

**Item Number:** 16  
**Application No:** 16/01236/73A  
**Parish:** Aislaby, Middleton & Wrelton Parish  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Dr & Mrs Timothy Thornton  
**Proposal:** Variation of Condition 02 of approval 07/00995/FUL dated 08.01.2008 to state: "The accommodation hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as Middleton Hall. It shall be used only by and in association with members of the family of the occupiers of that dwelling and as holiday accommodation." - retrospective application  
**Location:** The Barn Middleton Hall Main Street Middleton Pickering North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 16 September 2016  
**Overall Expiry Date:** 31 August 2016  
**Case Officer:** Helen Bloomer **Ext:** 328

**CONSULTATIONS:**

**Parish Council** No views received to date  
**Highways North Yorkshire** No objection

**Neighbour responses:** Miss Lorraine Allanson,

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**SITE:**

Middleton Hall is a large detached grade II listed building in the parish of Middleton. The site is within the Conservation Area and lies in an Area of Outstanding Natural Beauty. The property faces onto Main Street in Middleton and is set back from the footpath with numerous outbuildings to the rear within a large curtilage.

This application relates to an existing building which was subject to a planning application in 2007 to change it from a outbuilding to a residential annex.

**PROPOSAL:**

Condition 02 of approval 07/00995/FUL dated 08.01.2008 stated:

The accommodation hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as Middleton Hall, shall not be sold or let off separately and shall be used only by members of the family of the occupier of that dwelling.

Reason:- In order to protect the existing amenities of both neighbouring occupiers and the occupiers of Middleton Hall, and to satisfy the requirements of Policy H7A of the Ryedale Local Plan.

This application is seeking to vary the above condition to allow the use of the annex as a holiday annex. This application is retrospective, it has been used as such since 2008.

## **HISTORY:**

07/00995/FUL - Change of use and alteration of outbuilding to form residential annex/private function space for Middleton Hall with associated external landscaped space - Approved

07/00996/LBC - Conversion and alteration of outbuilding to form residential annex/function space for Middleton Hall with associated external landscaped space - Approved

## **POLICY:**

### Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP8 - Tourism

Policy SP19 - Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

National Planning Policy Framework

National Planning Policy Guidance

This application is presented to Members of the Planning Committee for determination as the applicant is a Council Member. In addition a letter of objection has also been received.

## **APPRAISAL:**

The main considerations in assessing this application are:

- i. Policy
- ii. Residential Amenity
- iii. Highway Safety

### Policy

The application site is located within the Development Limits of Middleton (as defined by the 'Saved' Ryedale Plan) and it is therefore in an 'other' Village as defined by Policies SP1 (General Location of Developments and Settlement Hierarchy) and SP2 (Delivering and Distribution of New Housing) of the Ryedale Plan - Local Plan Strategy and Policy SP8 (Tourism) acknowledges that a key contributor to Ryedale's rural economy is tourism, and seeks to support new self catering accommodation within the town through new buildings and the conversion of existing buildings, subject to an occupancy restriction inline with Policy SP21 (Occupancy Restrictions)

The National Planning Policy Framework also seeks to support development that benefits the rural economy. The Good Practice Guidance on Planning for Tourism also details the value of tourism to the national and rural economy.

The principal of a residential annex was established in the 2007 planning permission.

It is considered that both Local and National Planning Policy supports the principle of the development.

### Residential Amenity

The building the subject of this application is situated on the eastern boundary, adjacent to agricultural buildings associated with Green Farm. In terms of residential amenity, the main concern relating to

this application surrounds the nearby Green Farm and the activities associated to it. This working farm does have various comings and goings throughout the day. Nevertheless, the levels of activity resulting from the farm are not considered to be so significant that they would result in harm to the amenity of the building for use as a residential annex / holiday accommodation. The outdoor amenity space serving the unit is located to the west of the building which would provide a screen from the activities of the farmstead. Nor is it considered that the use would impinge on the operations of the adjacent farmstead.

Furthermore, as Members will note this is a retrospective application. The building the subject of this application has been operating in the manner of which the applicants are seeking permission for 8 years. The Council has not during this period received any complaints in respect of this use.

It is considered given the siting of building within the development limits of Middleton and the nature of use that the proposed use (retrospective) is unlikely to result in an adverse impact on residential amenity.

### Highways

North Yorkshire County Council Highways Authority has raised no objection to the proposed development. A copy of the objector comments have been sent to Highways Officers. In response to the additional comments raised by the objector the Highways Officer concludes.

I note that subsequent planning application ref. 09/01174/FUL does show parking facilities for both The Barn and Applestore Cottage, on Drawing No. AR20 Rev A.

It would also seem that adequate visibility onto the carriageway can be achieved in both directions from the Middleton Hall entrance onto the A170 from within the limits of the existing public highway. So no actual visibility splays would be required over the site and/or blue land.

In view of the above comments and the recommended condition tying the property to 'Middleton Hall' it is considered that there are sufficient parking arrangements for the uses on site and that there are no other highway safety issues that could justify a refusal of the application on these grounds.

At the time of writing no written representations had been received by the Parish Council.

As mentioned above only one letter of public consultation has been received. The full version can be viewed on the public access, however a summary has been provided below:

- Objection raised because it is a retrospective application
- The extent of the Red line plan 2007 application - Note a red-line is not required for Section 73A applications
- Highway safety/congestion concerns

The overall consultation period expires on the 31 August 2016, Members are therefore asked to delegate approval to the Head of Planning following the expiration of the consultation period.

**RECOMMENDATION: Approval - subject to expiry of the consultation period on 31 August 2016**

**RECOMMENDATION: Approval**

1 The property known as 'The Barn' shall be:

(i) occupied for holiday purposes only and not as a persons sole or main place or residence;

(ii) available for commercial holiday lets for at least 40 days a year, and no let must exceed 30 days;

(iii) the owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request; and

(iv) or as an annex in association with the property known as 'Middleton Hall'.

Reason:- In order to comply with Policy SP21 of the Ryedale Plan - Local Plan Strategy.

**INFORMATIVE:**

1. The parking arrangements are to be maintained in accordance with Drawing Number AR20 01 of planning application reference 09/01174/FUL

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties