

Parish: Seamer
Ward: Hutton Rudby
6

Committee date: 7 December 2017
Officer dealing: Miss Charlotte Cornforth
Target date: 16 August 2017

17/01335/MRC

Removal of condition 04 (occupancy condition) of planning consent 06/00434/FUL for the conversion of building into 2 holiday cottages
At Bullring & Hayloft Cottages, Seamer
For Mr Grahame Armitage

This application is referred to Planning Committee at the request of Councillor Fortune

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 properties of Bullring Cottage and Hayloft Cottage are brick buildings with clay pantile roofs.
- 1.3 Hayloft Cottage (the southernmost unit) has two bedrooms and a living/dining area and Bullring Cottage has three bedrooms with a living room and kitchen/dining room.
- 1.4 The proposal seeks to allow the two units to be occupied as permanent residential units of accommodation by removing the following condition:

The occupation of the residential accommodation hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than eight weeks consecutively.

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.

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 - published 27 March 2012
Interim Guidance Note – adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Parish Council - No response received to date.

4.2 Highway Authority - No objection.

4.3 Ramblers Association - the footpath through Seamer Hill Farm is obstructed in several places. This includes immediate in front of Bullring Cottage where a car is regularly parked on the Public Right of Way. The situation can only worsen with regular usage of the cottage. A condition forbidding the practice would be beneficial.

No response has been received following a re-consultation of the revised scheme that provides a detail site layout plan showing the parking intentions for the both of the units and the intention for the garden spaces.

4.4 Northumbrian Water - No comments.

4.5 Public comment – an objection was received from the occupier of a dwelling to the immediate west (The Granary) of the two units with regard to the initial scheme. The grounds of objection were:

- Previous breaches of planning control on the site;
- The impact on amenity and use of the objector's property resulting from parking on the roadway.

Further comments on the revised scheme, with a site layout plan showing the parking for both of the units and the intention for the garden spaces can be summarised as:

- Content that the proposed alternative car parking and turning areas should provide acceptable parking providing the proposed car parking and turning areas for Bullring and Hayloft cottages as shown on the plan, are explicitly conditioned and a condition is imposed that will prevent, with certainty, parking on the whole of the roadway coloured brown on the attached plan (adjacent to the cottages to the to the north west of Bullring and Hayloft cottages)

4.6 Two letters of objection were received from the owner and employee of the commercial vehicle repairs business close to the units with regard to the initial scheme. They stated that the parking and turning area used currently is inadequate and this will worsen if the cottages are in full time occupation. No response was received following notification of the revised scheme.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of allowing the units to be occupied as permanent residential units of accommodation, on a non-holiday basis; and its likely impact upon (ii) residential amenity; and (iii) highway safety.

Principle

- 5.2 Planning permission was originally granted for the holiday accommodation as it was considered to be an acceptable commercial use in the countryside in a 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 In 2008, planning permission was refused to remove condition 04 of the 05/01774/FUL approval (this was the original approval, superseded by 06/00434/FUL). This condition states the following:
- 5.4 *The occupation of the residential accommodation hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than eight weeks consecutively.*
- 5.5 The reason for refusal was as follows:

Independent, non-holiday, residential accommodation in this location without the existence of clearly identifiable and justified exceptional circumstances is contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the Hambleton Local Development Framework. These policies seek to focus new residential development within sustainable settlements, in order to achieve sustainable communities; to maintain the open character of the countryside and reduce the need to travel by private car. The proposal would result in an unsustainable development without any justified exceptional circumstances.

This application was made under the same development plan policies that apply to the current application.

- 5.6 The loss of the tourism business needs to be considered. The NPPF is supportive of rural tourism that contributes to a prosperous rural economy. Furthermore, Policy DP25 supports the conversion of existing rural buildings for employment uses, which includes tourism. Whilst there are no specific policies in the Development Plan or the NPPF which restricts the loss of tourist facilities, DP17 offers protection for employment uses and as such the loss of the business use needs to be considered.
- 5.7 It is understood from the applicant that the holiday business is no longer viable although little evidence has been provided to substantiate this position. The business is not of sufficient size in itself to support a full time equivalent worker and as such is considered to only make a limited contribution to the local economy.
- 5.8 It should be noted that the 2008 refusal for the removal of the occupancy condition was determined prior to the change in national planning policy through the National Planning Policy Framework (NPPF) in 2012 and the adoption of Interim Policy Guidance (IPG) on small-scale housing development in villages by the Council in 2015.
- 5.9 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.
- 5.10 Paragraph 55 of the NPPF states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the

countryside unless there are special circumstances such as ... Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting

- 5.11 Whilst it is acknowledged that the building in question has already been converted, it was likely that they were once redundant or disused. Within Paragraph 55, occupancy of the buildings in terms of holiday or non-holiday let accommodation for conversions is not prescribed.
- 5.12 The buildings in question could be regarded as non-designated heritage assets and in accordance with CP4 (Settlement Hierarchy) of the LDF and Chapter 12 of the NPPF, the conservation of a feature (in this case the former barn buildings) of acknowledged importance will be supported in the countryside. The buildings scale, form and the use of materials are typical for their countryside setting and their heritage as former agricultural buildings is retained. However, it is clear that the buildings are not currently at risk, being within a lawful beneficial use and as such the support given by Policy CP4 in these terms is considered to be limited.
- 5.13 The site is located outside of the Development Limits for Seamer. The application is not for new build units and relates to the re-use of existing buildings which must be given weight in terms of the acceptability of allowing the units to be occupied on a permanent, non-holiday basis. It should be noted that the recent Committee resolution to grant planning permission for five dwellings on a site at Springwell Nurseries in Seamer was premised on the view that the site would relate well to adjacent sites, support local services and allow environmental improvements to be secured. This is not considered to be the case with the current application.
- 5.14 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.
- 5.15 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.
- 5.16 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 the IPG.
- 5.17 The units in question are two and three bedroom units. The Hambleton SHMA (2016) clearly identifies a need for mainly two and three bedroom homes. These units of accommodation are considered to meet this identified need.
- 5.18 The applicant has stated he wishes to retire and not run the units as holiday lets. He has further stated that the profits from the cottages are not substantial so he cannot afford to pay a manager and the value of the cottages if sold would be low and not cover the building costs. However, little evidence has been provided that the holiday lets are no longer a viable business.
- 5.19 At this time the applicant has stated that it is their intention to allow for their adult son to live in one unit as a permanent dwelling. The second cottage would be a long-term rental unit. The applicant intends to retain ownership of both units, but the removal of the condition would allow both units to be sold off as separate units of residential accommodation.

- 5.20 In light of the above, whilst it is acknowledged that the buildings would provide small units of accommodation, 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.

Residential amenity

- 5.21 It is considered that the units have sufficient residential garden space to be occupied on a permanent basis. It is considered that due to the positioning of the openings within the barn and the allocation of the car parking and turning areas, 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

- 5.22 The Highway Authority has raised no objection to the proposal. It is considered that there is sufficient on-site parking and on site turning for the units and the existing vehicular access off the main road would be utilised. The proposal would therefore not be detriment to highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposal represents development in a rural location outside of the Development Limits of designated Sustainable Settlements without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.