

Item Number: 12
Application No: 22/00571/FUL
Parish: Thixendale Parish Council
Appn. Type: Full Application
Applicant: Ms Catherine Todd
Proposal: Change of use of existing outbuilding to form a one bedroom residential annexe /holiday letting unit
Location: Baggywrinkles Cottage Main Street Thixendale Malton North Yorkshire YO17 9TG

Registration Date: 13 June 2022
8/13 Wk Expiry Date: 8 August 2022
Overall Expiry Date: 26 August 2022
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

| | |
|----------------------------------|----------------------|
| Thixendale Parish Council | No response received |
| Highways North Yorkshire | No Objection |
| Thixendale Parish Council | No response received |

Representations: Carol And Robinson Dixon, Joshua And Ming-Ju Chiang Cartwright,

SITE:

The property is a traditionally styled, two-storey, semi-detached dwelling, located at the north-western end of Main Street in Thixendale.

The property benefits from a driveway to the front of the property, an attached garage to the side, and an outdoor amenity space to the rear. Due to the land formation in this area, the rear amenity space is tiered and rises steeply to the north. Within the rear amenity space there is an existing outbuilding, which is positioned on the western boundary of the site. This building is currently used for domestic storage, and is the subject of this application.

The property is located in close proximity to the Wolds Way walking route, which runs in front of the site, and up the rising land to the north-west.

PROPOSAL:

This application seeks permission for the change of use of the existing outbuilding to form a one bedroom residential annexe/holiday letting unit.

The alterations to the building are proposed to include the installation of a small W/C facility with a indoor composting toilet (Trobolo Tera Bloem) which diverts liquids and solids and uses either litter or an exhaust system to prevent them- the scheme proposes litter. The scale and form of the outbuilding is not proposed to be altered as part of the proposed development.

Some concerns were raised from the occupiers of the attached neighbouring property with regards to overlooking and loss of privacy from an existing window within the western elevation of the outbuilding. At the Officer's site visit it was found that this window was obscure glazed to a high standard of obscuration, and was a fixed-non-opening window. However, due to the proximity of the building to the neighbour's outdoor amenity space, the proposed intensification of the use of the site

and the current lack of planning control over this building, Officer's also had concerns in relation to the potential for over-looking and loss of privacy. Following discussions with the applicant's agent, the proposed development was revised to include the blocking up of the window in the western elevation of the building, and the inclusion of obscure glazing in the western-most window in the front (southern) elevation of the building.

The revised proposed plans are subject to a re-consultation which will end on the 26th August 2022. All comments received so far are summarised within this report. Any additional comments following the publication of the agenda will be included within the Late Pages, or reported verbally to Members at the Committee meeting.

PLANNING HISTORY:

05/01137/FUL: Planning permission was granted for the erection of 2 no. three-bedroom semi-detached dwellings with one detached double garage and one attached single garage and formation of vehicular accesses (revised details to approval 04/01432/FUL dated 24.01.2005).

04/01432/FUL: Planning permission was granted for erection of 2 no. three-bedroom semi-detached dwellings with detached garages and formation of new accesses.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

- Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
- Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
- Local Plan Strategy - Policy SP8 Tourism
- Local Plan Strategy - Policy SP16 Design
- Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
- Local Plan Strategy - Policy SP20 Generic Development Management Issues
- Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

- National Planning Policy Framework
- National Planning Practice Guidance

REPRESENTATIONS:

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

Two Objections were received to the initial consultation, from the occupiers of the attached property (Aubretia Cottage), and the occupiers of the property on the opposite side of Main Street to the application site (Cottage Farm). These comments are summarised below:

- Loss of Privacy
- Highway Safety and lack of Parking
- Concern around Noise Levels
- Compost toilet may cause additional odour, flies and pests
- Lack of space and facilities at the site for a holiday let/Air BnB
- Potential issues with shared septic tank
- Concerns the property was sold by the letting agent with 'earning potential'.

The occupier of Cottage Farm wrote in a second time, and provided several images of Main Street outside of the application site, featuring large agricultural vehicles and groups of walkers, to support their concerns around highway safety. The full comments and images are available to view on the public file.

Following the submission of the revised plans, a re-consultation is currently being undertaken. At the time of writing, 1 comment has been received from the occupiers of Cottage Farm, who have confirmed that the revised proposed plans do not address their concerns in relation to parking and Highway Safety, stating that if people park on the edge of the highway in this location it will have a major impact on them as they do not have a garden.

As stated above, the re-consultation will end on the 26th August 2022. Any additional comments that are received following the publication of the agenda will be included within the Late Pages, or reported verbally to Members at the Committee meeting.

Thixendale Parish Council have been consulted but have not responded to the consultation. The Local Highway Authority have been consulted, and have confirmed they have no objections to the proposed development.

