily Jackson

Applicant: James Hudson Builders Ltd, fao: Mr G Hudson, Springwood Gardens, Belper, DE56 1RT

Agent: Roger Yarwood Planning Consultant Ltd, fao: Mr Alan Yarwood, Wheatley Cottage, Wheatley Road, Two Dales, Matlock, DE4 2FF,

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	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: <table><thead><tr><th>Document Description</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>28 November 2023</td></tr><tr><td>Site Layout Plan</td><td>04th December 2023</td></tr></tbody></table>	Document Description	Date Received	Location Plan	28 November 2023	Site Layout Plan	04 th December 2023
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Location Plan	28 November 2023							
Site Layout Plan	04 th December 2023							
3	UOR13 PT 1	The occupation of the dwelling known as School House hereby permitted as shown edged in red on the Site Layout Plan dated 4th December 2023 shall be limited to: <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 C013 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	UOR12	<p>The unit of accommodation hereby permitted as shown edged in blue on the Site Layout Plan dated 4th December 2023 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as School House or for holiday letting purposes.</p> <p>For the purpose of this condition 'residential annexe' means to be used only for members of the family of the occupier of the main dwelling.</p> <p>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.</p>

5	UOR15	<p>The residential annexe/holiday letting unit hereby permitted shall form and remain part of the current Planning Unit presently known as School House as shown edged red on the site location plan dated 28 November 2023.</p> <p>The residential annexe/holiday letting unit shall not be let out or used in any way if the unit is functionally separated (either Freehold or Leasehold) and shall at all times remain together in same overall Planning Unit.</p>
6	PDR01	<p>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 of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>
7	MHC-03	<p>The development must not be brought into use until the access to the site at School House, Langdale End has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:</p> <p>The crossing of the highway verge and/or footway must be constructed in accordance with Standard Detail number E9A and the following requirements.</p> <ul style="list-style-type: none"> • Any gates or barriers must not be able to swing over the existing or proposed highway. • Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges. • The final surfacing of any private access within 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. <p>All works must accord with the approved details.</p>

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 UOR16	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
4	RSN UOR11	In order to comply with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
5	RSN UOR09	The site is in a location where the permanent occupation of the annexe/holiday accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the annexe/holiday accommodation and main dwelling in accordance with Policies UE4 and CO18 of the North York Moors Local Plan.
6	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.
7	RSN MHC-03	To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Informative(s)

Informative number	Informative code	Informative text
1	INF MHI-C	<p>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 County 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 County Council as the Local Highway Authority, is available to download from the County Council's website. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
2	MC INF09	<p>Please note that the footpath/track situated to the south of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.</p> <p>If the safe use of public rights of way cannot be maintained then a temporary closure must be requested through the National Park Authority with 6 to 8 weeks notice.</p>

Consultation responses

Parish

None received

Highways

No objection but recommends conditions.

Yorkshire/Northumbrian Water

Insert

Environmental Health

None received

Third party responses

None received

Publicity expiry

10 January 2024

Photograph showing site layout; change of use is proposed to main schoolhouse building as seen to right to form one local occupancy dwelling together with the change of use of the larger outbuilding as seen to the left of the photograph to form one residential annexe/holiday-let unit (dual use). No external Alterations are proposed.



Photograph showing former school house building proposed to form one local occupancy dwelling.



Photograph showing previously converted outbuilding proposed to form annexe accommodation ancillary to main dwelling and holiday-letting accommodation (dual use).



Background

School House is situated in an isolated location within a substantial clearing on the edge of Langdale Forest. It is situated to the northwest of the hamlet of Langdale End.

Vehicular access to the site is gained from the public road to the west which passes through Langdale End or via the Forest Drive Toll Road. The site is comprised of the former School House building of traditional stone and slate construction together with a converted outbuilding and a range of smaller outbuildings of similar construction.

The site has had various uses over the years; previously operating as an outdoor pursuits centre until permission was granted in June 2009 for the change of use of the buildings to holiday letting accommodation. Following this permission, the former School House building and larger converted outbuilding have been available to rent as either two separate holiday letting units or one large unit, with the remaining smaller outbuildings utilised for storage purposes.

