

North York Moors National Park Authority

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| Ryedale District Parish: Thornton Le Dale | App Num. NYM/2012/0248/CU |
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Proposal: Change of use of dwelling to form Guest House together with subdivision of annexe to form 2 no. holiday letting units (part retrospective)

Location: High Dalby House, Dalby

Applicant: Mr & Mrs David & Sandra Wreglesworth, High Dalby House, Dalby, Pickering, North Yorkshire, YO18 7LP

Date for Decision: 12 June 2012

Grid Ref: SE 485284 488660

Director of Planning's Recommendation

Approval subject to the following conditions:

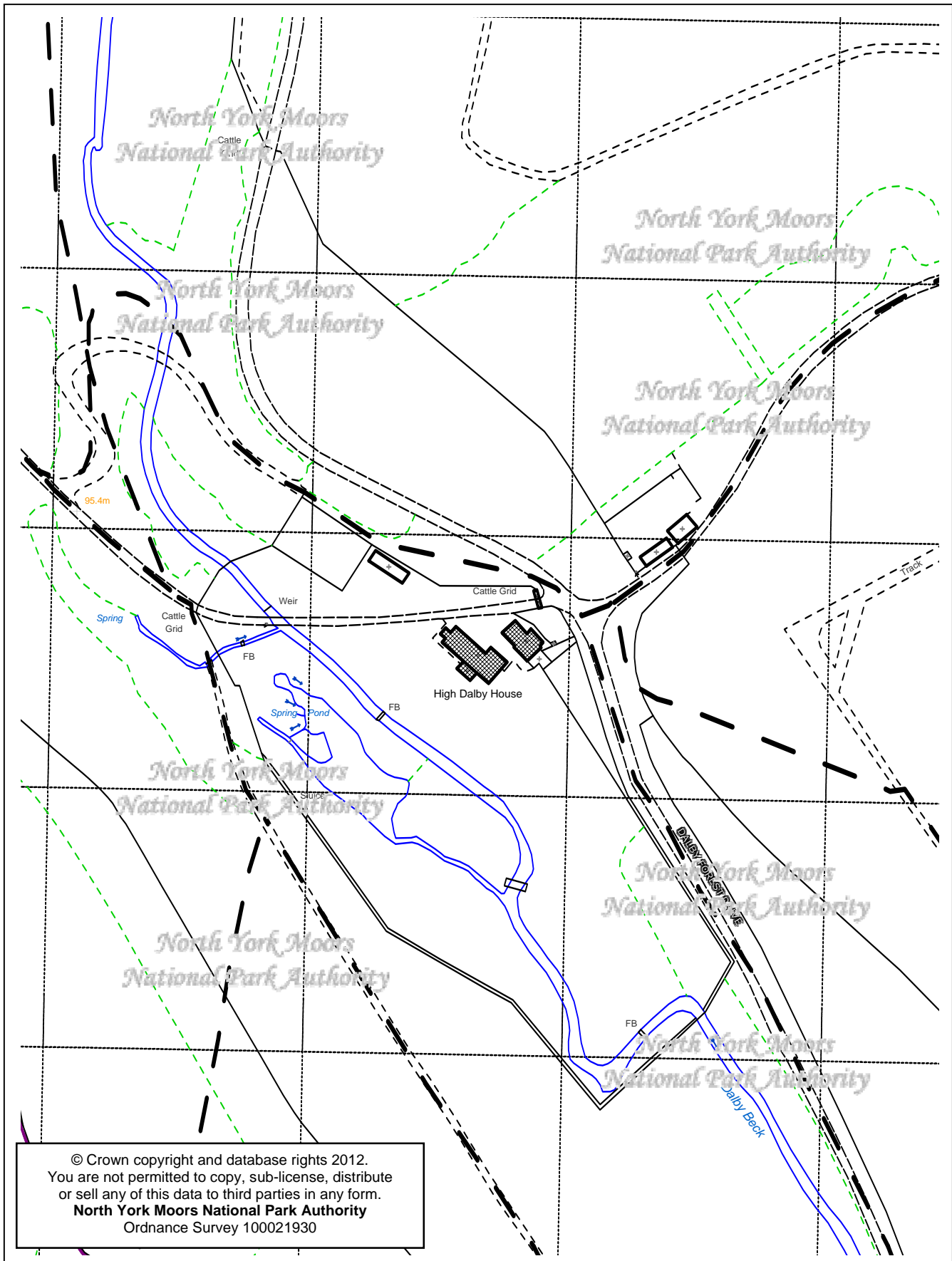
1. TL03 Standard three year commencement date
2. AP00 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

| Document Description | Document No. | Date Received |
|-------------------------------|--------------|---------------|
| Location Plan | N/A | 17 April 2012 |
| Site Plan | N/A | 17 April 2012 |
| Ground Floor Plan | N/A | 24 May 2012 |
| First Floor Plan | N/A | 17 April 2012 |
| (New) Elevations | N/A | 17 April 2012 |
| Location Plan (Parking Place) | N/A | 24 May 2012 |

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RU00 The dwelling units hereby approved shall not be used for residential purposes other than holiday letting purposes. 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.
4. RU00 The holiday units hereby permitted shall form and remain part of the curtilage of the Guest House know as High Dalby House and shall not be sold or leased off from the Guest House or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and Development Plan Policy 3.
3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policy J.



