

13. S.73 APPLICATION FOR THE VARIATION OF CONDITION 2 ON NP/HPK/0299/021 AT LADYCROFT BARN, THORNHILL, BAMFORD (NP/HPK/0419/0393/ALN)

APPLICANT: MRS WENDY VICKERS

Summary

1. As a holiday cottage, Ladycroft Barn is meeting one of the National Park's statutory purposes in providing opportunities for the understanding and enjoyment of special qualities. As an open market dwelling the property would not contribute to National Park purposes. Furthermore adopted policies seek to maximise opportunities for the provision of affordable housing to meet the established housing needs of local people by requiring that holiday conditions are replaced by a local needs occupancy restriction. The proposals would not comply with policy DMR3 because the applicant is not in housing need. The proposals are therefore recommended for refusal.

Site and Surroundings

2. Ladycroft Barn is located on the northern edge of the hamlet of Thornhill, on the eastern side of Townhead Lane, an unclassified cul de sac that leads northwards from the centre of the settlement. The area in question is known as 'Town Head'.
3. A terrace of three dwellings sits at right angles to the highway (1, 2 and 3 Townhead), and Ladycroft Barn is attached to the east facing gable end of no. 3.
4. It is a one and a half storey traditional barn that was converted to a single unit of holiday accommodation following planning permission in 1999. The applicant lives at Town Head Farm, a detached dwelling situation some 14m to the south of the former barn.
5. The application site and the whole of 'Town Head' is within the Thornhill Conservation Area. A public right of way runs directly to the north of the barn, running in a west-east direction. A further public right of way runs westwards from Townhead Lane towards Abney.
6. For clarity Thornhill is not a 'named settlement' within Core Strategy policy DS1 for planning policy purposes.

Proposal

7. This is a section 73 application which seeks to remove condition no.2 from planning approval ref NP/HPK/0299/021. Condition 2 reads:
8. *'This permission relates solely to the use of the premises hereby approved for short-let holiday residential use ancillary to Townhead Farm. The property shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing house and the approved holiday accommodation shall be maintained as a single planning unit'*
9. The reason for the condition states *'Permission has been granted in accordance with policy RT3 of the Structure Plan which permits the conversion of traditional buildings to holiday accommodation. Conversion to a permanent dwelling would be contrary to the Structure Plan policies'*.
10. The application form states that the applicant is looking to future and her retirement and would like to be able to sell Townhead Farm and live in Ladycroft Barn as her permanent

residence.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

The proposals would not comply with Development Management policy DMR3 (ii) because the applicant wishes to occupy the dwelling but is not in housing need as specified in Development Management policies DMH1 and DMH1. Consequently the dwelling unit cannot be tied by legal agreement to occupancy by those in housing need.

Key Issues

Principle of use of the property as an open market dwelling.

History

April 1999 – planning permission granted for conversion of barn to holiday cottage.

July 1996 – planning permission granted for extension to dwelling at Townhead Farm.

January 1993 – planning permission granted for extension to dwelling at Townhead Farm.

January 1965 – planning permission granted for extension to dwelling at Townhead Farm.

Consultations

Highway Authority – no objections

District Council – no response

Parish Council – no objections

Representations

Six letters of support have been received from local residents making the following points (in summary):

- Townhead Farm is too large for one person and it makes sense for the applicant to downsize.
- Other family members live at Townhead which would be beneficial to the applicant in her retirement.
- Local residents should be supported as much as visitors.
- The proposals would free up a family sized property for another family to move into.
- Proposals would benefit village life.
- Too many visitors and holiday rentals is unsustainable and detrimental to the village.

Main Policies

Relevant Core Strategy policies: GSP1, DS1, HC1, RT2

Relevant Local Plan policies: DMR3, DMH1, DMH2, DMT3, DMT8, DMC3

National Planning Policy Framework

11. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
12. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Adopted Development Management Policies. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and government guidance in the NPPF with regard to the issues that are raised.

Development Plan

13. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted.
14. Core Strategy policy DS1 outlines the Authority's Development Strategy and in principle allows for conversion or change of use for housing, community facilities and business uses including visitor accommodation, preferably be re-use of traditional buildings. It provides a list of 'named settlement' where there is scope to maintain and improve the sustainability and vitality of communities.
15. Core Strategy policy HC1 states that provision will not be made for housing solely to meet open market demand. Exceptionally new housing (whether newly built or from re-use of existing buildings) can be accepted where it addresses eligible locale need, provides for key workers or is required in order to achieve conservation and/or enhancement of valued vernacular building or in settlements listed in DS1.
16. Development Management policy DMR3 states that outside settlement listed in policy DS1, for existing holiday accommodation, the removal of any condition that stipulates either months of occupation or occupation of no more than 28 days per annum by any one person will be permitted provided that:
 - i. There would no adverse impact on the valued characteristics of the area or residential amenity; and
 - ii. The dwelling unit is tied by legal agreement to occupancy in perpetuity by those in housing need and having the required local connection as specific in policies DMH1 and DMH2; and
 - iii. The size of the dwelling unit is within that specified in policy DMH1 or of a size that can be reasonably rented or part owned.

17. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
18. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

19. Principle of the use of the building as an open market dwelling.
20. Ladycroft Barn was converted to a single, 2-bed unit of holiday accommodation following planning permission in 1999. The conversion appears to have been carried out in accordance with the approved plans and has been let out by the applicant as a holiday cottage since that time.
21. The applicant lives at Townhead farm which is located across the yard, some 14m to the south of the holiday cottage. As her retirement approaches she would like to move into Ladycroft barn as her permanent residence and sell Townhead on the open market. Consequently it is proposed to lift the condition that restricts occupancy to holiday use and which requires Ladycroft Barn and Townhead Farm to remain as a single planning unit.
22. The overarching Core Strategy housing policy HC1 allows for housing where it is required in order to achieve conservation and/or enhancement of a valued vernacular building. Had Ladycroft not been converted to a holiday cottage, then proposals for conversion to an open market dwelling would be likely to be compliant with HC1 as the building is considered to be a heritage asset and conversion would be necessary to sustainably retain the building in the long term. However, as the conversion works have now been carried out and the building is in a good state of repair there is now no conservation benefit to be gained and therefore the proposals do not accord with HC1 C.
23. Consequently the starting point for the consideration of this application is Development Management policy DMR3. This allows for the removal of holiday occupancy conditions provided that (i) there would be no adverse impact on the character of the area or residential amenity; (ii) the dwelling would be restricted to local people in housing need and (iii) the size of the dwelling is within that specific in policy DMH1.
24. In respect of subsection (i) of DMR3, there would no changes to the external appearance of the building and there is a modest residential curtilage to the north and south of the property. Consequently there would not adverse impact on the character of the area. There would no impact upon the residential amenity of other three properties in the terrace over and above the existing use as a holiday cottage. Townhead Farm is located to the south but there are few openings on the rear (north) elevation and it is physically offset to the west such that if the property were an open market dwelling and no longer in the control of Townhead Farm, there would be no significant impact on the residential amenity of either property.

25. With regards to subsection (ii) the internal floorspace of Ladycroft Barn is approximately 92.2sqm which is below the 97sqm upper limit for an affordable dwelling within policy DMH1.
26. The main issue for consideration is subsection ii) which effectively requires that if we allow the holiday occupancy condition to be lifted, the property should instead become an affordable local needs dwelling with occupancy restricted by means of a section 106 legal agreement to local people in housing need. The supporting text to policy DMR3 explains that the reasoning behind this is that *'the recycling of these houses into this sector helps address local problems of affordability and reduces the pressure to build further dwellings.'* Essentially the policy is acknowledging that land upon which to build new affordable housing is in short supply in the National Park and that therefore any opportunities to provide local needs housing should be taken. While ever the property is a holiday cottage, it is meeting one of the National Park purposes in providing opportunities for understanding and enjoyment. As an open market dwelling it would not.
27. The applicant was born in Thornhill and has lived there all her life. Consequently she meets the 'local criteria' set out in policy DMH2. A supporting letter states that she is finding it increasingly difficult to maintain the farmhouse and its large garden and associated land. Whilst we recognise these difficulties, unfortunately the applicant is not in housing need because she is not currently living in accommodation that is *'overcrowded or otherwise satisfactory'* as defined in para.s 6.20 and 6.21 of the Development Management policy supporting text. Unsatisfactory accommodation is considered to be accommodation that is too small or unsatisfactory in the view of the Housing Authority. Townhead Farm is a three-bedroomed detached property with a large garden and 1 acre of land. The house appears to be in good condition and is not lacking in any basic facilities. It is clearly not too small for the applicant as a single person. The applicant has submitted a letter explaining that she has some health problems. However no evidence of disablement has been submitted or evidence that the house could not be adapted to meet her ongoing needs.
28. Essentially the applicant is reaching retirement and wishes to plan for the future by 'downsizing'. In the recently adopted Development Management Plan (paras 6.28-6.29) the Authority has recognised that as some people get older they may desire to move to smaller properties and remain in and contribute to the communities where they have lived. It acknowledges that reasons for this may vary from decreased mobility and a practical difficulty in managing and adapting the current home to meet changed needs, to the need to release capital to support their old age. The policy document makes it clear however that wherever possible *'downsizing should be met through the existing housing stock and that 'the Authority will need to be persuaded that homeowners have no alternatives available to them on the open market that can meet their changed circumstances. This means that an applicant should provide evidence of their search for housing on the market at the time of submitting a planning application.'*
29. The applicant has not carried out a search for other suitable housing within the Parish or and adjacent Parish. The supporting letter explains that her sister and other family members live at Townhead and she wishes to continue to live close to them so that they can support her in her retirement. Consequently she does not wish to live elsewhere in the Parish or an adjacent Parish.
30. Whilst we appreciate the desire to live close to other family members, this does not constitute a *housing need* as set out in the policies. Whilst supporters have stated that the proposals would 'free up' Townhead Farm to be lived in by a family, there is no control over occupancy on the property and therefore there is no guarantee that if sold it would be occupied either by a family or as a permanent dwelling.

31. We have made a suggestion to the applicant that given her very local and family connections to Thornhill specifically, she could offer to sign a legal agreement committing to affordably secure the property for people who meet the Authority's local occupancy criteria, after her occupation comes to an end. While not strictly in line with policy, this would meet policy objectives in the long term by securing the property for local residents in future. However, the applicant does not wish to enter into such an agreement and seeks an open market property.

32. In conclusion the proposals are contrary to adopted policies HC1 and DMH2 .

Other Considerations

33. There is parking space for two vehicles on a surfaced area to the south of the barn and the Highway Authority has raised no objections with regard to the access to the site. The proposals would therefore be served by a safe and suitable access and adequate off street parking in accordance with policies DMT3 and DMT8.

Conclusion

34. At present, as a holiday cottage, Ladycroft Barn is meeting one of the National Park's statutory purposes in providing opportunities for understanding and enjoyment. As an open market dwelling the property would not contribute to National Park purposes. Furthermore adopted policies seek to maximise opportunities for the provision of affordable housing to meet the established housing needs of local people by requiring that holiday conditions are replaced by a local needs occupancy restriction. The proposals would not comply with policy DMR3 because the applicant is not in housing need. The proposals are therefore recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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