



Appeal Decision

Site visit made on 13 July 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2020

Appeal Ref: APP/W9500/W/20/3253040

6 Ellerby Lane, Runswick Bay, Saltburn by the Sea, North Yorkshire TS13 5HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs J Patterson against the decision of North York Moors National Park.
 - The application Ref NYM/2019/0673/FL, dated 24 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is change of use of outbuildings to form 1no holiday letting unit for use between the months of March to October in any one calendar year.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of outbuildings to form 1no holiday letting unit for use between the months of March to October in any one calendar year at 6 Ellerby Lane, Runswick Bay, Saltburn by the Sea, North Yorkshire TS13 5HS in accordance with the terms of the application, Ref NYM/2019/0673/FL, dated 24 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; (Drawing Nos) 223/01; 223/02; 223/03; 223/21; 223/22; 223/23 and 223/24.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class E (or any order revoking and re-enacting that Order), no erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
 - 4) The dwelling unit 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.
 - 5) The holiday unit hereby permitted shall form and remain part of the curtilage of the main dwelling known as 6 Ellerby Lane as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.

- 6) No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Procedural Matters

2. At the time of the North York Moors National Park Authority's (the Authority) determination of the proposal now the subject of this appeal, the Authority were in the process of preparing a Local Plan (LP). The Authority's appeal submission advised that the draft LP had been subject to Examination in Public and the Inspector's Report received by the Authority on 15 May 2020.
3. The Authority also advised in their appeal submission that it intended to adopt the LP on 27 July 2020, confirmation of which I have now been provided with. Policy UE4 of the LP sets out the Authority's approach to new holiday accommodation within residential curtilages. The policy states that proposals for new holiday accommodation in such circumstances will only be permitted where it would satisfy four criteria. Both main parties have been provided the opportunity of commenting on the implications of the adoption of the LP on their respective cases and I have determined the appeal accordingly.

Main Issues

4. The main issues are the effects of the proposed development on:
 - The character of the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character

5. LP policy UE4 is supportive of the development of new holiday accommodation within a residential curtilage where the proposal satisfies four criteria. Thus, it states that proposals must make use of an existing building of architectural or historic interest or one which makes a positive contribution to the character of the surrounding area; would not detract from the character or appearance of the locality, is of an appropriate scale and would not cause unacceptable harm in terms of noise and activity to living conditions (amenity) of the neighbourhood. It goes on to acknowledge that there will also be occasions where holiday accommodation can avoid harm by being sited in large and well-screened gardens in low density residential areas.
6. The outbuildings at the rear of No. 6 are of modest scale and are discretely located. Whilst it may be somewhat of a stretch to consider them to be of particular architectural or historic merit, so too is it to suggest that they are of such poor quality as the Authority contend. Rather, their modest scale, simple form and discrete location are such that they appear well-maintained and in keeping with the character and appearance of the host property and the surrounding area as subservient outbuildings. As such, they contribute positively to the setting of No. 6 and the wider area's residential charm and

character and the proposal's re-use of the range of outbuildings would, in my judgement, accord with the first strand of LP policy UE4.

7. The proposal does not seek to extend the outbuildings. Instead, the existing double doors would be replaced by a window unit and the simple roof covered with profiled metal sheeting. The scale and form of the buildings would not be altered, nor would the external manifestations of the proposal alter their fundamental relationship with No. 6.
8. Although visible across the side garden area of No. 6 from Ellerby Road at the front, the outbuildings would be no more prominent or intrusive than they are currently; that is to say not at all. Rather, they are, and would continue to be, a discrete feature of a predominantly residential area in a wider tourist location. Moreover, the level of accommodation that would be offered would be limited. As such, I am not persuaded that the occupation of the converted range of outbuildings as holiday-lets would undermine the predominantly residential character of No. 6, or of the surrounding area, in what is a popular tourist location.
9. For these reasons, I conclude that the proposed development would not be in conflict with points (1), (2) or (3) of LP policy UE4. I consider matters relating to point (4) of this policy in relation to living conditions, below.

Living conditions

10. The existing property sits close to its side and front boundaries but benefits from a spacious garden plot on the other side. The outbuildings subject to this appeal are located to the rear of the existing house beyond a small courtyard-style rear garden area.
11. The proposal would retain the existing physical layout of the site, with the existing parking and turning area enlarged slightly by the removal of a tree. The main focus for the use of outdoor space by guests would be a small, enclosed courtyard area immediately to the side of the outbuildings, with further amenity space immediately in front of the outbuildings. The existing property's side garden, indicated on the submitted site location plan¹ as being within the appellant's ownership but outwith the extent of the proposal, would be retained as side garden for the main house.
12. The 'turn-over' of guests may well mean that they are 'strangers' to neighbouring residents, but the scale of the proposed conversion would be of a sufficiently limited nature and quantum that I am not persuaded that their use of the outbuildings would inherently be harmful to the amenities of occupiers of neighbouring properties. In any event, the main focus of activity of the proposed holiday-let accommodation would be directed internally within the appeal site. The existing range of outbuildings provide a substantial barrier at the rear boundary of the existing garden plot, whilst the small courtyard garden to the front and side of the outbuildings is heavily enclosed on three sides.
13. The accommodation proposed is of limited scale and would provide only one double-bedroom room with a compact open-plan 'living' area. I consider it unlikely that it would attract larger groups of guests or, crucially, materially

¹ 'Buy A Plan' – 6 Ellerby Lane, Runswick Bay, Saltburn-by-the-Sea, North Yorkshire TS13 5HS – land within blue-edged area

increase the comings and goings associated with the residential use of the existing dwelling. Although the existing garden plot at No. 6 tapers towards the outbuildings at the rear of the site, thereby bringing adjacent rear gardens, particularly those of Sinderwell Lane, in greater proximity to the outbuilding, I am not persuaded that that proximity, nor the limited quantum of guest accommodation proposed, would cause material or unacceptable harm to the living conditions of occupiers of adjoining properties with regard to noise and activity within the site.

14. The proposal would not, for the reasons I have set out, cause unacceptable harm in terms of noise and activity to the amenity of occupiers of neighbouring properties. I find no conflict with LP policy UE4(4) as a consequence.

Other Matters

15. The second and third reasons for refusal refer to the effect of the proposal on pressure for the construction of replacement garaging and outbuildings, and for the conversion of outbuildings in the surrounding area and wider National Park, respectively. With regard to the former, whilst I accept that the proposal would result in the removal of the existing outbuildings from domestic use linked to No. 6, I have not been presented with any evidence that would lead me to believe that the appellant is actively seeking their replacement. With regard the latter, I have concluded that the proposal would not lead to a change in, or cause material harm to, the character or appearance of the host property or the surrounding area. I have considered this proposal on its merits and the basis of the plans submitted, and I have no evidence before me that such a confluence of circumstance would be replicated more widely.

Conditions

16. I have considered the list of suggested conditions set out by the Authority in light of the Framework and Planning Practice Guidance (the Guidance).
17. I agree that in addition to the time limit and plans conditions, which are necessary in the interests of good planning and to provide certainty, a condition regarding external lighting details is also necessary in the interests of living conditions. Also necessary in the interests of living conditions are conditions that ensure that the outbuildings are used and occupied solely as holiday letting accommodation.
18. The Guidance states that conditions which restrict the future use of permitted development rights may not pass the tests of reasonableness or necessity. The Authority's suggested condition seeks to limit the construction of further domestic outbuildings but its imposition has not been justified by the Authority, nor do I consider that the circumstances of the site or neighbouring properties justify such an approach. I have not imposed the suggested condition.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR