
APPLICATION DETAILS

Application No:	17/0419/COU
Location:	Ryehill House East, Brass Castle Lane, Middlesbrough, TS8 9ED
Proposal:	Change of use to Bed and Breakfast
Applicant:	Mrs Susan Holmes
Agent:	Mr Mike Carr
Ward:	Nunthorpe
Recommendation:	Approved with Conditions

SUMMARY

The application seeks to convert the existing property of Ryehill House into a bed and breakfast use.

The key issues with the application relate to access/egress arrangements, parking provision, and the waste storage proposals.

The initial submission proposed a circular access and egress arrangement, that is, an access via the private driveway of Ryehill House (east) and an egress via the farm track of Ryehill Farm (west). Following concerns from local residents and the Council's Highways authority, the applicant has revised this arrangement and proposes both the access and egress via the private driveway of Ryehill House.

Further indicative details have also been submitted for the location of the waste storage and parking provision.

In conclusion, the submitted additional details are deemed to be acceptable and would result in an overall development that would neither harm the residential amenities of neighbouring occupiers nor harm the character and appearance of the surrounding countryside.

SITE AND SURROUNDINGS AND PROPOSED WORKS

Ryehill House is a two-storey property accessed off a private driveway on the south side of Brass Castle Lane. The host property is situated approximately 300 metres from Brass Castle Lane.

The application site is one of a small number of properties in this local area, which is principally characterised by open countryside and copses of trees and other landscaping.

The application seeks planning consent to change the use of the property to a bed and breakfast capable of accommodating up to 6 guests. Indicative drawings have been submitted showing the potential parking provision, the access and egress arrangements as well as the intended co-habitation of guest accommodation and private living quarters.

PLANNING HISTORY

There is no relevant planning history relating to the address.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) *The provisions of the development plan, so far as material to the application;*
- b) *Any local finance considerations, so far as material to the application; and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014);*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only);*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only);*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011);*
- *Middlesbrough Local Plan (1999, Saved Policies only); and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*

- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
 - *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 – General Development
 CS4 – Sustainable Development
 CS5 – Design
 E20 – Limit to Urban Development
 E21 – Special Landscape Areas
 CS20 – Green Infrastructure

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Neighbouring properties and internal technical services have been notified of the proposed development and the following responses have been received.

At time of writing, the application was in receipt of 4 letters of objection and 1 other letter with representations. A summary of the issues raised in each representation is provided below.

1 & 2 Ryehill Farm Cottages (owner) objects:

- Parking spaces are shown in front of 1 & 2 Ryehill Farm Cottages - there is insufficient space in this area for further car parking beyond the existing arrangements for 1 & 2 Ryehill Farm Cottages and access to these buildings.
- There is insufficient space for vehicle manoeuvring.
- A one way system is shown using an exit route in front of 1 & 2 Ryehill Farm Cottages and through Ryehill Farm. The intensification of use of this route will directly impact on the privacy and amenity of those two dwellings.
- The proposed exit route from Ryehill House is the only route of access to 1 & 2 Ryehill Farm Cottages and therefore traffic on that route already passes in both directions. It is a narrow, unlit route between buildings with limited visibility suitable only for the existing direct access to dwellings by limited traffic. It is not therefore sensible or safe to create a one way system down this route for numerous vehicle movements per day.
- It is suggested that the proposal should be amended such that suitable parking and access arrangements are located entirely on land belonging to Ryehill House thereby reducing the impact on neighbouring properties, and more importantly, creating genuinely safe and suitable arrangements.

Ryehill Farm objects:

- Ryehill House claim there is an existing "right of access" through Ryehill Farmyard, however, we are not aware that this "right of access" formally exists, and even if it does it may provide a right of access for residential use only. If the proposed B&B is to use Ryehill House's own private driveway then this would be acceptable.
- Ryehill Farm is a working farm and the use of the Farmyard as a thoroughfare for "visitors" is totally unacceptable. This would lead to increased traffic, causing major concerns for Health and Safety within the Farmyard due to vehicle movements including combining, tractors and trucks operating in this area.
- The farm lane is a single track so could not handle any more traffic than it already does.

