



Appeal Decision

Site visit made on 11 December 2025

by **CM Blair BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th January 2026

Appeal Ref: APP/U2750/W/25/3374422

22 Gray Street, Whitby, North Yorkshire YO21 1EP

- 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 M Clarke against the decision of North Yorkshire Council.
 - The application Ref ZF25/00818/FL.
 - The development is the conversion of existing mid-terraced holiday let dwelling into two self-contained apartments to be used for holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing mid-terraced holiday let dwelling into two self-contained apartments to be used for holiday accommodation at 22 Gray Street, Whitby, North Yorkshire YO21 1EP in accordance with the terms of the application, Ref ZF25/00818/FL, and the plans submitted with it, subject to the following conditions:
 - a) The development hereby permitted shall begin not later than three years from the date of this decision.
 - b) The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Location Map & Block Plan, 03A Proposed Plans & Elevations.
 - c) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence. An up to date register shall be kept and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Main Issue

2. The main issue is the effect of the proposal on highway safety and the free flow of traffic, with particular regard to on-street parking provision.

Reasons

3. The appeal property is an existing 3-bedroom mid-terrace dwelling. It is located within the built up area and the edge of Whitby Town Centre. The immediate area is characterised by residential uses, some used as advertised tourism

accommodation and some community uses. From the submitted evidence the appeal property is currently used as a holiday let and managed by letting agents.

4. Gray Street comprises of unrestricted on-street parking on one side. The appeal property, in common with the rest of Gray Street, has no designated parking of its own. Within the surrounding streets I noted that private parking is available on Albion Place and Park Terrace. Traffic Regulation Orders are in place in the area including double yellow lines and time-restricted parking along Windsor Terrace. There are no Controlled Parking Zones on Gray Street or surrounding roads. At the time of my site visit, which I acknowledge is a snapshot in time, there were several on-street parking opportunities on Gray Street and surrounding streets.
5. Policy DEC 1 of the Scarborough Borough Local Plan (adopted July 2017) (the Local Plan) sets out that a proposal should provide suitable and safe vehicular access and suitable servicing and parking arrangements. Concerns have been raised that the proposal would lead to additional site-specific on-street parking pressures in the area resulting in significant harm to highway safety and the free flow of traffic.
6. The appellant submitted a Parking Stress Survey as part of the planning application, which was based on the established Lambeth Methodology. The survey indicates that it was necessary to assess the proposed additional holiday related parking during a holiday period, where it is stated, that demand would be high. It included three specific survey periods were undertaken during a school holiday period including a Thursday overnight when most residents would be home – a non-typical changeover day. Gray Street had some available parking capacity in the three survey periods, with the parking stress being calculated at 88%-94%. There was further capacity available within the surrounding streets. Overall, the survey results established that whilst parking demand in the area is high, there was still around 12% spare capacity overnight in the local area, with more on a Saturday.
7. It is noted that the Council has not challenged the veracity of the submitted Parking Stress Survey, its methodology, specifications, results and conclusions nor has it offered any alternative data in relation to the surveyed area or highways beyond. I have considered the 'Google Street View' images provided by interested parties. Whilst they also represent a snapshot in time of the locations, other than a month/year, there are no details regarding the specific recorded times to enable a meaningful assessment. Consequently, this limits the weight which I can give them in my determination.
8. From my site visit I noted the close-by Marina (Front) and large Marina (Back) Long Stay Car Parks offering 24-hour parking, which would be within reasonable walking distance. Furthermore, the appeal property is within easy walking distance of Whitby railway station and bus services which would offer more sustainable transport opportunities as encouraged by the National Planning Policy Framework (the Framework).
9. I note that the appellant has suggested other measures in their appeal submission to help future occupiers of the holiday accommodation find suitable car parking. This is not a matter which can be easily controlled through the use of a planning condition. However, I would expect this to be part of good practice when letting holiday accommodation.

10. Parking Stress Survey results provide empirical evidence which in this case is determinative and therefore must be afforded substantial weight. Consequently, there is no substantive evidence presented, which demonstrates that local parking pressures are at such a level where they could warrant dismissal of the appeal on highway safety grounds. Furthermore, no cogent evidence has been presented to indicate that Gray Street and the surrounding area has experienced road traffic collisions or near misses. The Framework in paragraph 116 is very clear that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network, following mitigation, would be severe.
11. Overall, I conclude that the proposal would not result in harm to highway safety and the free flow of traffic, with particular regard to on-street parking provision. It accords with Policy DEC 1 of the Local Plan, which seeks, amongst other things, that proposals provide suitable and safe vehicular access and suitable servicing and parking. Furthermore, there would be no conflict with the Framework in respect of transport and highway matters.

Other Matters

12. I acknowledge the concerns raised through the submitted representations in relation to the appearance of the dwelling and character of the surrounding area. No external alterations are proposed to the building. Based on the evidence before me, and my site visit observations, I see no reason to disagree with the Council's conclusion on these matters which would accord with Policies DEC 4 and TOU 1 of the Local Plan.
13. In relation to concerns regarding potential noise nuisance, which could affect the living conditions of existing occupiers, there is no cogent evidence before me to demonstrate unacceptable noise levels would arise within the appeal site. The appellant has referenced proposed mitigation measures in their Property Management Information document (June 2025), which sets reasonable steps to follow should such issues arise.
14. Other concerns have been raised including how waste will be managed on site; the effect on the housing mix of the area; and the potential precedent that this proposal could set in the local area. The proposed plans indicate that the refuse storage is located in the courtyard area at the rear of the building accessed either internally through the proposed ground floor apartment or externally via a gate from the alleyway. There would be no cogent evidence before me to demonstrate the proposal would cause an unacceptable housing mix in the area. Finally, whilst other dwellings could have the potential to be converted, each proposal has to be assessed on its own merits based on the policies and other considerations at the time of the application. As such, a generalised concern of precedent would not be determinative in itself and would not justify withholding permission.

Conditions

15. The Framework in paragraph 57 indicates that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Council has not suggested any planning conditions for the appeal.

16. The standard conditions setting out the time limit for implementation and the approved plans are both necessary to define the permission and provide certainty.
17. As the proposal involves subdividing an existing dwelling into two Use Class C3 dwellings, the units could be occupied as permanent residences notwithstanding the holiday-let reference in the description of development. The gross internal area of proposed floorspace falls below the Technical Housing Standards – Nationally Described Space Standards which are a relevant consideration when assessing potential living accommodation. In this case, the proposal would not provide acceptable accommodation for a main or sole place of residence. However, a condition restricting the use to holiday-let accommodation is necessary, reasonable, and directly related to the proposed use.

Conclusion

18. For the reasons given above, the proposal would accord with the development plan when read as a whole. No material considerations indicate that the decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

CM Blair

INSPECTOR