

North York Moors National Park Authority Planning Committee

23 July 2015

Request to vary a S106 Obligation in Relation to Calf Garth Cottage, Raisdale Road, Chop Gate

1. Purpose of the Report

- 1.1 To seek Members agreement to a formal written request to vary a Section 106 Obligation agreed imposed on Calf Garth Barn at Hall Garth Farm in 1997 which accompanied planning permission for conversion of agricultural buildings to form a house, cottage and domestic garage. The Section 106 Agreement tied the house and holiday cottage to the adjacent land and also restricted the occupancy of the holiday cottage to letting to the same group of people for not more than 28 days in any one financial year. The applicant is now looking for the occupancy of the barn to be varied to also allow Local Occupancy Letting in line with Development Policy 8 of the NYM Local Development Framework.

2. Background

- 2.1 This matter relates to a barn conversion scheme granted permission in 1997 for a house, holiday cottage and garage known as Calf Garth Barn, which at the time was part of Hall Garth. The House and Holiday Cottage and sited adjacent to each other and have a traditional stone and pantile appearance. The properties are located to the East side of the cluster of development which induces Hall Garth. The farm buildings on site are in the same ownership at Calf Garth Barn.
- 2.2 The Section 106 Agreement to which this application relates was drawn up in connection the 1997 application NYM2/013/0092A/PA which tied the house and holiday cottage to the adjacent land and also restricted the occupancy of the holiday cottage to letting to the same group of people for not more than 28 days in any one financial year.
- 2.3 Since development the property has now changed hands and the new owner wishes to vary the above agreement in line with the policies of the current Local Development Framework which would allow the unit to be occupied as a rented Local Occupancy Unit tied to the main house. No alterations are proposed under the current application NYM2015/0254/FL merely the variation of Condition which also restricts the letting to 28 days and Holiday Accommodation.

3. Consultations

- 3.1 A site notice was posted on 8 May 2015, in relation to the application currently under consideration for the variation of Condition of the previous approval. No comments with regard to the occupancy of the proposed unit have been received in relation to this consultation.

4. Main Issues

- 4.1 The Local Development Framework policy considered relevant to this request is Core Development Policy 8 (Conversion of Traditional Unlisted Rural Buildings).
- 4.2 Development Policy 8 seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not required changes to the buildings curtilage or new vehicular access or parking areas. In the case of long-term/permanent residential uses, the occupancy of the accommodation is restricted to a person satisfying the local needs criteria set out in Core Policy J and the tenure will be restricted to letting only and the unit will not be sold off separately from the main dwelling.
- 4.3 The requested variation of the occupancy restriction to either 28 day holiday accommodation or as a Local Occupancy unit for Letting would be in line with the above policy and an application has also been submitted to realign the planning approval with the varied Section 106 Agreement.
- 4.4 Officers have visited the site in connection with a current application and consider that the variation to the Section 106 Agreement would not result in any significant harm to the neighbouring property or the initial reasons as to why it was imposed.
- 4.5 Officers therefore recommend approval to this request.

5. Financial and Staffing Implications

- 5.1 There are no financial implications arising from the report as the applicant would be expected, and has agreed, to pay for the necessary legal costs to be covered.

6. Sustainability Appraisal

- 6.1 A Sustainability Assessment is not required because the report is an administrative issues report.

7. Legal Implications

- 7.1 The Authority's legal advisor notes that the manner in which this change would be facilitated is by a deed of variation between the parties which would leave the first Agreement intact but altered by just the deed.

8. Contribution to Management Plan Objectives

- 8.1 This proposal meets the requirements of Policy C9 of the NYM Management Plan in that it helps towards meeting the housing needs of Local People resident within the National Park.

9. Recommendation

- 9.1 That delegated authority be given to the Director of Planning to instruct the Authority's legal advisers to vary the Section 106 Agreement dated 1 August 1997 relating to "land at Raisdale, Chopgate" in connection with NYM2/013/0092A/PA.

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Background documents to this report_

File Ref

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| 1. Planning Permission | NYM2/013/0092A/PA. |
| 2. Section 106 dated 1 August 1997 | |
| 3. Agent's letter requesting the Agreement is varied received at the Authority on the 16 June 2015. | |