

Committee Report

Application No:	DC/23/00893/COU
Case Officer	Richard Smith
Date Application Valid	12 October 2023
Applicant	Mr Shaun Bays
Site:	Ferry House Ryton Willows River Lane Ryton NE40 3QF
Ward:	Ryton Crookhill And Stella
Proposal:	Change of use of part of existing dwelling to form self-contained holiday let (Additional Information received 24.01.2024).
Recommendation:	REFUSE
Application Type	Change of Use

1.0 The Application:**1.1 BACKGROUND**

This application was deferred at the meeting of the Planning and Development Committee on 17 April 2024 to allow for a Members' Site Visit to take place. The purpose of the Site Visit was to allow Members to better understand the combination of the access to the site along River Lane, the relationship with the Public Rights of Way, the availability of parking and turning facilities and how an intensification of vehicle movements might impact on highway safety. The site visit took place on Thursday 9 May 2024.

1.2 DESCRIPTION OF SITE.

The application site is "Ferry House" a two-storey house at Ryton Willows with additional living accommodation in the roof space. The property is enclosed by a brick wall and close boarded fencing to the north and close boarded fencing to the east and south.

1.3 The site is situated in a relative isolated position with the River Tyne to the north, open space to the east, a railway line to the south with open space and tree planting beyond with a residential house "Tyne View Bungalow" to the west.

1.4 Vehicle access to the site is down a narrow road (River Lane) which terminates at the railway crossing to the south of the house.

1.5 The application site is situated within the Green Belt, Newburn Ford Battlefield, a Wildlife Corridor as well as being within a site of archaeological importance.

1.6 DESCRIPTION OF APPLICATION

This planning application seeks to subdivide the existing dwelling to form a self-contained holiday let and as such create an additional planning unit.

- 1.7 The proposal would create a four-bedroom holiday let, with bathroom, separate WC, and an open plan kitchen/ living room. Access to the holiday let would be through the existing rear (western) entrance to Ferry House.
- 1.8 Ferry House would still operate as a dwellinghouse and would include a 2no bedrooms, a gym, games room, shower room, WC, kitchen, utility, living room, bathroom and a large garden to the east.
- 1.9 The applicant has stated that no physical alterations or buildings are proposed at the site as part of this proposed development. An existing area of enclosed outdoor space to the west of the property is to be used as private garden area for the holiday let, which would also accommodate cycle and bin storage.
- 1.10 The submitted planning statement states that there are up to 2no existing car parking spaces allocated to the site and that additional car parking is available in River Lane.
- 1.11 The planning statement also goes on to state that the maximum occupancy of the property would be six people and a list of rules would be set out to including no parties or events are permitted and to ensure that there is minimal noise between 10pm and 8am.
- 1.12 In 2023 the Government undertook a consultation of potential changes to the Use Classes Order to gauge views about the potential for the creation of a new Use Class for short term residential lets (Introduction of a use class for short term lets and associated permitted development rights, DLUHC 12 April 2023). The Planning Background provided in that consultation is helpful in the proper assessment of this application. Paragraphs 14 and 15 read as follows:

14. The Town and Country Use Classes Order 1987, as amended, (the UCO) groups uses of land and buildings into various categories known as 'Use Classes'. What are generally referred to as 'homes' typically fall within the 'C3 Dwellinghouses' use class in Schedule 1 of the UCO. This use class makes no distinction between whether the dwellinghouse is used as a sole or main home, for personal or commercial use, or its tenure (rental or home ownership). Use classes apply nationally.

15. Section 55 of the Town and Country Planning Act 1990 sets out that planning permission is required for development, including the material change of use. The planning system allows for local consideration of the merits of individual cases "as a matter of fact and degree" as to whether there is a material change of use requiring planning permission. This gives rise to existing properties being used in a variety of ways. For example, a homeowner may be able to let out a room to boost their household income. In other cases, the whole property may be let out for a two week holiday period while the owner is away. Other properties however may be let out as a series of short term lets, over all the holiday periods or for several weekends.

Planning permission will be required in respect of any such cases where there has been a material change of use.

1.13 The applicant is clear in the description of their development and in the supporting information, that the purpose of the subdivision of Ferry House is to create holiday accommodation, however, there is nothing to suggest, either in terms of its scale or other characteristics that the proposed unit would result in a material change of use that would take it outside the scope of the C3 Use Class.

1.14 PLANNING HISTORY

There have been a number of planning applications at this site for house extensions. The most relevant application is listed below.

DC/17/00880/COU - Proposed change of use of residential garden to mixed use of residential garden and outside dog day care business for up to 20 dogs - REFUSED 30.01.2018.

2.0 Consultation Responses:

Historic England	No Objection
Tyne and Wear Fire Service	No Objection
Network Rail	No Objection, however they say that the access to the property is via an operational railway level crossing of which the applicant is an Authorised User. It is imperative that adjacent development does not impact on the safety or risk of railway crossings. The Authorised User would be responsible for the safe use of the crossing by guests to the proposed holiday let. If permission is granted an informative is advised.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 The application was advertised in the press 01.11.2023 and a site notice was posted 15.11.2023.

3.3 The application has received 8no letters of support, including one from Cllr Buckley, and 3no objections from a neighbouring property.

3.4 The objector has raised numerous concerns which can be summarised as follows:

- Lack of parking and traffic issues.
- Impact on emergency services accessing properties.
- Risk of flooding and fire
- Lack of privacy and impact upon amenity
- Safety concerns
- Anti-social behaviour including noise from guests.
- Erosion of the ground and poor drainage results in water run off onto River Lane. Getting in or out of a car can result in having to stand in running water, which adds to the problems when parking.
- The inadequate drainage on River Lane could result in a vehicle aquaplaning, or the surface being dangerously iced over.
- The parking of vehicles already prevents turning in the area that is supposed to be available.
- Parking at the Golf Club and ferrying people is unfeasible. There are no pavements or verges for pedestrians, the road is single track with blind bends. This arrangement would rely on someone else's land and, even if it was an acceptable, it could not be guaranteed as a permanent arrangement.
- The railway line is operational 24 hours and therefore poses an increased risk for users late at night who may be intoxicated and/or in poor mental health. Someone committed suicide on the crossing in March of this year.
- As well as emergency vehicles, other large vehicles also have to park in this area including for railway maintenance and council vans when the gullies and culvert are cleared out.
- The property has already been used as a holiday let and this has resulted in some guests engaging in 'adult' activities in the hot tub and streakers on the footpath. Public using the Right of Way should not have to be subjected to this.

The letters of support can be summarised as follows:

- Boost to local tourism.
- Benefit to business in Ryton Village and the wider area.
- Benefit to the local community.
- Fantastic location for the proposed use.
- There is a lack of self-catering accommodation in the area.

Cllr Buckley supports the application as he agrees with the applicant that highways safety concerns can be addressed through the use of a management plan, the Councillor also agrees with the applicant that:

- Alternate parking provision exists.
- That there is potential for more intensive occupation of Ferry House, without the need for planning permission, that could also result in an increase in vehicular movements.
- That the railway crossing is already used by cyclists and pedestrians (including people using mobility scooters and those with pushchairs).

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

MSGP12 Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP26 Heritage at Risk

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP37 Biodiversity and Geodiversity

5.0 Assessment of the Proposal:

5.1 The main issues to be considered in determining this application are principle of the use, highway safety, residential amenity, visual amenity, heritage, ecology and drainage.

5.2 PRINCIPLE OF USE

The site lies within the Green Belt. Paragraph 143 of the NPPF gives five purposes of the Green Belt. Policy CS19 of the Local Plan for Gateshead is in broad compliance with paragraph 143 of the NPPF and also sets out purposes for including land in the Green Belt in Gateshead.

5.3 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

very special circumstances. Whilst paragraph 155(e) refers to the appropriateness of other forms of development in the greenbelt and whether or not they preserve the openness and do not conflict with the purposes of the land and specifically references change of use applications.