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Scale: 1:2000 



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Consultations

Parish - No objections.

Highways - No objections

Environmental Health Officer -

Fire Officer -

Forestry Commission - Object on the grounds that the applicant does not have a right of access along the Forest Drive and the proposed signage clearly indicates the intention to bring visitors to the property by this access route. This will not be permitted.

Site Notice Expiry Date - 21 May 2012.

Others - R A Laley, High Rigg Farm, Dalby - No objections to the proposed use as a Guest House but expresses concerns at the lack of parking available within the boundaries of the property. Access to High Rigg Farm is directly opposite and it is imperative that this is kept clear to allow large farming machinery and visitors to the campsite safe access.

Amended Plans - The applicant has been granted a premises licence for his hotel which also covers non-residents and therefore the parking situation is of great concern.

The revised plan shows two types of parking; the red bays being adequate parking for the Bed and Breakfast guests and the small parties of non-residents. In order to provide these car parking spaces mature trees will need to be felled and considerable surfacing works will be required. The second type of parking (the green bays) are only to be utilised during dry weather as they are located on a grass slope. Concern is expressed as to where guests will park if the weather is wet, probably on the Forest Drive, the entrance to Overscar Lane and the entrance to High Rigg Farm as there are no alternatives. This will cause obvious obstruction, not only to myself and my guests but also to Forest Drive users as a whole.

No objections to the proposed Bed and Breakfast/Guest House and small non-resident functions but with the scale of parking now proposed, doubt the business will be limited to this in the future.

John Howlett Planning on behalf of Mr & Mrs Cowley, Nutwood, Low Dalby - Express the following concerns:

- The application is in part retrospective and no planning statement or other justification is submitted with the application.
- Should the red line not extend to the highway?
- The proposal would result in the loss of an existing dwelling as it is not clear if any rooms are to be given over to residential use for the management of the business. No details are submitted of how the business is to be managed and whether this would lead to future pressure for a managers dwelling in the vicinity.
- No indication is given to the scale of use proposed or what mix of uses are being applied for.
- The location of the proposed 20 car parking spaces are not shown on the submitted plans and it is therefore impossible to determine how these spaces will be integrated acceptably into the local environment.
- It is noted that an application to serve alcohol to residents and non-residents has been submitted to Ryedale Council. Therefore there will be a material change to the planning unit in terms of range of uses and that the description of development should be amended accordingly.
- This level of activity would give rise to vehicle movements and associated noise and disturbance well into the evening, which given very low background noise levels will harm the amenities of residents of the area and detract from the Park's special qualities.

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- In the absence of the above, feel the proposal should be refused as insufficient information has been provided to allow full consideration.

Mrs Cowley, Nutwood, Low Dalby - The applicant has been granted an alcohol licence for non-residents between 10am and 11pm. Also the additional information submitted has raised more concerns regarding the proposed scale of activity. The parking proposed would equate to massive events for up to 200 people which would require extra temporary buildings. Proposals of this scale will affect my quality of life as my property abuts the Dalby Forest Drive. It will also generate so much extra activity and traffic that it would not be in accordance with Development Policy 14. No objections if just a small Bed and Breakfast but this is more a full scale hotel which will impact on the peace and tranquillity of the forest after 6pm. If approved, please add conditions limiting hours of use to no later than 18.30 hours, a car parking management plan and maximum number of visitors.

Background

High Dalby House is located within Dalby Forest on the western side of the Forest Drive. It has vehicular access from the Forest Drive and also an alternative, secondary unmarked access via a narrow road and track from the A169 Pickering to Whitby road near the Fox and Rabbit Public House.

The house is a substantial stone built property set at a lower level than the Forest Drive behind a high stone boundary wall and set within a very large curtilage. The property is generally surrounded by woodland. Within the curtilage are a number of outbuildings including a former three-bedroom annexe (which was a large garage and carport converted with the benefit of permitted development rights), stone stables and a tennis court.

In 2002, planning permission was granted to re-route a 300 metre stretch of road and Public Right of Way that ran through the applicant's property and along their drive to skirt around the edge of their curtilage adjacent to the tennis court.

Planning permission was then granted in May 2008 for the provision of two two-bedroom holiday chalets on the tennis court and the conversion of the former stable/outbuilding into a further one-bedroom chalet.

This application seeks planning permission for the change of use of the main dwelling into a five-bedroom Guest House and the subdivision of the annexe into a pair of one-bedroom holiday cottages. Much of the internal works have already been completed although the use itself has not yet been implemented.

The applicant has submitted additional information in relation to the application in order to clarify the proposals:

As background to the application, approximately 210,000 cars per annum use the Forest Drive, so this proposal will have minimal impact on overall traffic numbers. Furthermore, the objectives set out at the Visitor Centre are 'to extend the length of stay on the site, attract visitors throughout the year including increasing overnight stays and increase tourism spends in the local economy'.

