

Parish: Seamer
Ward: Hutton Rudby
8

Committee date: 7 March
Officer dealing: Helen Ledger
Target date: 11 March

18/02614/MRC

**Application for removal of condition 4 of planning permission 14/02360/FUL (change of use of building to a manager's dwelling for adjacent holiday letting units) to enable use as a permanent independent dwelling
At Seamer Hill Farm, Seamer
For Mr G Armitage**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the southern edge of the settlement of Seamer, outside of the Development Limits for Seamer. The area comprises of a cluster of residential properties (Eastwood Villas), Noble Foods business, a commercial vehicle repair business and a range of agricultural buildings.
- 1.2 The application site forms part of the curtilage of Seamer Hill Farm which is no longer in agricultural use. The building, subject of this application is currently in the final stages of completion and is located directly to the east of the farm house. The proposed access is unchanged and utilises the same access as approved in 14/02360/FUL which granted planning permission for the accommodation.
- 1.3 Despite the managers dwelling never having been occupied the proposal is to amend the planning condition and remove the restriction set out in condition 4 of 14/02360/FUL limiting its occupation to a person having day to day management responsibilities for the adjacent holiday units.
- 1.4 Members will note that under planning application no 17/01335/MRC, planning committee on 7 December 2017 resolved to allow the two holiday units to become permanent residential units of accommodation. This was contrary to the officer recommendation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 05/01774/FUL - Alterations to outbuildings to form three holiday units; Granted 11 October 2005.
- 2.2 06/00434/FUL - Revised application for the conversion of building into two holiday cottages; Granted 8 May 2006.
- 2.3 08/04204/MRC - Application to vary condition 4 of planning approval 05/01774/FUL; Refused 23 December 2008. (Note this was a predecessor application to the application for which the current amendment is sought).
- 2.4 14/02360/FUL - Change of use of building to a manager's dwelling for adjacent holiday letting units; Granted 10 March 2015.
- 2.5 14/00151/CAT3 – Report of the parking area not being constructed in accordance with the plans of 06/00434/FUL; Case closed 28 November 2016.
- 2.6 16/00024/CAT3 – Report of works not being carried out in accordance with approved plan; case closed 19 September 2016.

- 2.7 17/01335/MRC - Removal of condition 04 (occupancy condition) of planning consent 06/00434/FUL for the conversion of building into 2 holiday cottages; Granted 7 December 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 – Rural employment
Development Policies DP32 - General design
National Planning Policy Framework – amended and republished 19th February 2019
Interim Guidance Note – adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – Not consulted as the access remains as previously considered under 14/02360/FUL. The Authority had no objection to the access arrangements in that application.
- 4.3 Public comments – Two comments received, summarised as follows:
- Comments made on access and car parking. The access to the north does not allow two cars to pass when navigating the route round the existing buildings. Visibility on the access to the highway is below the brow of the hill and inferior to the access to the south via Seamer Hill Farm house. It is noted that previous enforcement complaints have also been registered on these matters; and
 - The proposed property is immediately surrounded by a 24 hour working feed mill and light industrial buildings, as well as a vehicle repair business. Concern expressed that a permanent dwelling in this location will make it difficult to continue to run our vehicle repair business.
- 4.4 The Environmental Health Officer considered the 14/02360/FUL application for a managers dwelling and raised no objection in response.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of allowing the unit to be occupied as a permanent open market residential unit of accommodation; and its likely impact upon (ii) residential amenity; and (iii) highway safety.

Principle

- 5.2 Planning permission was originally granted for the manager's dwelling as it was considered to be an acceptable commercial use in the countryside, supporting a business needing a rural location, where dwellings would not normally be acceptable. The development was in accordance with adopted policies at that time and an appropriate condition was imposed ensuring the accommodation was occupied as approved.

- 5.3 Application 17/01335/MRC was granted by Planning Committee, removing the holiday occupancy condition from the two neighbouring holiday cottages, that formed the business, on which the provision of the manager's accommodation was premised.
- 5.4 Whilst it is noted in the planning history that a previous planning application (08/04204/MRC) was made to remove condition 04 of 05/01774/FUL for the holiday units only, this is superseded by the later approval and as such the holiday cottages can now be occupied as independent residential units.
- 5.5 The starting point for the assessment of this application is a question of the sustainability of this location for new housing. The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework.
- 5.6 Seamer is categorised as an Other Settlement within the Settlement Hierarchy 2014 of the IPG. This is in recognition of the relatively small number of services and facilities. The nearest main settlement is Stokesley, located to the south east of Seamer. This is accessed via derestricted rural roads, large sections of which are not served by footways. The distance from the edge of the main built up area of Seamer to the edge of Stokesley is approximately 2.7km. Also located in between is the settlement of Tame Bridge, which is also an 'other settlement'. It should be noted that the main services within Stokesley are approximately another 0.5km distant.
- 5.7 The site is considered to be in an unsustainable location, given the relatively small number of services and facilities within the settlement of Seamer itself and the distance to the main settlement of Stokesley. Therefore, there is a clear conflict between the proposal and Policy CP4 and no support can be garnered from the IPG.
- 5.8 In light of the above, whilst it is acknowledged that the proposed removal of condition is not consistent with the NPPF or adopted policies, it is difficult to envisage an alternative use for the building, given that it has otherwise been converted to form a dwelling (restricted by condition).
- 5.9 Given that the occupancy condition restricting occupancy to holiday purposes has been removed from the neighbouring cottages, which were once the stated reason for the manager's accommodation it is considered that there is effectively no other viable use for the building other than as an independent dwelling.

Residential amenity

- 5.10 It is considered that the unit has sufficient residential garden space to be occupied on a permanent basis. Two car parking spaces are shown adjacent the western side of the unit, no change from that previously considered. A turning area south of the unit has also been constructed which would assist manoeuvring. The positioning of the openings within the unit and the allocation of the car parking and turning areas mean there would not be a material adverse impact upon neighbouring occupiers. This is in terms of being overbearing in presence, causing loss of light, loss of privacy, odour or noise disturbance.

Highway safety

- 5.11 The Highway Authority has previously raised no objection to the proposal for a manager's dwelling at this location. It is considered that the change of a manager unit to a permanent residential dwelling will not create any new issue for highway safety that has not already been considered under previous approvals on the site. Condition 4 allowed the occupation of the manager's unit as a dwelling subject to their day to day management responsibilities for the holiday cottages. It is considered that there

is sufficient on-site parking and on site turning for the unit and the existing vehicular access off the main road would be utilised. The proposal would therefore not be detrimental to highway safety.

Planning Balance

- 5.12 The proposed removal of the occupancy condition, resulting in a permanent independent dwelling, whilst not in compliance with the NPPF or Local Development Framework policy is considered to be acceptable in this case, owing to the loss of the former holiday accommodation, thereby resulting in a lack of justification for the retention of the occupancy condition.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **Granted**, subject to the following conditions:

1. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2 above have been created. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
2. The development shall not be occupied until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
3. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 5 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 1302/L101 Rev.C) attached to planning application 14/02360/FUL received by Hambleton District Council on 14th Nov 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
2. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP17 and DP32.