APPRAISAL:

The main issues relating to this application are:

- Principle of the Development
- Design
- Impact on Neighbouring Amenity
- Highway Safety
- Occupancy Restrictions
- Other Issues: Odour

Principle of the Development

The proposed accommodation is to provide a dual use of ancillary residential annexe accommodation to the main house, and for it to be let separately as a holiday let. The accommodation is not self-contained, and does not provide full bathroom facilities or any catering facilities, and as such it would be accommodation which is incidental to the main dwelling. It is the letting as a holiday let which is the key planning consideration as this would take place in addition to the activities of the main house.

Policy SP1 limits development in villages to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Policy SP8 (Tourism) acknowledges that a key contributor to Ryedale's economy is tourism, and supports the provision of a range and choice of quality tourist accommodation.

Within villages and other settlements, Policy SP8 seeks to support the provision of new tourist accommodation through the conversion, refurbishment and extension of existing buildings. The outbuilding is located to the rear of the main dwelling on the site, on a slightly higher land level. It is in close proximity to the rear elevation of the dwelling. Owing to this positioning, the scale of the building and the potential impact on the amenity of future occupants of both properties, it is not considered that the building would be suitable for a full time residential use. However, the proposed conversion of the building would provide the owners with flexibility to make use of the space an ancillary/incidental accommodation for family or as a holiday let unit.

In relation to the proposed holiday let use, it is understood from the applicant that the intended clientele of the holiday let would be walkers who seek affordable, basic, overnight accommodation, if the other local accommodations within the village are fully booked. The building is not large in scale, serving two people at most and does not provide full bathroom or any catering facilities, and as such it is understood that it would be used in a similar way to a 'bunkhouse' or 'bothy' type of accommodation. On this basis, it is understood that the proposed holiday let use would be of a small scale, which is considered to be appropriate in this rural, residential location.

Occupation Restriction

Due to the size and location of the annexe it is not considered suitable for permanent self-contained residence. The proposal has not been considered on the basis of forming a new planning unit in terms of a new dwelling and so not subject to the policies around the creation of new dwellings. The use of the building as an annexe would be ancillary accommodation to the main dwelling on the site, which is considered to be acceptable. A condition is recommended that prohibits the sale of the building as a separate unit, in line with Policy SP2 and SP20 of the Ryedale Local Plan Strategy, to ensure that it remains ancillary.

Policy SP21(e) relates to time limited occupation for un-serviced holiday accommodation. In light of the flexible use of the building and that it would not be solely used for commercial holiday lets, it is considered that imposing the minimum letting period for 140 days per year would not be appropriate in this case. In this instance it is considered appropriate to impose the maximum let period of 31 days. This is considered to be reasonable, and given the lack of cooking and personal washing facilities it is highly likely that the holiday let use would not reach 31 days.

As such it is considered that the proposal satisfies Policies SP,1 SP8 and SP21 of the Ryedale Plan-Local Plan Strategy.

Design

The proposed development would retain the scale, form and style of the existing building, which is considered to be appropriate. The design will make use of the existing window openings, and the existing chimney stack will be retained. The blocking up of the window within the western elevation of the building is proposed to be rendered to match the rest of the building, which is considered to be appropriate. A condition is recommended to ensure a matching colour and finish of render is used.

As such, the proposed development is considered to comply with Policy SP16 (Design) of the Ryedale Plan- Local Plan Strategy.

Impact on Neighbouring Amenity

The proposed development will not alter the form or scale of the building, and so as such it is not considered that there will be any loss of light or overbearing effects as a result of the proposals.

As outlined above, Officers did initially have some concerns with regards to the potential for overlooking and loss of privacy from the building, on both the occupiers of the neighbouring property, and the occupiers of the principal dwelling on the site. While the existing window in the western elevation of the building is fixed and obscure glazed, it is understood that this building was present on the site prior to the two semi-detached dwellings being constructed. As such there is no current

planning control over this building, or the retention of the obscure glazing within the window in the western elevation. As this application seeks to intensify the use of the building, it was considered that this window should be removed in order to fully protect the amenity of the occupiers (and future occupiers) of the attached neighbouring property.

In addition, Officer's also noted on site that some oblique views into the neighbouring site, and the kitchen space of the principal dwelling within the application site, were possible from the western-most window in the front (southern) elevation of the building. The proposed development was revised to show that this window will be obscure glazed. On this basis, it is considered that the proposed development will not result in any loss of privacy for the occupiers of the attached neighbouring property, or the occupiers of the principal dwelling on the site. A condition is recommended to ensure that the window within the western elevation of the building is blocked up, and the obscure glazing in the western front window is fitted prior to the building being brought into use.