This application now seeks permission to change the use of the buildings on site to form one local occupancy dwelling together with a dual use residential annexe/holiday let unit. It is proposed for the former schoolhouse building to the south of the site to form the local occupancy dwelling and the converted outbuilding to the north to form an annexe to be used ancillary to the host dwelling/holiday-letting unit. No external alterations are proposed as a result of the change of use.

It is noted that this application was originally submitted seeking permission for the change of use to form one open market dwelling and associated annexe, however, following officer discussions regarding the requirements of policy CO12 the applicant has since agreed for the building to be a local occupancy dwelling instead.

Main issues

Local Plan

The most relevant policy contained within the North York Moors National Park Authority Local Plan 2020 to consider with this application are Strategic Policy M (Housing), Strategic Policy J (Tourism and Recreation), Policy CO12 (Conversion of Existing Buildings in Open Countryside), Policy CO18 (Residential Annexes) and Policy UE4 (New Holiday Accommodation Within Residential Curtilages)

Strategic Policy M seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development on suitable small sites in listed settlements. 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. Local needs housing on suitable small sites will be permitted in Smaller Villages.

Strategic Policy J states that tourism and recreation development will be supported where: it is consistent with the Authority's principles of sustainable tourism; it does not lead to unacceptable harm to the local landscape; it provides opportunities for all people to increase their awareness and enjoyment of the special qualities of the National Park; it is of a quality and scale that reflects the sensitivity of the local landscape; it does not compromise the enjoyment of existing tourism and recreational facilities or public rights of way; and it does not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

Policy CO12 seeks to permit such development only where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park; is structurally sound and capable of conversion without substantial rebuilding, is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings; has reasonable access to necessary infrastructure, services and facilities; is of a high quality design retaining existing external features which contribute significantly to the character of the building including original openings and roofing materials; does not lead to changes in the building's curtilage or in relation to any new vehicular access or parking area that would adversely affect the character and appearance of the building or the surrounding landscape; is located within an existing group of buildings that have a close physical and visual relationship to each other; and the proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings. New uses for rural buildings that may be permitted under this policy are employment, education or training; holiday accommodation or permanent local occupancy residential use; tourism facilities; community facilities (in exceptional circumstances) and purposes incidental to the residential use of the dwelling.

Policy CO18 states that residential annexes 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; a clear functional need for the ancillary accommodation is demonstrated; 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. Where permission is granted, a condition will be applied to ensure that the annexe remains under the control of the occupier of the main dwelling.

Policy UE4 states that the development of new holiday accommodation within a residential curtilage will only be permitted where: it makes use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area; it would not detract from the character or appearance of the locality; it is of an appropriate scale; and there is no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

Material Considerations

School House and its associated outbuildings are of an attractive and traditional appearance that make a positive contribution to the landscape of the National Park. Therefore, in terms of Policy CO12 it is acceptable for these buildings to be utilised for either local occupancy residential use or holiday letting use.

With regard to the dual use of the outbuilding, there is no objection in principle for the outbuilding to be used either as annexe accommodation to be used in association with the main dwelling or holiday letting accommodation under Policies UE4 and CO18. The annexe would be clearly subservient to the former School House in terms of its scale and would be used ancillary to the main dwelling when not utilised as holiday-letting accommodation.

As there are no external alterations proposed, the proposal would not have any impact upon the appearance of the wider landscape. The site is located in an isolated position, and therefore, it is not anticipated that the proposed change of use of the site would have an adverse impact on the surrounding area in terms of noise and activity.

No objections to the proposal have been received.

Conclusion

For the reasons outlined above, the proposal meets the aims of Strategic Policy M, Strategic Policy J, Policy CO12, Policy CO18 and Policy UE4 and as such, approval is recommended.

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.

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 altering the change of use to local occupancy dwelling rather than open market dwelling, so as to deliver sustainable development.