

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Eskdaleside-Cum-Ugglebarnby</b>	<b>App Num. NYM/2012/0621/FL</b>
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**Proposal:** Variation of condition 4 of planning approval NYM4/034/0051/PA to allow the agricultural workers dwelling to be used as a short term holiday let (part retrospective)

**Location:** Hollybush Lodge, Hollybush Farm, Littlebeck

**Applicant:** Mr Tim Lawn, Hollybush Lodge, Hollybush Farm, Littlebeck, Whitby, North Yorkshire, YO22 5HY

**Date for Decision:** 26 October 2012

**Grid Ref:** NZ 488273 505515

### Director of Planning's Recommendation

**Approval** subject to the following condition:

1. RSU000 The dwelling unit hereby approved shall not be used for residential purposes other than as an agricultural workers dwelling or for 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. For the purposes of this condition an 'agricultural worker' shall be a person who is solely or mainly employed, or last employed in the locality in agriculture as defined in the Town and Country Planning Act 1990 including any dependants of such a person residing with them or a widow or widower of such a person.

#### Reasons for Conditions

1. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for accommodation which is essential in the interests of agriculture, forestry or controlled holiday accommodation has been permitted in this instance to meet the specific needs of the business operating from the site.

#### Consultations

**Parish** - Object to the permanent relaxation of the condition but would support a further temporary relaxation of the condition.

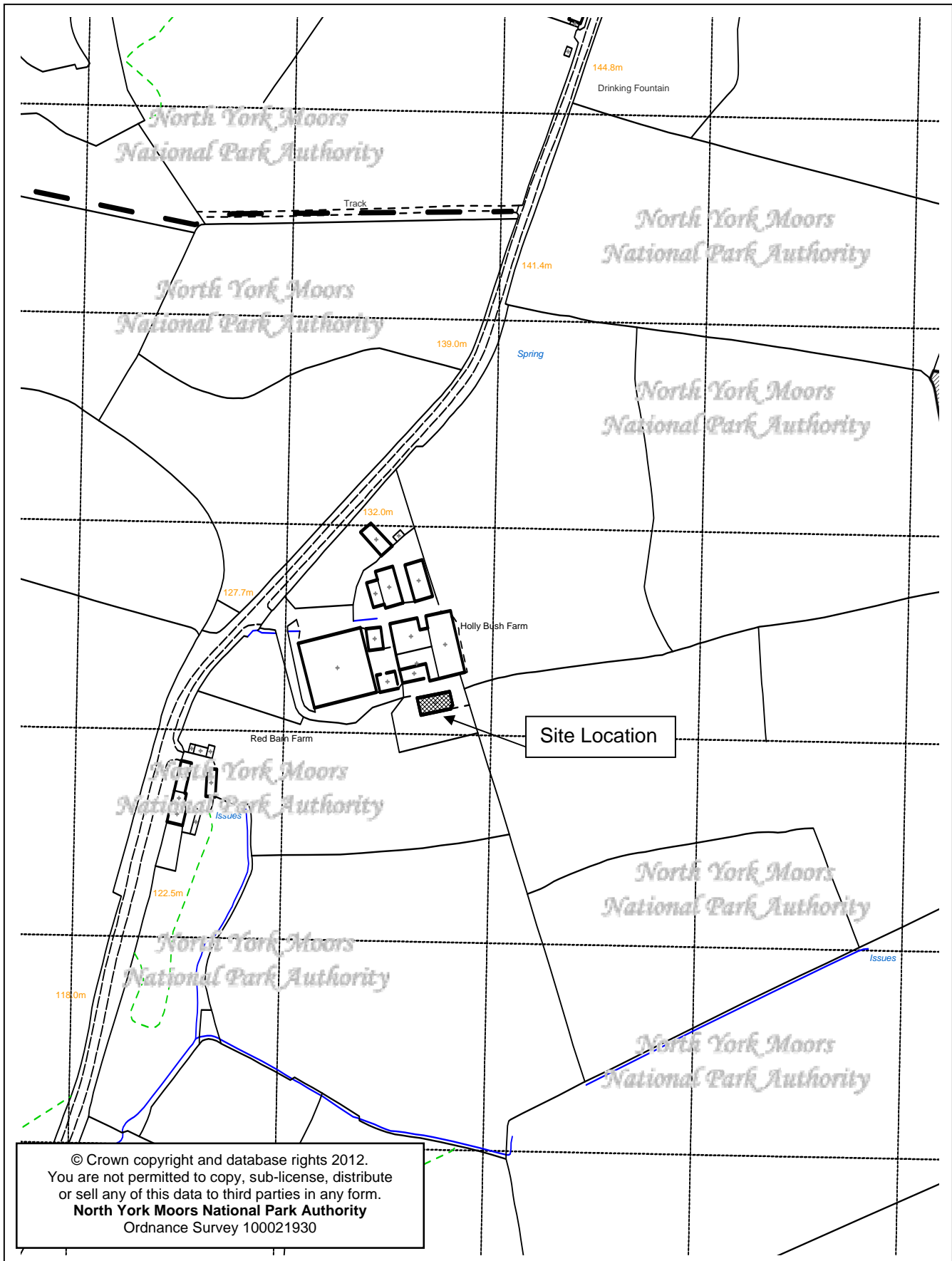
**Site Notice Expiry Date** - 13 October 2012.

#### Background

This application is for variation of an historic condition to allow an agricultural workers dwelling to be used for short term holiday letting accommodation at Hollybush Lodge, Hollybush Farm, Littlebeck.

The application is referred to Planning Committee as the applicant is a Member of the National Park Authority.