There are currently only four serviced guest rooms available on a working farm on the edge of the forest. The next nearest serviced accommodation provider is at least four miles away in Thornton-le-Dale. The more visitors that can be attracted to the area the better and visitors willing to pay a higher tariff for their accommodation also have a higher spend to the benefit of the surrounding local economy.

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Background (continued)

In the 1930's High Dalby House operated as a Bed and Breakfast and the last owners also ran a Bed and Breakfast and let some of the property on a self catering basis. We want to use the cottages for self catering and as an overflow for the Bed and Breakfast when necessary.

We intend to create five luxury standard guest rooms as a retreat for adults sleeping a maximum of ten persons in the Guest House and a maximum of four persons in our two cottages. We would provide meals and afternoon teas. A drinks licence has been applied for to allow drinks throughout the day as applies to every other licensed guest accommodation. As well as attracting resident guests, we hope to cater for other small non-resident groups and community events, such as artists, photographers, birdwatchers, astronomers etc and meetings such as WI, other local interest groups etc. We also want to attract and cater for small shooting parties, christenings, wakes and other private celebrations. However, we are fundamentally a retreat.

There will be no bar but residents will be able to obtain drinks from a bottle cooler. In respect of non residents, drinks will be served to order as a table service only. The drinks licence sought covers the house and the patio/lawned area in front of the patio. It may be seen from the house plan that we are physically unable to cater for large groups. Our dining room only has five tables. We do not intend to become a Public House.

We have sufficient parking – at least 25 hard standing places is more than enough.

Main Issues

The most relevant policy of the Local Development Framework is Development Policy 14 which supports proposals for new tourism development subject to a number of criteria. The policy acknowledges that the Park offers a range of tourist accommodation which makes it more accessible to a greater number and variety of people but advises that proposals for new accommodation will only be permitted where the scale and design of the proposed development would not have an adverse impact on the character of the local area.

Principle of Change of Use

The proposal would make use of an existing range of buildings (main dwelling and annexe) without the need for extension or alteration. By providing accommodation within the Dalby Forest, which is evolving into a strategically important visitor attraction in its own right, they will be providing opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of this area of the National Park.

The proposal retains a degree of private accommodation to be occupied by the owner/manager which has been seen on site by Officers and as such the change of use is unlikely to lead to pressure for further residential accommodation in the grounds. However a plan clarifying this has been requested from the applicants.

As such the proposal is considered to accord with Development Policy 14 (1).

Impact on Local Residents

It is acknowledged that there may be an increase in traffic arising from the proposed change of use but the Highway Authority has not raised an objection. Furthermore as a single dwelling with an associated three-bedroom annexe this was a substantial property that was likely to have attracted a number of vehicles in the past.

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Impact on Local Residents (continued)

It is not considered that the likely increase in traffic generated by the Guest House/holiday cottage uses proposed would be so great as to give rise to significant increase in noise in the locality or be detrimental to the quality of life enjoyed by local residents, particularly given the number of visitors to the area (over 250,000 p.a.) and the level of traffic already using the Forest Drive.

With regard to the concerns of the local resident that the licensing application indicates that the premises will be open to non-residents and that this will lead to increased vehicle movements and associated noise and disturbance thereby harming the amenities of local residents and the special qualities of the Park, Officers have been assured by the applicant that the proposal is for a Guest House but with the possibility of serving food to non-residents on a pre-booked, occasional basis. The applicants have been asked to confirm this in writing in support of the application.

It has long been accepted in the Courts that facilities in a Hotel or Guest House, such as a restaurant or bar, may be used by non-residents and remain ancillary to the primary use. In this case the level of accommodation, a modest dining room and conservatory (no bar), will limit the extent to which the applicants can cater for non-residents.

Indeed if occasional meals are offered to campers staying close by, this is not considered undesirable. As such it is considered that the development description accurately reflects the applicants' intentions for the premises however should permission be granted and the nature of the use changes then a further application may be required in the future.

Therefore the scale and nature of this modest holiday accommodation is therefore considered satisfactory and in accordance with Development Policy 14 (3).

Right of Access/Parking

There is an ongoing dispute between the applicants and the Forestry Commission as to whether the applicants have a right of access along the Forest Drive to the property. However this is a civil matter to be resolved between the parties concerned and does not affect the planning application. Furthermore the applicant does have a right of access direct from the A169 Pickering to Whitby road via Overscar Lane and the Highway Authority does not raise an objection to the proposal. As such the proposal complies with Development Policy 14 (2).

Officers can confirm following a site visit that there is plenty of parking available within the site, including a gravelled area to 'rear' of the house along with two hard-surfaced areas at the western end of the private drive. The applicant also proposes to create a number of parking spaces alongside the private drive to the north of the house. However the applicant has been asked to mark these areas clearly on a location plan and Members will be updated at the Meeting.

Reason for Approval

The Local Planning Authority considers that this proposal for serviced and self-catering accommodation within the Dalby Forest would provide opportunities for visitors to increase their awareness and enjoyment of the special qualities of this area of the National Park without generating an increased level of activity that would detract from the enjoyment of visitors or the quality of life of local residents. As such it is considered that the proposal complies with Development Policy 14 of the NYM Local Development Framework.