Some concerns have been raised in relation to the potential for increased noise from the site. The proposed annexe use would not change the use of this part of the site, as the entire site (including the garden) is domestic in use. It is acknowledged that the proposed mixed-use may result in some increased comings and goings to this part of the garden. However as identified above, the proposed holiday let use is small in scale, and it is not considered that it will result in a significant intensification of the use of this building, over and above how the building could already be used at the site. In this respect, it is not considered that the occupiers of neighbouring properties would experience a level of noise or disturbance arising from the use of the proposed annexe/holiday let, which would be significantly greater than that which is currently experienced at the property. The features of the proposed accommodation are likely to appeal to walkers, and so it is unlikely they would have a car. The building is also close to the main residence, and so there is a strong degree of natural surveillance and capability to monitor activity at the building. If family/ friends came to visit, the increased comings and goings would not be materially different to if they were staying in the main house, and would result in one additional car.

Concerns have been raised in relation to the potential of the composting toilet to result in odour and pests at the site. This type of toilet system are in common usage in a camping context. It is understood from the specification of the proposed toilet system is an environmentally friendly system which separates liquid from solid and includes a litter-type substance which absorbs the waste making it inert and removes/reduces any unpleasant odours. The system would then need to be emptied after approximately 15 uses- so every 2-3 days, and the storage is closed so no smells are released when you empty it. The specification states that the resulting waste from the system is suitable to either be disposed of as household waste, or can be used for composting or fertilizer, and it is the intention of the applicants to use the materials for composting. On this basis, it is not anticipated that the proposed composting toilet would result in any unacceptable odours or pests at the site.

On this basis, it is considered that the proposed development would not result in unacceptable levels of noise, disturbance, with no loss of privacy or overbearing effects and odour from the proposal so it therefore complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy.

Highway Safety

Some concerns have been raised in relation to Highway Safety and parking provision at the site, stating that the proposed change of use may result in an increased number of vehicles parking on the main highway. As outlined above, the proposed use of the building as a holiday let would be small in scale, and most often occupied by walkers, and as such it is not anticipated that the proposed development would see a significant increase in the level of traffic movements to and from the site whilst in use as a holiday let.

The proposed development would see an existing building converted into one additional habitable room at the site. For a 4-bed dwelling with a 1 bed annexe/holiday let, the North Yorkshire Parking

Policy requires 4 off-road parking spaces. The applicant's agent has indicated on the proposed plans that there are a total number of 5 parking spaces on the site, which is considered to be sufficient for the proposed development. As such, there is nothing to suggest that the proposed development would see an increase in on-street parking in this location, given the availability of off-street parking within the site itself. The Local Highway Authority has been consulted on the application, and have confirmed they have no objections to the proposed development. As such the proposal complies with Policy SP20 in relation to access and vehicular movements.

Conclusion

The proposed development is considered to comply with the relevant Policy criteria set out in policies SP1, SP2 SP8, SP16, SP19, SP20 and SP21 of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions:

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Site Location Plan (scanned to file on 05.07.2022)
- Revised Proposed Site, Elevation and Floor Plans, drwg. no. PP-01-B (scanned to file on 12.08.2022)

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 Prior to the annexe/holiday let hereby approved being brought into use, the existing window in the western (side) elevation of the building shall be blocked up and made good with materials (render) which match the existing colour and finish of the building.

Reason: In the interests of visual amenity and to protect the amenity of the occupiers of neighbouring properties, in accordance with Policies SP16 and SP20 of the Ryedale Local Plan Strategy.

4 Prior to the annexe/holiday let hereby approved being brought into use, the western-most window in the front (southern) elevation of the building shall be obscured to the highest level of obscuration (Pilkington Glass Level 5 or equivalent). This window shall be fixed or top hung only and retained for the life time of the development.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created within the western (side) elevation of the annexe/holiday let hereby approved.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

6

The development hereby permitted shall only be used as:

- a) A residential annexe to the main dwelling known as Baggywrinkles Cottage, Main Street, Thixendale YO17 7TG; and/or
- b) For occupation for holiday purposes only.

The accommodation shall not otherwise be occupied as a separate residential unit and shall not be sold off separately from the main dwelling known as Baggywrinkles Cottage.

Reason: The location of the proposed annex/holiday let is within a village where new residential development is restricted. This condition is also applied to comply with Policies SP2 and SP21 of the Ryedale Plan- Local Plan Strategy.

7

The accommodation hereby approved, when in use as a holiday let, shall only be approved subject to the following conditions:

The holiday accommodation shall;

- a. Not be occupied by any one person/group of persons for holiday purposes for any longer than 31 days per calendar year
- b. 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. This shall include full details of the following:
 - o The main address(es) of all the occupiers of the accommodation hereby permitted;
 - o The start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted;
 - o Supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted.

The accommodation shall not be used as the main residence of any occupant.

Reason: It is not considered that the application site is suitable for permanent residential use and to comply with the requirements of Policies SP2, Policy SP8 and SP21 of the Ryedale Local Plan Strategy.