- 5.4 In this instance the application refers to the subdivision of an existing C3 dwelling house to form a self-contained holiday let.
- 5.5 Officers consider that the change of use of part of the dwellinghouse to a holiday let by definition would not amount to inappropriate development in the greenbelt and as such would be in accordance with the NPPF and policy CS19 of the Local Plan for Gateshead.
- 5.6 Part 1 of policy CS11 of the Local Plan for Gateshead requires 60% of new private housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.
- 5.7 The proposed development would see Ferry House, currently a six-bed house, split into 2no C3 Use properties, a 4no bed roomed holiday let and a 2no bed roomed dwelling. Therefore, on its face, the change of use would not result in a loss of a family home (of three or more bedrooms) contrary to policy CS11, as a C3 dwellinghouse with three or more bedrooms would remain post-development.
- 5.8 Policy CS8 of the Local Plan for Gateshead is supportive of visitor accommodation in rural and village areas where it is accessibly located and does not undermine the character of the area.
- 5.9 The proposed development is located around half a mile from the nearest bus stop, and it would be reasonable to presume that; the majority of short term lets would have to be by people with use of a car. Consideration of the access road which leads to the property and parking arrangements are covered in more detail in the section below.
- 5.10 On balance, it is considered that the proposed development is acceptable in terms of greenbelt development and would provide visitor accommodation, the proposal would not result in the loss of a C3 Use family home.
- 5.11 **HIGHWAY SAFETY AND PARKING**
Policy CS13 of the CSUCP seeks to ensure that any new development provides safe, secure and direct pedestrian links.
- 5.12 Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.13 The gradient/geometry of River Lane which provides access to the site is unable to accommodate two-way traffic movements and access during bad weather conditions is known to be problematic.
- 5.14 The area proposed for car parking is already utilised for parking for the applicant and the owner of Tyne View Bungalow as well as any visitors to that location and the introduction of further parking in the vicinity, officers consider would have serious implications on emergency vehicle access and refuse collection requirements.
- 5.15 Existing parking in this location is adhoc with no designated bays and there is no formal turning facility at the end of River Lane, however the area proposed as parking currently acts as an informal turning area.
- 5.16 Furthermore, River Lane is an adopted highway and forms part of a definitive public right of way (PROW). Therefore, officers consider that introducing additional vehicular movements and parking in the area shown on the proposed plans would be unacceptable for highway safety reasons.
- 5.17 With regards to the railway crossing, Transport officers have noted that the development would see a pedestrian safety risk.
- 5.18 Network Rail, however, have confirmed that following their assessment, as the applicant is an Authorised User of the railway crossing, subject to an informative attached to any planning approval and subject to guidance for any guests provided at the property, they do not object to the planning application.
- 5.19 Given the above, officers consider that the proposed parking and access to the site is unacceptable contrary to the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.20 **RESIDENTIAL AMENITY**
Holiday lets can give rise to noise, given the transient nature of guests. While this particular location is isolated it is also in very close proximity to Tyne View Bungalow. The application plans indicate that the part of Ferry House to be used by holiday makers including the area of outdoor space identified for the use by them, is the part closest to Tyne View Bungalow. Whilst this part of Ferry House and the outdoor space already exists and can be used by the existing residents of Ferry House, given the greater potential for intensification of use of this area, if planning permission were to be granted it is considered that conditions to control activity at the premises, as proposed by the applicant, to limit occupation to six persons, for noise to be controlled between 10pm and 8am, and to prevent any parties or events being held being permitted would be reasonable and would be recommended to be applied.
- 5.21 Officers acknowledge that Ferry House currently has six bedrooms, and that, if planning permission were to be granted, six bedrooms would remain, however, they would be provided over two separate dwellings, with a clear intention of the applicant to be able to attract enough holiday accommodation

trade for this to be a viable business proposition for them. The existing scale of Ferry House can therefore only be afforded limited weight and as outlined above, should planning permission be granted it is considered appropriate that a Management Plan should be conditioned to ensure that any noise generated by guests would not impact Tyne View Bungalow, outside of this any further anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section.