Hollybush Farm is situated some 600 metres north of Littlebeck village on the minor back road which gives access to Sneaton/Ugglebarnby villages. It is located about half way up the slope on the east side of the dale. The farmstead is relatively recently formed comprising two dwellings with agricultural occupancy conditions (a house and a bungalow) and several modern farm buildings.




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**Background (continued)**

It is the bungalow (Hollybush Lodge) that is the subject of this application. The history of this particular building dates from January 1976 when permission was granted for a bungalow to meet an essential agricultural need at that time. The steading then evolved rapidly during the 1980/90's with further agricultural and livestock buildings needed to support the growing enterprise.

In April 1999 planning consent was granted to allow a temporary 18 month period for relaxation of the agricultural workers accommodation for holiday letting purposes. Prior to the consent expiring a second application was lodged and approved in May 2000 for a further temporary three year relaxation period again for use of the dwelling for holiday letting purposes.

In January 2004 planning consent was granted to renew the permission again for a temporary variation of condition to allow holiday letting of the agricultural workers dwelling until the end of October 2006. After this time the dwelling would then revert back to its original intended use as an agricultural workers dwelling.

During the course of the most recent application to vary the condition it was acknowledged that whilst not in accordance with development plan policies it was considered that the special circumstances outlined by the applicant together with an appropriate temporary timescale was justified providing that after this period the dwelling remains available for occupation by a qualifying agricultural worker for whom the dwelling was originally permitted as an exception to the normal housing restraint policies operating in the National Park at the time.

The applicant seeks consent again to widen the scope of the agricultural occupancy condition on the bungalow to allow a holiday letting use to derive an income and to diversify the use of the building that is currently not needed at the present time for an agricultural worker and support the existing agricultural business.

On this occasion the applicant has not mentioned that it is for a short term temporary period therefore implying that the holiday letting use is potentially open ended i.e. that the building could be either used for holiday letting purposes or as an agricultural workers dwelling.

Condition 4 of the 1976 planning approval (NYM4/34/51/PA) states that:

*'the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act, 1971, or in Forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.'*

**Main Issues**

The main issue in this instance is two-fold. The first being whether the principle of allowing the dwelling to be used for holiday letting purposes is appropriate, and the second issue, whether the time limit should be capped as it has been in the past or whether there is more flexibility in agreeing to both uses i.e. when the bungalow is not needed for an agricultural worker (which takes priority) it can be used for holiday letting purposes.

**Policy Context**

The last application to vary condition 4 of the 1976 permission was assessed under Policy F3 of the former 2003 Local Plan which has now been superseded by the current 2008 NYM Local Development Framework.

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**Policy Context (continued)**

Policy F3 whilst not strictly relevant was able to provide useful guidance on the appropriate alternative uses of an agricultural workers dwelling of which holiday letting purposes qualified as a suitable option.

Current Development Policy 22 of the NYM Local Development Framework is a similar policy to F3 above. Although the applicant is not wishing to apply for disposal of the agricultural workers dwelling Development Policy 22 recognises that due to changing farm practices and the vulnerability of the agricultural sector there may be occasions where dwellings constructed for agricultural workers are no longer required. In such circumstances units should not be kept vacant, nor should the present occupants be unnecessarily obliged to remain in occupation simply by virtue of the agricultural occupancy condition. The Authority may consider allowing the owners to find an alternative use for the accommodation such as holiday use or rented accommodation for people who meet the local occupancy condition criteria.

As the request is made to vary the condition for holiday letting purposes Development Policy 14 is also relevant. The policy recognises that the farming sector continues to face a period of instability caused by market pressures and changes in farm support mechanisms. For this reason farmers are diversifying their businesses to supplement their income. The Authority therefore supports diversification schemes which will ensure the continued viability of farm businesses as long as they do not generate an increased level of activity which could harm the character, appearance and natural environment of the area. In this instance the proposal will make use of an existing building.

Advice recently published in the National Planning Policy Framework, Section 3, 'Supporting a Prosperous Rural Economy' encourages Local Planning Authorities, local and neighbourhood plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

**Planning Balance**

It is not clear how the building has been utilised during the period since the last application to vary the condition expired i.e. October 2006 up until the present day or whether the property reverted back to its original and intended purpose to support a second agricultural worker at Hollybush Farm or not.

What is clear is that the mechanism for flexible, dual use of the building can satisfactorily operate without harm to the character and appearance and natural environment of the area and has technically already been established albeit in somewhat of a controlled manner. The key issue then remains as to how the long term retention of this property for accommodating agricultural workers in the locality can be best achieved and kept available.

Although the justification for the application is brief and there still is little supporting information it would appear that the circumstances of the applicant do not appear to have materially changed since the previous application. That being amongst other contributory factors, that the holiday letting works well and the additional income significantly helps the viability of the farm enterprise. In view of the history of holiday use permissions and lack of change in the current farming climate and encouragement of rural business in the National Planning Policy Framework it is considered that a more flexible dual use would be in keeping with the spirit of the previous decisions which have allowed the use of the bungalow for holiday letting purposes.

In the circumstances it is recommended that this is a suitable diversification scheme making use of an existing building which when not in use as an agricultural workers dwelling can be satisfactorily occupied as a holiday letting unit to support the existing farm enterprise. This mechanism still ensures the longer term retention of the property for accommodating an agricultural worker is kept available in the future in the nature of Development Policies 14 and 22 of the NYM Local Development Framework.

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### **Reason for Approval**

The relaxation of use of the agricultural workers dwelling for a second (dual) use for holiday letting purposes ensures the continued viability of Hollybush Farm and the fact the property is kept available should it be required to support a second agricultural worker in the future rather than disposing of the use. The development remains in the spirit of the original approval (NYM4/34/51/PA) and current Development Policies 14 and 22 of the NYM Local Development Framework.