1 Ryehill Cottage objects

- The business will generate excessive traffic along the farm track to the farm buildings and across to the premises. The track is a single lane passage with no suitable passing areas.
- Children, dog walkers, ramblers and horses regularly use the lane. Drivers do not regulate their speed that is conducive to safe passage along the lane.
- The applicants have their own dedicated driveway with the entrance further down Brass Castle Lane. With proper advertisement and signage this should be used for guests to enter and exit the premises as opposed to using the private farm lane.

Ryehill Farm Cottage objects

- It is unclear from the planning application what the proposed access and egress arrangements will be.
- If the proposed bed & breakfast facility is to be accessed and egressed via Ryehill House's own private driveway, then this would be acceptable.
- If the access and egress is through the farmyard and onto the farm lane, then we consider this proposal to be unacceptable.
- The access through the working farmyard is unsuitable for ordinary vehicles and you also have the safety hazard of vehicles crossing through a farmyard where plant vehicles are operating.
- The farm lane is a single track and unsuitable for increased traffic.

2 Ryehill Farm Cottages (tenants) has submitted the following representations

- The application form states parking spaces for 10 vehicles directly in front of their property but on the plan drawing it shows parking provision for 14 vehicles with 2 extra spaces designated to an area outside of their plans boundary.
- The extra refuse could be unsightly and a cause for increased problems with rodents if not stored correctly.
- The proposed car parking and bin area is prone to flooding due to the drain being blocked with mud and fallen leaves.
- The previous owners of Ryehill Farm granted a right of way to the family living in Ryehill House, but the new owners may withdraw that right.
- This right of access that the family enjoys was not intended to include the increased traffic of a Bed and Breakfast business.
- The Farm Lane is of a condition that is not suitable for an increase in traffic.

Additional comments from 2 Ryehill Farm Cottages

- Ryehill House sits in a sizable plot that with careful planning would easily be able to incorporate both a car park, turning circle and hidden bin area away from the main building.

- A refuse area could be built just inside the entrance to the driveway on (Brass Castle Lane) and would be easily disguised with bushes and careful planting to make it unseen by their future guests and the general public.
- The property's driveway could easily be adapted to accommodate 2 way traffic or at the very least passing points.
- We have always been in favour of new business ventures but do believe that a lot more thought and consideration is needed in this instance.
- However if all our concerns are addressed and this venture does not encroach on our everyday lives then we would offer no objections to the change of use to a Bed and Breakfast establishment.

Technical Consultees

MBC Planning Policy – Assessing the proposals against local and national policy, no significant issues are raised. No objections.

MBC Waste Policy – The commercial waste will require separate collection and storage arrangements. No objections.

MBC Environmental Health – No objections.

MBC Highways Engineers - No objections.

MBC Transport Planning – Have significant concerns for the proposed egress via the farm track. A better arrangement from a highway safety perspective would be for all traffic associated with the proposed development to enter and leave the site via the main driveway from Brass Castle Lane. A parking plan should also be provided.

Public Responses

Number of original neighbour consultations

Total numbers of comments received

Total number of objections

Total number of support

Total number of representations

PLANNING CONSIDERATION AND ASSESSMENT

1. The application before Members is a full application for a change of use of the existing property into a bed and breakfast. The main issues to consider with the application are the principle of the use of the application site as a bed and breakfast, vehicular access/egress arrangements, and the potential impacts on the residential amenities of the occupiers of neighbouring properties. These and other material planning considerations are considered as follows.

Relevant National and Local Policies

2. National guidance relating to development that supports economic prosperity in rural areas is contained within the National Planning Policy Framework (NPPF). Local authorities are encouraged to recognise the role that rural areas play in supporting the local economy, and to encourage and support economic growth in rural areas. The NPPF recommends that local authorities take a positive approach to sustainable new development in order to create jobs and prosperity in these rural areas. Local authorities should also support and promote the development and diversification of rural

businesses, as well as to support sustainable rural tourism that bring benefits to the rural area.

3. The relevant policies in the Local Development Plan regarding this application are DC1 (General Development) and CS4 (Sustainable Development) of the Core Strategy (adopted 2008), CS20 (Green Infrastructure) of the Housing Local Plan DPD (adopted 2014) and E20 (Limit to Development) and E21 (Special Landscape Areas) of the Local Plan (adopted 1999). In general terms, these policies seek to achieve high quality development that is situated in the right place and minimises the impact on neighbouring occupiers.

Principle of proposed change of use

4. In principle, the proposed development is considered to be in accordance with the national guidance, as it would bring people and visitors to the area and support, not only the immediate rural economy, but also the wider economy. The application has proposed a provisional maximum of 6 guests with 3 full time employment opportunities being created. It is understood this could be increased if the business is successful.
5. The application site is located close to the southern edge of the borough, beyond the limit to development and within defined special landscape area. Any proposed development beyond these boundaries must be considered against the criteria within Policies E20 and E21.
6. Policy E20 outlines a number of criteria that proposals situated beyond the limit to development must be in accordance with, relating to limiting new development mainly to agriculture and tourism. This Policy is in the interests of protecting the open countryside from unsuitable development. In terms of the application, the bed and breakfast is considered to adhere to the requirements of this Policy as it creates a tourism-based proposal that is of a scale suitable for the surrounding landscape and area. As the proposal relates to an existing building, rather than building a new one, and as there are no proposed alterations to the external appearance of the building, there are deemed to be no physical, built impacts on the open countryside.
7. Although there are no alterations to the building, the implications on the open countryside of the access/egress arrangements, parking provision, and waste storage that are associated with the bed and breakfast operations must be considered. The supporting documentation contained with the application is not of sufficient detail to enable a full appraisal of these impacts, but it is considered that the associated traffic, parking and waste storage arrangements for the proposed six guests can be accommodated within the curtilage of the site without detrimentally affecting the character and appearance of the open countryside. Conditions are recommended to address these matters. In principle, therefore, the proposed development is considered to be acceptable and in line with Policy E20.
8. Policy E21 states that special attention will be given to the protection and conservation of the scenic quality and character of the landscape. Amongst other criteria, proposals are required to carefully reflect the traditional scale and character of the landscape, not to detract from the special scenic character and quality of the landscape, and not to have a detrimental impact on important landscape features such as trees, hedges and watercourses.
9. As noted previously, the proposals do not involve altering the external appearance of the host building. Therefore, it is the associated activities of traffic, parking and waste would be the only perceivable changes to the landscape character.
10. The private access road is lined with trees and the surrounding area is heavily wooded. These significant landscape features would continue to dominate the local landscape

and the number of cars anticipated for the proposed use would not be of a number to harm the special landscape area. Consequently, the proposals are considered to be in accordance with E21.

11. Given the nature and extent of the proposals, it is considered that the proposed bed and breakfast use and its associated operation will not impact on the creation of an integrated network of green infrastructure, as outlined in Housing Local Plan Policy CS20.

Highways impacts

12. The Design and Access Statement submitted in support of the application states that 'Access to the property is by a long drive leading off Brass Castle Lane direct to the property. Additionally a right of way is shared over the farmyard and small road also leading back to Brass Castle Lane'.
13. A sketch plan has also been submitted in support of the application, which shows vehicles entering the site via the main private driveway from Brass Castle Lane and leaving via the adjacent farm buildings and then entering Brass Castle Lane opposite the golf club clubhouse via the access road to the farm. No justification has been provided for this arrangement, and no estimate of the number of trips into and out of the site has been provided.
14. It is noted that a 2014 planning consent for the conversion of the nearby barns included a condition requiring the applicant to submit a plan showing improvements to the access road for approval by the Local Planning Authority in order to mitigate the predicted increase in trips as a result of the development. This consent has now lapsed and the improvements to the access road have, therefore, not been introduced. Given the lack of supporting information, it is not possible to accurately predict the number of vehicular movements associated with the proposed development. However, it is not unreasonable to assume that it will result in a slight intensification in the use of an access road that already caters for movements to and from Ryehill Farm House, Ryehill Farm Cottage, Ryehill Cottages and the farm buildings, which would be undesirable from a highway safety perspective. It should also be noted that the visibility to the left for vehicles entering Brass Castle Lane opposite the golf club clubhouse is substandard.
15. A better arrangement from a highway safety perspective would be for all traffic associated with the proposed development to enter and leave the site via the property's main private driveway from Brass Castle Lane. This would remove the potential for conflict between vehicular movements associated with the proposed development and existing vehicular movements associated with Ryehill Farm House, Ryehill Farm Cottage, Ryehill Cottages and the farm buildings as well as preventing the intensification of a sub-standard access. Depending on the number of predicted trips to and from the site, one or more passing places may need to be provided on the driveway to allow opposing vehicles to pass safely whilst visibility to the left and right at the entrance onto Brass Castle Lane is considered to be satisfactory by the Council's Highways team. It is noted that similar highways concerns have been raised by various local residents.
16. Following on from the above comments, the applicant was contacted and asked to re-consider the proposed arrangements. In response, the applicant has indicated that all guests will be encouraged to use the main Ryehill House driveway, highlighting that vehicles already pass on the drive when necessary.
17. In light of the applicant's willingness to amend the scheme, it is considered that the proposed development could operate in a manner that would not compromise highways safety. A condition is recommended to secure the appropriate and agreed access and egress arrangements.

18. Whilst it has been demonstrated that parking for the proposed number of guests can be safely and adequately accommodated within the curtilage, a suitable condition is also recommended requesting a detailed parking plan to be agreed formally.

Other Matters

19. The Council's Waste Policy service has noted that the waste and recycling from the site will need to be left at the nearest highway point (Brass Castle Lane) for collection. The application does not include details for the separate storage and collection of waste. However, given the size of the site, it is considered that a designated area for waste storage could be accommodated within the curtilage without harming the proposed parking arrangements or the residential amenities of nearby properties. It is recommended that a condition is attached to any planning permission for the submission of a drawing to include such details.

Conclusion

20. On balance, the proposals are considered to constitute an acceptable form of development. The principle of the proposed use is considered to complement the rural and agricultural character of the area.
21. The original proposals for a circular access and egress to the site, along with the potential numbers of guest vehicles, were deemed to potentially jeopardise highway safety and considered unacceptable. After discussion with the applicant, the revised access and egress arrangements, which sees the sole use of the private drive of Ryehill House, are considered to be acceptable as this removes the use of the Ryehill Farm track for guest vehicles and the potentially dangerous egress onto Brass Castle Lane opposite the Golf Club. The revised arrangements result in a development that would not compromise highway safety.
22. Although details relating to other matters such as parking and waste storage have not been provided, it is considered that these can be secured through conditions.
23. Overall, the principle of the bed and breakfast use is considered to be acceptable, and the detailed matters of the highways implications, parking arrangements and waste storage are not considered to result in harm to the local rural area, which is designated as a special landscape area and beyond the limit of development. The officer recommendation is for conditional approval.

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. Approved Plans
The development hereby approved shall be carried out in complete accordance with the plans and specifications received on 11th October 2017 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.
2. Time Limit
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Refuse Storage

A detailed scheme for the storage of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority. Any approved scheme for refuse storage shall then be implemented before the bed and breakfast use opens to the public.

Reason: To ensure the provision of an acceptable bin storage arrangement in the interests of the amenities of the area.

4. Parking Plan

A detailed plan showing the parking associated with the bed and breakfast, including provision for both staff and guests, shall be submitted to and approved in writing by the Local Planning Authority. Any approved parking shall be implemented before the operation of the bed and breakfast use hereby approved and shall be retained in duration with the use.

Reason: In the interests of a satisfactory form of development.

REASON FOR APPROVAL

This application is satisfactory in that the change to bed and breakfast use accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS20, E20 and E21 of the Council's Local Plan).

In particular, the bed and breakfast use will not prejudice the character and function of the local area or the open countryside and does not significantly affect the special landscape area or prevent adequate and safe access to the site. The bed and breakfast use will complement the rural and agricultural uses of the area and it will not be detrimental to any surrounding or nearby properties. The traffic generated, car parking and noise associated with the bed and breakfast use will not be of a level likely to result in an unacceptable impact on nearby premises.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused.

