



Appeal Decision

Site visit made on 22 February 2024

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2024

Appeal Ref: APP/W9500/W/23/3331567

Suffield Cottage, Suffield Hill, Limestone Lane to Swang Road, Suffield, Scarborough, North Yorkshire YO13 0BJ

- 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 Ms Frances Lockey against the decision of North York Moors National Park Authority.
 - The application Ref: NYM/2023/0248, dated 21 April 2023, was refused by notice dated 03 July 2023.
 - The development was originally described as a "change of use under policy UE2. Permission for change of use of a garage/cabin built of wood, which complies with UE2 policies (*sic*), to short term holiday accommodation. Permission was given for the cabin to be used for family members to stay overnight in so work was done internally to accommodate overnight stays."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber clad cabin for use as holiday accommodation at Suffield Cottage, Suffield Hill, Limestone Lane to Swang Road, Suffield, Scarborough, North Yorkshire YO13 0BJ in accordance with the terms of the application, Ref: NYM/2023/0248, dated 21 April 2023, and the plans NYMNPA dated 08/05/2023 1:1250 Site Location Plan, and South East and North East elevations and NYMNPA dated 19/06/2023 Floor Plan, and North West and South West elevations, subject to the following conditions:
 - 1) 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.
 - 2) The holiday unit hereby permitted shall form and remain part of the area of land associated with the main dwelling known as Suffield Cottage as shown edged in blue/red on NYMNPA dated 08/05/2023 1:1250 Site Location Plan as a single planning unit and shall not be sold or leased separately from the main dwelling.
 - 3) No further external lighting shall be installed on the development hereby permitted until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the approved details and thereafter maintained.

Procedural Matters

2. The development has already been carried out and so I have dealt with the appeal on a retrospective basis. In addition, the main parties agreed a revised description of development and the application was determined accordingly. This is reflected in my decision paragraph above as it more accurately and precisely describes the development. The reference in the revised description to the development being retrospective is excluded as this does not form part of the act of development.

Main Issues

3. The main issues are the effect of the development on (i) the living conditions of the occupiers of the neighbouring property, Northfield Cottage, with particular regard to noise and disturbance; and (ii) whether it would lead to pressure for further development, and the resultant effect on the character and appearance of the area.

Reasons

Living Conditions

4. The development comprises a largely rectilinear single storey building which is constructed of timber boarding under a profile sheet roof. There is a small projection on its rear elevation. It lies to the rear of Suffield Cottage which is a semi-detached property set within spacious grounds. These extend beyond the development. The development shares its access with the host property and a driveway area extends in between the two, where there is also a small open fronted storage structure, as well as some ornamental planting. The development is in use as one short term holiday accommodation unit, with one bedroom, a shared kitchen and living area, and a bathroom.
5. The adjoining semi-detached property, known as Northfield Cottage, contains its own domestic outbuilding, close to where the development is located. Beyond this outbuilding is a larger stables like building. The rear access to these buildings encloses this property's rear garden. More broadly, this is a countryside location with occasional development. Other residential properties are separated from the appeal site by fields or farm buildings.
6. The modest nature of the development likely results in only a limited level of noise and disturbance associated with its use, and comings and goings. While the development is sited close to the shared boundary with its neighbour, this property has its own buildings in close proximity, as well as the rear access. In addition, the development is sited well away from the neighbouring house itself and towards the end of the associated garden. There is also some planting which provides some screening.
7. The level and form of commercial tourist activity is thus not inappropriate within the domestic area of the existing private dwelling. The intensification of activity on the site is not likely to cause undue additional noise and disturbance, compared to that generated by a private domestic use associated with purposes ancillary to the enjoyment of the host dwelling. This is even with the turnover of guests which likely occurs associated with its short let use.
8. The National Park Authority (NPA) notes that Environmental Health do acknowledge that holiday lets do have the potential to be noisy and disruptive,

but in this case there is no such objection from this consultee. As regards whether it is in effect a separate dwelling, this can ably be controlled through the imposition of a planning condition.

9. The NPA's related reason for refusal includes Policy UE4 of the National Park Authority's Local Plan (2020) (Local Plan), but refers to 'no harm' as regards noise and activity on the amenity of the neighbourhood. The policy itself though refers to 'no unacceptable harm', and so I have considered compliance with the policy on this basis. The reason for refusal also includes reference to new camping and glamping units under Policy UE4. This is not however the type of development which is the subject of the appeal, and so it has a limited bearing. The policy also provides for other types of holiday accommodation, as long as the criteria are met.
10. I conclude that the development does not have an unacceptable effect on the living conditions of the occupiers of the neighbouring property, Northfield Cottage, with particular regard to noise and disturbance. As such, it complies with Policy UE4 of the Local Plan where it states that development of new holiday accommodation within a residential curtilage will only be permitted where there is no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

Pressure for Further Development

11. The NPA is also concerned that the development could potentially lead to pressure for additional structures for domestic garaging and storage because the development utilises the location of a previously approved garage and stable building¹.
12. However, there is no substantive evidence that such a situation would be likely to occur. The host property already has a small open fronted store and there is ample space around the property for parking. Nor has the appellant indicated an intention to actively seek their replacement and has set out in any event that the circumstances have changed since the garage and stable building were approved. As a consequence, I do not have cause to consider whether such a development would be visually intrusive due to the open nature of the site. Nor is it in dispute that the development which is for my consideration is not unacceptable in character and appearance terms.
13. I conclude that the development would not lead to pressure for further development, and so there would not be a resultant effect on the character and appearance of the area. Hence, it complies with Policy CO17 of the Local Plan in as far as it sets out that it should be demonstrated that any change of use of existing outbuildings is not likely to lead to future proposals for additional outbuildings to replace the existing use and not detracting from the character and form of the original dwelling or its setting in the landscape, amongst other considerations.

Other Matters

14. While not set out in the reasons for refusal, both main parties have also referred to Policy UE4 where it sets out that development is to make use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. The

¹ NPA ref: NYM/2022/0115

development does have an appearance akin to a domestic outbuilding and it fits comfortably in with the buildings that are found to the rear of the neighbouring property. With its proximity to these buildings and its location to the rear of the host property, it is also unobtrusive in these surroundings. Nor is it of any great scale. This does not alter my conclusion.

15. I have also been referred to the Strategic Policies of the Local Plan, although again none appear in the reasons for refusal. Based on the evidence before me, there is not a particular conflict with these policies. I do not see why tourist accommodation cannot constitute an essential need, given the location of the development in relation to its countryside surroundings, which is highly likely to attract guests. In any event, I have found compliance with the Local Plan policies that are contained in the reasons for refusal. As a result, I do not have reason to consider Policy UE2, which both main parties have also referred to. In light of my findings, nor is there a conflict with paragraph 182 of the National Planning Policy Framework.
16. In respect of other matters that have been raised, I am also aware of concerns that the development is tantamount to circumventing restrictive planning policies and that it has been applied for retrospectively. My decision though has to be based on the planning merits of the development. In relation to the accuracy of the plans, there was an amendment during the course of the planning application to correct the omission of the small projection on the rear elevation of the development. With the modest nature of the use, additional traffic could ably be accommodated safely on the local highway network.
17. I am bound to have regard to the purposes of National Parks, under the National Parks and Access to Countryside Act 1949 (as amended), which concern conservation, including seeking to further the purpose of conserving and enhancing the natural beauty of the National Park, as well as encouraging recreation. In taking the above considerations together, I do not find a conflict with these purposes.

Conditions

18. I have imposed conditions so that the development is used and occupied solely as holiday letting accommodation, and remains part of the same planning unit as the host property. This is in order to protect living conditions. The development already appears to contain a modest external light fitting adjacent to the entrance door. I have though imposed a condition concerning the installation of any subsequent external lighting, in the interests of minimising light pollution given the Dark Skies location that I have been referred to. Where I have otherwise altered the wording of the conditions put forward by the NPA, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

19. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR