

## PLANNING APPLICATION REPORT: DELEGATED REFUSAL

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**Application No:** 18/01334/FUL  
**Parish:** Cawton Parish Council  
**Applicant:** Mrs S Wharton  
**Proposal:** Temporary change of use (2 years) from residential to mixed use as a dwellinghouse and holiday let (retrospective)  
**Location:** St Hildas House Main Street Cawton Helmsley YO62 4LW

### CONSULTATIONS:

<b>Yorkshire Water Land Use Planning</b>	No response received
<b>Cawton Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	No objection
<b>Environmental Health Officer</b>	Objection

**Neighbour responses:** Paul & Imelda Wallett, Councillor James Bailey, Dr David Walsh, Mr And Mrs Grimshaw, Mr Richard Hudson,

**Overall Expiry Date:** 8 January 2019

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### POLICIES:

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 SP13 Landscapes  
Local Plan Strategy - Policy SP14 Biodiversity  
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  
National Planning Policy Framework  
National Planning Practice Guidance

### SITE:

The application site relates to a detached residential dwelling incorporating seven bedrooms as illustrated on the submitted plans, located along the Main Street of Cawton, known as St Hildas House. The site falls inside the village development limits and within the Howardian Hills Area of Outstanding Natural Beauty.

### PROPOSAL:

Temporary change of use (2 years) from residential to mixed use as a dwellinghouse and holiday let (retrospective)

### HISTORY:

The most relevant planning history is the following:

11/00453/FUL: Erection of a six bedroom dwelling with detached triple garage. Approved

14/00773/AMEND: Minor amendments to application 11/00453/FUL dated 12.07.2011. Approved  
The following planning enforcement case has also been raised:  
18/00032/CU: Change of use of dwelling to short term holiday lettings

## **REPRESENTATIONS:**

### Objections

5 letters of objection have been received, one from the local ward member and from the occupiers of the 4no. neighbouring dwellings. One letter of objection has also been received from the Parish Council. These representations are detailed below but available to review in full on the planning file. They raise the following summarised points.

### Cllr J Bailey – Ampleforth Ward

- St Hildas is a very large house in relation to the site's curtilage.
- The intensification of use is harmful to the quiet setting of Cawton and to the residential amenity of neighbours.
- The current impact of unsupervised visitors is over and above what is expected from a family home where permanent residents go about their lives.
- The rural economy is important and the existing residential permission can accommodate economic activities like b&b, where visited would be integrated into a residential use or longer term where tenants will bring a sense of community. To regularise the existing situation would endorse a use that is evidenced to be unacceptable.
- Reservations over whether the Council is able to effectively monitor and enforce conditions on numbers of residents or their behaviour that will achieve a reduction of impact. It would be unreasonable to expect the nearby residents to monitor such conditions in these circumstances. In the absence of appropriate conditions being available to mitigate the harm, permission should be refused and the existing residential use should not be changed or intensified.

### The occupier of Pasture House, Cawton

- Loss of privacy – the use of the rear of the property for the hot tub and smoking area, used as a congregation and party area by the large parties of guests who use the property. This is exacerbated by the 5ft wall between the application site and Pasture House to the north allowing large parties to look out directly to the rear of the property. This also increases the level of noise. This loss of privacy is not only limited to the summer due to the hot tub and is often at unsociable hours.
- The only lawned area is to the front of the dwelling, large parties often congregate in this area for ball games and often have full view of the front of the property. Due to the large turnover of guests they are frequently faced with new groups of strangers overlooking our property.
- The hot tub is very popular and located in the garage acts as an echo chamber, projecting sound into the large patio and hardcore area to the rear of the property (NB. When the case officer visited, this was positioned to the rear of the property in the patio area, not enclosed – this may have previously been located in the garage.)
- The patio area is also popular and due to the positioning also acts as a sound amplifier, where conversations can be heard clearly from Pasture House 10m away, when a loud party in excess of 10 people are present this becomes intolerable.
- Antisocial behaviour including public nudity has been experienced, however even well behaved groups cause unnecessary disturbance. Such large or multifamily or friendship groups do not go away on holiday to have a quiet time but to enjoy themselves and socialise. The use in a small quiet rural village in the AONB is inappropriate and if occupied as a long term rental would limit these issues.
- High turnover of groups requires frequent changes to the hot tub water, which is of necessity highly chlorinated. This is emptied into the yard area. Due to the nature of the ground this seeps into the beck located to the north, impacting upon wildlife and natural water courses. It also impacts the natural swimming area to the north of the site which is a wildlife haven and regeneration area. The frequent emptying of the hot tub would lead to toxic chlorination.

#### The occupiers of The Cottage, Cawton

- The house has been let on a fairly regular basis and because of the size of the property has attracted in particular a large number of single sex groups, including stag groups.
- Often parties will continue all night and into the morning causing considerable noise and disturbance to us even though we are one down from the house, I am aware that this disturbance is greatly increased for the properties immediately next door.
- In Cawton, people do on occasions hold outdoor parties that can cause some noise but we are always given notice of events and there is neighbourly acceptance of give and take. This is not the case with the letting of St Hildas as 'a party house.'
- We feel it is totally inappropriate to have what is a large family house on a very small plot in the centre of the village let out and used on a regular basis mainly for large groups to have two or three day parties. The past use does not constitute a 'holiday let' and if approved this unacceptable disturbance will become the norm.

#### The occupier of The Old Farmhouse, Cawton

- The house has been used illicitly as a holiday let over the past two years.
- It is a family sized house without a family sized garden and therefore it is unlikely that a family looking for a quiet rural holiday would book St Hildas.
- The evidence is that it has frequently been used for stag weekends or other celebrations with parties going well into morning, sometimes 4-5am with loud music/laughter.
- In Cawton there is a natural sense of give and take, with neighbours having parties once or twice a year. It is unacceptable that a house in the heart of the village should be let out for two or three parties once a month or more.

#### The occupiers of The Stone House, Cawton

- Mr and Mrs Grimshaw have been encountering issues with noise, disturbance and other forms of unacceptable behaviour from the use of St Hildas as a short term holiday let for a number of months.
- In June 2018 a letter (appended) highlighted the breach of planning control occurring at the property.
- Ongoing issues with noise and antisocial behaviour have not been resolved since the letter of June 2018, despite alterations to the marketing brochures to restrict noise levels at the property.
- Reference has been made to the local planning policy containing within the Ryedale Plan, Local Plan Strategy and the protection of the amenity of existing uses and properties. It is highlighted that this use does not accord with policy.
- The scale of the property, capable of sleeping up to 15 people in 7 bedrooms is an important consideration in the determining how the property is and would be used in respect of potential amenity issues.
- As detailed in the June 2018 letter, the property has been predominantly used by large groups of people for hen parties, stag parties, birthdays, weddings and other large adult social gatherings... in their experience it has rarely been used by extended families for a 'holiday' as the design and access statement suggests. A written log has been kept of the various groups identified, also appended.
- Residential amenity, including that of Stone House and Pasture House in particular has been significantly harmed by noise and late night activities taking place on a frequent basis. Additional reports have been made to the Council's Environmental Health Team and North Yorkshire Police.
- The use of the property as a holiday let raises a particular concern in terms of outdoor noise. Whilst the applicant has sought to control this through advising visitors of certain 'house rules' including restrictions on the hours of use of the external hot tub and playing music/making noises after 10pm these requests have clearly been ignored on a frequent basis.
- Where it would be possible to establish an understanding with an adjacent neighbour or traditional tenant it is not possible to do so when the group that has arrived changes once or twice per week... Clearly not all groups create issues but it is a lottery as to who will arrive and

how they will behave.

- A number of relevant appeal decisions were attached. (appended) Two of these were discussed in further detail and related to large residential properties which were already operating and in use as short term holiday lets without planning consent, as is the case with the application site together with the residential amenity impacts associated.
- Tripadvisor indicates that bookings have been taken up to May 2019, it is clearly the intention to continue using the property on an intensive basis, which raises further concerns and an exacerbation of the existing issues which are currently arising from the property.
- The short term holiday let use is incompatible with the immediate locality and neighbouring uses in a highly tranquil village setting.
- Significant evidence has been provided regarding the impact that the current and proposed use of the property has caused on residential amenity, through the letters of June 2018 and complaints to Environmental Health. The appeal decisions referred to highlight that such issues are commonplace in respect of large short term holiday lets located within and adjacent to existing residential properties. No evidence has been provided to counter this or to set out how the impact of the use could be adequately managed or controlled.
- The occupier of The Stone House has been in regular dialogue with the application regarding noise issues and these have still not been resolved. Any efforts to manage the impacts have been unsuccessful and whilst no conditions have been suggested, it is considered that this would not appropriately controlled by planning condition or a management plan. Such a condition may not be enforceable or reasonable. By the time a noise issue has occurred, the occupiers of the holiday let are likely to have changed. Excerpts from appeal decisions in relation to conditions were included.
- The property could be sold or rented in a traditional manner.
- There is no acoustic screening between the application site and The Stone House and Pasture House. Between the application site and The Stone House there is an open slatted fence and leylandii hedge which provides no acoustic screening. A verbal agreement had been reached to install a 2.1m high acoustic fence subject to planning with each party paying 50% but this was subsequently rejected by the applicant.

Within this response the Planning Agent for the occupier of The Stone House has provided comprehensive Case Law evidence, comprising the following Inspector's appeal decisions.

Appeal Ref: APP J3530/C/10/2143442 – Land at Audry's Park Road, Melton, Woodbridge.

Appeal Ref: APP/D2510/C/14/2222553 – Land at The Old Vicarage, Grove Road Theddlethorpe, Mablethorpe, Lincolnshire.

Appeal Ref: APP/D2510/W/16/3157006 – Land at The Old Vicarage, Grove Road Theddlethorpe, Mablethorpe, Lincolnshire.

Additional supporting evidence was supported in the form of previous correspondence with the Local Planning Authority, Marketing Information, Records of Occupiers (April to November 2018) and additional housing legislation.

These documents can be viewed in full on the planning record.

The Parish Council provided the following comment:

“It was agreed to OBJECT to this retrospective planning application. The noise and disturbance to this very quiet and rural local community experienced since April 2017 has been considerable and none of the mitigating elements identified in the planning application have had any impact on the users of the holiday let. The holiday let does not contribute to the local economy as there are no shops or local services in Cawton and the owners of the house do not live in Cawton so it is not part of the community with a long term relationship to the village.”

## **APPRAISAL:**

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Amenity, including Residential Amenity
- iii) Access and Highway Safety
- iv) Other Matters including Consultation Responses.
- v) Correspondence between Case Officer and Planning Agent

### **i) Principle of the Development**

This application seeks planning permission for the temporary change of use (for a 2 year period) from residential to a mixed use, including a dwellinghouse and holiday let. As noted on the description, the letting of the dwelling as holiday accommodation has been undertaken without permission and is the subject of a pending enforcement case.

The principle of the dwelling as a residential dwellinghouse has been established. The development currently being considered would incorporate no alterations to the approved appearance of the building to facilitate the change of use.

The change of use is necessary in light of the holiday accommodation. The Town and Country Planning (Use Classes) Order 1987 confirms that a dwellinghouse falls within the use class C3. It is considered in this instance that the use of the dwellinghouse for a commercial holiday let with capacity for up to 15 people would result in a use that is fundamentally different to how the property would be used if it was occupied by a single household.

The report by Lord Justice Sullivan on the appeal at the above referenced property St Audry's House, Melton, Woodbridge, Suffolk noted that "I consider there are a number of distinct differences between the current use and the use of the appeal property as a family dwelling house. Notably the pattern of arrivals and departures with associated traffic movements, the numbers of people constituting the visiting groups, the likely frequency of part type activities and the potential lack of consideration for neighbours." These are considered to be similar aspects which have also resulted in the material change of use at St Hildas House. The applicants and planning agent have accepted that a breach of planning control has been undertaken and this has not been disputed.

In relation to the partial temporary use of the dwelling as holiday accommodation, the following Policies of the Ryedale Plan, Local Plan Strategy are relevant:

Policy SP8 notes "*Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the District.*"

Policy SP20 notes the following:

*Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses*

*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*

*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise*

*New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance*

The Design and Access Statement (PDA Associates November 2018) notes that *“the dwelling was completed in 2015 with the intention of being sold, but a dip in the market resulted very little interest and no purchasers came forward. The applicant sought to let the house to generate some income, but this also provided unsatisfactory with difficulties involving the first few tenancies.”*

It continues *“in order to improve the rental income, the applicant decided to try short term holiday lets, and this has proved to be the most beneficial use for the large family dwelling. The proposed change of use application is only sought for a two year period whilst the owners decide whether to retain it as a dwelling for their own use or to sell. The applicant lives in the house during periods between tenants...The applicant is aware of potential issues with noise from the holiday let use and has taken all the appropriate measures to minimise any impact on the neighbouring dwellings. These include the advertising literature stating “This is not a party house” and this is repeated several times during the reservation and booking process. The music system has been removed. The importance of being a quiet and considerate is stressed again at the “meet and greet” appointment and again in the “house bible.” The hot tub has clear instruction to not be used beyond 10pm. A notice adjacent to the patio doors remind guests to be quiet and considerate. No additional visitors are permitted at the house during a holiday let.”*

Whilst the Local Planning Authority in general is supportive of the provision of a range of tourism accommodation in the district, it is considered that this cannot be considered in isolation in this instance, without a full review of the impact of the proposed development on the main considerations identified above, in particular on residential amenity. This is supported in paragraph 5.3 of the Ryedale Plan, Local Plan Strategy which notes *“it is important that a balance is struck and that new tourist accommodation, attractions and facilities are located in places where the scale, nature of activity and visual intrusion can be accommodated, for example, in terms of the character and sensitivities of the locality, wider landscape and road network.”*

ii) Amenity, including Residential Amenity

In the Layout section of the Design and Access Statement it is noted *“it is not anticipated that the change of use will have significant effect on the privacy, overlooking or noise due to the separation distances and a good level of natural screening.”*

As noted the property occupies a position set back from the highway in a broadly linear form, with Pasture House to the west and The Stone House to the east. A site visit was undertaken by the Case Officer together with the Council’s Environmental Health Officer. The following consultation response was received:

*“Further to the above application. St Hildas House is a large detached house with a neighbouring boundary to the west of approximately 1.7 metres and a neighbouring boundary to the east of approximately 4.8 metres. To the rear of the property is three garages a gravelled area, large patio with an outdoor hot tub situated on the patio.*

*The property is presently advertised through Sykes Holiday Cottages as being able to accommodate 15 people.*

*I consider the use as a holiday let would not be compatible with the immediate locality and neighbouring land uses. Environmental Health has received complaints during the summer of 2018, alleging loud music and anti-social behaviour from large groups of people renting the property, and have spoken with the owners of the property who have tried to control these activities by imposing certain house rules, however without any on site management the enforcement of these rules is impossible.*

*The number of people that this house is able to accommodate, and the added feature of a hot tub will*

*attract large groups of people that may include hen and stag parties and their celebratory activities could result in unlawful interference with the neighbours use and enjoyment of their property and gardens."*

Further to this response and following review of the consultation responses received, this view is concurred with and that the continued use of the dwelling for short term holiday lets would not be acceptable in this location.

The scale of the dwelling would encourage large groups and the lack of on site management would limit any timely control of antisocial behaviour. It would not be possible at the time of booking to have any practical degree of control to ensure that the guests would remain respectful of this residential setting or pay heed to the holiday let being advertised as "not a party house." In addition, the scale of the building can result in significant numbers of vehicles and accordingly numbers of journeys, which all can harmfully impact on residential amenity.

The Design and Access Statement makes reference to measures undertaken to minimise impact upon the neighbouring dwellings and it is acknowledged that the applicants have put up notices limiting the hot tub usage to 10pm and removed a music system. However, it is not considered that these measures can effectively control the impact upon neighbouring amenity. Nor would a wider planning condition in relation to types of groups, use of outdoor areas, nor a wider management plan be reasonable, enforceable or effective in this regard. The highlighted Case Law indicates that previous Planning Inspectors have also concurred in similar instances that planning conditions could not satisfactorily address harm in respect of similar holiday lets where harm has been experienced by the occupiers of nearby residential properties.

Case law indicates (in planning appeal reference APP/D2510/C/14/222253) that *"it is not only single sex gatherings that have the potential to cause harm. Any large gathering for celebratory occasions could equally. Given the size of the Old Vicarage (10 bedrooms) a condition restricting large gatherings would not satisfy all the tests of paragraph 206 of the NPPF. It particular it would be not enforceable or reasonable in all other respects."*

Therefore it can be considered that not only traditional single sex parties such as stag or hen events would cause harm, but even more traditional holiday lettings for families or large groups can result in a harmful degree of noise in this setting in such close proximity to neighbouring dwellings, in what is a small village with very low ambient noise levels.