INFORMATIVES

Informative: Fees for Discharging Conditions.

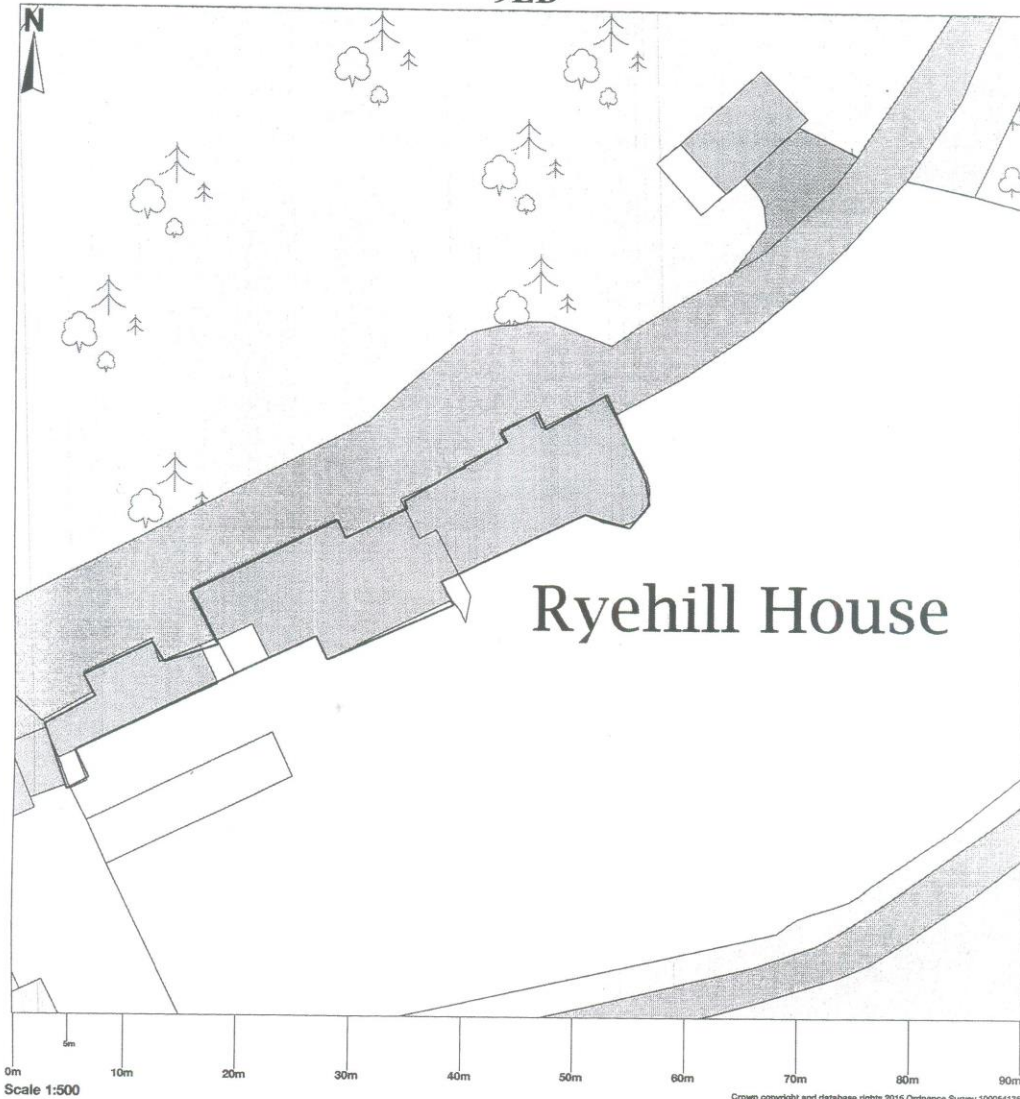
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

Case Officer: Peter Wilson

Committee Date: 1st December 2017

**Ryehill House, Brass Castle Lane, Nunthorpe, Middlesbrough, TS8
9ED**



Ryehill House

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