- 5.22 MSCP policy 12 requires that new homes should be built in accordance with the Nationally Described Space Standards. As an additional C3 dwellinghouse is proposed, the floor plans have been assessed against the requirements of MSGP12. There isn't a specific standard for a two bed dwelling over three floors, but the two bed dwelling comfortably exceeds all of the criteria for a two bed dwelling over two floors and would ensure that the occupiers retained adequate space both inside and outside the home. In terms of the other dwelling unit that is to be created, the NDSS requires that for a 4 bed, 6 person dwelling over three storeys, the minimum gross internal floor area is 112msq with 3msq of built in storage. While the scale stated on the application plans is not correct, and no internal storage is indicated, Officers consider that the minimum requirements of the NDSS are met in this case; with the short term nature of the occupation of the four bed dwelling helping to offset the absence of inbuilt storage.
- 5.23 Therefore, with regard to the above, if planning permission were to be granted, suitable conditions could be imposed that would make the development acceptable in accordance with the NPPF and policies CS15, MSGP12, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.24 VISUAL AMENITY
No external works are proposed under this application, however there will be the siting of the external bin storage, officers consider that this would not appear out character when viewed in the context of the dwellinghouse and as such the development is considered acceptable in accordance with the NPPF and policies CS14 and MSGP18 of the Local Plan for Gateshead.
- 5.25 IMPACT UPON HERITAGE ASSET
Officers consider that the subdivision of the dwellinghouse would not harm the heritage asset of the Registered Battlefield of Newburn Ford. As such the proposed development would be considered acceptable in accordance with the NPPF and policies CS15, MSGP25 and MSGP26 of the Local Plan for Gateshead.
- 5.26 ECOLOGY
Officers consider the site to be of low ecological value and as such the proposed development is considered likely to have negligible impact upon protected and notable species.
- 5.27 A line of shrubs and small trees are adjacent to the site at the south side of the existing dwelling, these features are likely to provide habitat for nesting

and foraging birds of common and widespread species and may be used on occasion by foraging/commuting bats.

5.28 As such, if planning permission were to be granted, suitable conditions in relation to breeding birds could be imposed, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

5.29 DRAINAGE

The proposed car parking area indicated on the site plan is shown to extend up to the line of the watercourse. If physical alterations to the area of car parking / River Lane were to be proposed and if planning permission were to be granted, conditions relevant to these works would need to be imposed. However, no alterations are included within this application, that relates to informal car parking on an existing adopted highway.

5.30 Information provided to Officers relating to historic flooding that has impacted the property and the neighbouring properties in January 2019. The flooding has been attributed to blockage of a culvert under the railway track.

5.31 It is noted, however, that the default responsibility for ensuring an ordinary watercourse is maintained in a free-flowing state rests with the owner of the land through which they pass. This is known as riparian responsibility.

5.32 It is considered that the development as proposed complies with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

5.33 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and falls within CIL Zone A where a £60/sqm CIL charge applies.

5.34 OTHER MATTERS

As this development would result in the creation of an additional C3 dwelling, if it were approved a condition would be recommended to limit the Permitted Development Rights that the dwellings could benefit from, in the interests of protecting the visual amenity of the surroundings and the living conditions of the neighbouring occupiers.

6.0 CONCLUSION

Taking all the relevant issues into account, it is therefore recommended that planning permission be refused, as the proposal would result in an unacceptable impact upon vehicle and pedestrian safety. It is considered that the development does not accord with national or local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary.

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The site access is unable to accommodate two-way traffic movement, whilst the introduction of further parking in the vicinity, would lead to an unacceptable impact to highway safety. Furthermore, additional vehicular movements on the Public Right of Way would be detrimental to the safety of pedestrians and cyclists.

It is therefore considered that the proposed development would have an unacceptable impact on highway safety, by failing to minimise the scope for conflicts between pedestrians, cyclists and vehicles, contrary to the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.



