

Parish: Shipton
Ward: Easingwold
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Committee Date : 6 February 2020
Officer dealing : Mr Mark Danforth
Target Date: 11 December 2019
Date of extension of time (if agreed): 12 February 2020

19/02207/MRC

Application for the removal or variation of condition 4 to approved application 05/02150/FUL.

At: Field View Bungalow Main Street Shipton By Beningbrough North Yorkshire

For: Miss Elizabeth Ellis.

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 This application seeks permission to remove a condition (no.4) from planning approval ref. no. 05/02150/FUL which stated that

"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".

1.2 The proposal is to allow the two existing holiday cottages to be used as permanent dwellings.

1.3 The existing pair of semi-detached holiday cottages are sited to the rear of Redworth Cottage and Redworth House, immediately adjacent to Field View Bungalow. Vehicular access is off Main Street to the south of Redworth House. Each of the cottages has a rear garden area of approximately 6 metres x 4 metres and a parking space.

1.4 The site is outside the Development Limits of Shipton. Although the York Green Belt wraps around the village the site is within an inset of the York Green Belt.

2.0 RELEVANT PLANNING HISTORY:

2.1 05/02150/FUL - Alterations and extensions to existing disused farm buildings to form 2 holiday units - Granted 2005

2.2 09/02675/MRC Application to remove condition 4 of planning approval 05/02150/FUL to allow the 2 holiday cottages to be used as dwellings - Refused 2009 as the site is outside the limits for development and due to the location of the cottages and their close proximity to Field View Bungalow, commercial premises and a building used by a stone mason, it is considered that the residents would not benefit from an adequate level of amenity due to overlooking, lack of privacy and noise and disturbance, contrary to Hambleton Local Development Framework Development Policy CP1 and DP1.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP8 - Development Limits
Development Policies DP3 - Site accessibility
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP9 - Development outside Development Limits

4.0 CONSULTATIONS:

4.1 Parish Council - has no comments to make.

4.2 Publicity - no responses received.

5.0 ANALYSIS

5.1 The main issues for consideration in this case relate to the principle of allowing residential accommodation in this location, outside the Development Limits of Shipton, together with an assessment of whether these cottages are appropriate for permanent residential accommodation. The application is made on the basis of consideration of acceptability under the Interim Policy Guidance rather than testing whether the condition has outlived its usefulness. Other matters to be considered are regarding the location and the suitability of the site for additional dwellings.

5.2 The two existing holiday cottages are located outside the development limits for Shipton village. Policy CP4 does allow for the re-use of existing buildings outside development limits but only where this would "help to support a sustainable rural economy or help to meet a locally identified need for affordable housing". In this case the only justification put forward by the applicant is that applicant is not sufficiently able bodied to carry on undertaking the work that is required for the day to day running of the units.

5.3 In this case planning permission was granted solely for conversion to holiday cottages as it was considered to be an acceptable commercial use in the countryside in a location where dwellings would not be acceptable at that time. The development was in accordance with adopted policies and the condition was imposed to ensure it was therefore occupied as holiday accommodation.

5.4 No exceptional case has been put forward to use these two cottages as permanent residential units, the proposal is therefore contrary to Policy CP4 as the location outside defined development limits is considered to be unsustainable. However the proposal seeks support from the Interim Policy Guidance and note is made by officers to an appeal decision from June 2019 APP/G2713/W/19/3223618 (Huby) for housing outside development limits was not viewed as unsustainable.

5.5 The inspector opined regarding the Huby site: 'Despite the proposed development falling the wrong side of a line specified in the development plan (the settlement limit), taking my earlier comments into account regarding the site, the settlement's services and improvements to access it does not strike me that the scheme would necessarily serve to promote unsustainable patterns of new development. There are therefore, and with particular regard to the merits of the case, material considerations at play that could be capable of outweighing the conflict with CP4 and DP9'.

5.6 In regards to sustainability the same could be said about this site given its relationship to the village and the fact that it also falls "the wrong side of a line" in the built environment, with dwellings set further west, beyond this site.

- 5.7 On the basis that the policy position of the Interim Policy Guidance and in the light of the appeal decision quoted above, it is not necessary to consider whether the occupancy condition has outlived its usefulness. If the policy position is not accepted, and further consideration of the usefulness of the condition is required it is the case that no evidence to show that the condition has outlived its usefulness. The agent in the alternative seeks support from the Interim Policy Guidance.