Attention is drawn to the detailed correspondence undertaken between the Agent and the Case Officer in Section V. Whilst no specific information relating to booking information or breakdown of groups was ultimately provided, despite being referred to as available by the Agent, it is not considered that this information would have been likely to demonstrate that no harm was being caused. This has not been pursued any further by the Case Officer.

It is not considered that the proposed retention of the mixed use development, including short term holiday let with a maximum capacity for 15 people is a use compatible with its immediate locality, in a position closely adjoined by residential dwellings in the main street of Cawton, a village in the Howardian Hills Area of Outstanding Natural Beauty which enjoys low ambient noise levels.

This use in this particular location has been proven to result in harm to the residential amenity of the occupiers of the closely adjoining neighbouring residential properties, by virtue of unacceptable noise and disturbance. Given that there is no identified positive way forward, the use remains in discordance with Policies SP13 and SP20 of the Ryedale Plan and refusal is recommended on amenity grounds.

iii) Access and Highway Safety

The Local Highway Authority has raised no objection to the proposal. The site incorporates significant off street parking provision within the curtilage. It is therefore considered that this proposal would not result in any harm to access and highway safety.

iv) Other Matters including Consultation Responses.

The Parish Council's letter of objection has been detailed above, as has the letter of objection from Councillor Bailey.

The letters of representation received from the occupiers of neighbouring properties have been fully detailed above. It is considered that the highlighted concerns have been addressed in the sections above, with the exception of the following points:

In relation to the environmental impact of the chemical treatments and emptying of the hot tub, it is not considered that this is a relevant material planning consideration in the determination of this proposal as planning permission is not specifically required for a hot tub. Yorkshire water were consulted and no response was received. Following the site visit where the Case Officer viewed the natural pond to the rear of the adjoining property Pasture House, the consultation criteria for the Environment Agency was reviewed and it was noted that this application did not meet the criteria.

The Council's Environmental Health Officer had no specific concerns about the water treatment. The site is also not within an Internal Drainage Board Consultation Area.

Under householder permitted development rights, boundary treatments up to 2 metres can be installed to any boundary not facing a highway and this could effectively address this issue.

v) Correspondence between Case Officer and Planning Agent:

In the interests of transparency the following communications were undertaken between the agent and the Case Officer. In order to be positive and proactive, additional time was provided to submit additional information and/or amend the application. No additional information or alterations to the application have been put forward.

The agent was advised on the 30th January 2019 that *"Having considered whether there is any way forward for your client in this situation, I do not believe that the removal of the hot tub, limiting of guest numbers, nor the installation of acoustic fencing could suitably mitigate the identified issues. Therefore in this instance in order to protect neighbouring amenity, we will proceed to recommend refusal of this application. In our view this decision would be in accordance with local and national planning policy, together with relevant case law."*

On the 4th February the agent acknowledged receipt of the email dated 30th January 2019, seeking to withdraw the application for it to be resubmitted in due course.

A reply from the Case Officer noted the following on the 4th February: *"In my view, withdrawal is unlikely to be the best way forward in this instance, as we are dealing with a retrospective use that has come to the attention of the Local Planning Authority via the planning enforcement system, with numerous reports of harm being experienced by neighbouring residents."*

*If you feel that there is additional information relevant to the determination of the proposal, I would ask you to submit it as soon as possible in the current application, we will be able to extend the determination period. To withdraw the application now, would mean that an unauthorised use may continue without an appropriate timeline for resubmission. I do have concerns that the breakdown of guests, types of groups and periods of stays is unlikely to overcome the concerns we have previously outlined.*

*Failing that, if you choose to withdraw the application, the Local Planning Authority will be obliged to continue with formal enforcement action, immediately following withdrawal of the application and an enforcement report will go to Members of Planning Committee at the February meeting. Alternatively, I can proceed with refusal of the application and you will have the right of appeal with the Planning Inspectorate."*

A response from the agent noted on the 5th February noted *"I tried to call both you and Gary Housden*