The Interim Policy Guidance

- 5.8 The site is on the edge of the village of Shipton which is a secondary village in the updated settlement hierarchy. It is considered a sustainable place for new development, where it can support the local services, the development being a conversion of a building from two holiday cottages to two small dwellings is small in scale and results in no change in built form or character and no impact upon the natural, built or historic environment or landscape setting. The proposal meets the criteria 1 to 4 of the IPG. There is no evidence to suggest that the use of the building as dwellings instead of holiday cottages would exceed the capacity of the infrastructure and is considered to meet criteria 5 of the IPG. The remainder of this report considers the other planning matters that must be addressed to accord with the final sixth criteria of the IPG.
- 5.9 The cottages are of permanent construction and there is nothing about the buildings or location that would suggest that they are unsuitable for permanent residential occupation. The size of the units are both small but the calculation of floor space provided by the agent, who relies upon sales particulars of the property, is that they achieve the size of the nationally described space standards and are considered to meet the requirement of LDF Policy DP13. The units are both small and are therefore able to provide dwellings at lower costs to future occupiers than dwellings that are larger and have larger amounts of outdoor amenity space.
- 5.10 The holiday lets have also been compared to the two units at Framfield House complex to the south of this site that was approved by members, following a long and complex planning history. Whilst there are similarities to this site in regards to size of actual amenity space and the usable liveable space it is very different in terms of its location and proximity to other uses. Framfield has no manufacturing business operating close by and has been found (on appeal) to have a limited but sufficient amenity space and off street parking.
- 5.11 The site plan for Field View shows limited areas of open space enclosed by a boundary fence to the north and open grassland to the south. To the east side area of the units an area of parking is proposed, the area to the north is used in conjunction with the access and delivery area for a "picture framing business" which lies immediately to the north of the garden areas and offices to the east. Whilst undertaking a site visit a medium sized lorry was parked adjacent to the rear garden of the first unit and a customer was parked in the spaces designated for the lets. However, noting the size of the business premises and the subsequent clarification of the range of uses that are to be undertaken within the commercial buildings, the applicant confirms only Use Class B1, uses which can be undertaken in a residential area without detriment to the amenity of neighbours, operations will be allowed. The range of uses within the business unit can be controlled by condition.
- 5.12 Policy DP1 advises 'All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Developments must not unacceptably reduce the existing level of amenity space

about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants'.

- 5.13 The siting of the cottages with modest amenity space has to north and south sides and with a control over the future use of the building to the north is such that they will have an acceptable level of amenity. Whilst there will be some degree of overlooking from the access and neighbouring dwelling Field View Bungalow, and the potential for some loss of privacy and noise and disturbance from these neighbouring uses and only a relatively small garden area the standard of the accommodation is acceptable. The scheme can be considered to be acceptable under the LDF policies and IPG subject to conditions to require the layout of the garden and parking space and limitation to the use of the adjoining buildings to Use Class B1. The change since the refusal of the application in 2009 is the end of the stone mason business and replacement by a picture framing use.

PLANNING BALANCE

- 5.14 The proposal would achieve two small units of accommodation in a village within the York Green Belt, whilst the standard of residential amenity is relatively low due to the space and relationship to neighbouring uses on balance it is considered that the benefits of achieving two small dwellings outweighs the residual concerns regarding the standard of amenity for the two dwellings.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The building to the north of the application site and shown to be within the blue line shall not be used for purposes other than falling within Use Class B1.
3. Within 1 month of the approval of this application a detailed plan for the layout of garden, parking areas including bin storage and boundary treatments of garden areas shall be submitted for approval of the Local Planning Authority. Within 2 months of the approval of the detailed plan the arrangement shall be implemented to provide garden area and parking areas including boundary treatments, in accordance with the approved details. Thereafter the garden, parking and boundary and other details that may have been approved, shall be retained at all times that the building is in use for residential purposes.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To safeguard the amenity of residents in accordance with LDF Policies CP1 and DP1.
3. To ensure that space is laid out to provide for the reasonable amenity needs of future residents in accordance with the LDF Policies CP1, DP1, CP17 and DP32.