*yesterday but couldn't get through. I think if we could have communicated earlier and had the chance to discuss and provide information to you before formulating a decision it would have been helpful. Please could you advise what extension of time would be available for the applicant? Failing that we will withdraw and resubmit by the 15th February with the information that is being prepared if it helps you provide a timeframe to avoid enforcement."*

The following response from the Case Officer to that email highlighted the following *"Thank you for your email. I am sorry I was not available yesterday, but I was on site. I didn't receive any voicemail messages, otherwise I would have returned your call. If you would be able to resubmit by the 15th February, I would then suggest an extension of time until the 22nd February to allow for the additional information to be considered in the first instance. I would however reiterate the point in my email yesterday that I have concerns that the breakdown of guests, types of groups and periods of stays is unlikely to overcome the concerns we have previously outlined."*

*In relation to your point about communication, in order to be helpful I did advise you of our decision in advance, whereas this could alternatively have been a straight refusal. I am also offering the opportunity of an extension of time to allow you to provide this additional information. Clearly it would have been helpful if all information which you felt was relevant was available at the time of submission."*

An extension of time was offered until the 22nd February 2019 with any additional information to be submitted by the 15th February 2019 for consideration. The Case Officer contacted the agent for a response and during a telephone call on the 8th February, the agent identified that the client wished to consider alternative options. To formalise this in writing, the Case Officer followed this conversation up with the following email on the 12th February 2019. *"Further to our telephone call on Friday, you discussed how your client wishes to consider alternative options for St Hildas, other than that which is currently applied for, prior to the house going on the market. I think it would be imperative that whatever use you may wish to reconsider is akin to what could be reasonably expected when in use as a dwelling house to minimise the impacts being experienced by nearby residents. I would suggest you use that as a basis for any alternative proposal.*

*However, I would request that any revised scheme is submitted as a matter of urgency as currently this unlawful development continues. I would therefore give you a final date of 22nd February 2019 to submit any additional information/revised proposal. This is a further extension beyond the date I had identified in my email of the 5th February for the additional information. If this is not received by this point, I will move to refuse the application in its original form."* This was later extended by one working day to the 25th February 2019.

An email was received on the 21st February 2019 from the agent noting the following *"I just didn't want a refusal from you and just wished to give you an update and talk through the best option to save everyone time. Essentially the use as holiday cottage is now going to finish mid-July anyway. The applicants have stopped taken bookings and wish to honour the handful of remaining bookings and the use will resolve itself (I have a list of the bookings). Essentially this is now less than 5 months away. You and I discussed some alteration to the length of an approval but this would seem unlikely to be acceptable. It just seems a waste of time to have to appeal and involve enforcement for something that is going to resolve itself. I look forward to discussing this with you as soon as you are available."*

In response on the 25th February 2019 the Case Officer noted *"I take the view that the continued use of the property for the next 5 months as a holiday let has the potential for unacceptable impact upon the neighbouring residential properties. You had previously noted that your client wished to formally consider alternative options for St Hildas, however just letting the current use continue without the LPA taking enforcement action is not what I had anticipated being put forward. Please therefore confirm how your client wishes to continue with this application, I would appreciate this confirmation as previously discussed by close of day today."*

The agent responded to confirm that with regret the applicant wishes to proceed and refuse the application.

## Conclusion

Therefore following consideration of the information above, it is considered that the temporary change of use of St Hildas House for a two year period from residential to mixed use as a dwellinghouse and holiday let (retrospective) is unacceptable and in discordance with Policies SP13 and SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

## RECOMMENDATION: **Refusal**

- 1 It is not considered that the proposed continuation of the mixed use development (specifically the short term holiday let with a maximum capacity for 15 people and no on site manager) respects the character and context of the immediate locality in relation to the existing closely adjoining residential properties, in a village within the Howardian Hills Area of Outstanding Natural Beauty (AONB) with low ambient noise levels. The proposal is considered to be contrary to the requirements of Policies SP13 and SP20 of the adopted Ryedale Plan, Local Plan Strategy and objectives of the AONB Management Plan to conserve the special qualities and tranquillity of the AONB.
- 2 The short term holiday let use has been proven to result in significant harm to the residential amenity of the occupiers of the closely adjoining neighbouring residential properties, by virtue of unacceptable noise and disturbance. This proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy.

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**SIGNED:**



**Head of Planning**

**Date:** 11/3/19