Yorkshire Dales National Park Authority Item 6

Planning Committee

10 March 2026

Planning Application reference: C/54/38K

Full planning permission for change of use from a Bed & Breakfast establishment to a self-catering short-term holiday let (with no internal or external alterations) at Miresfield, Malham.

Purpose of the report

1. To provide further advice to Members on the validity and soundness of the reasons given for determining the above application in accordance with section 10 (b)(3) and (d)(ii) of the Planning Good Practice Guide.

Background

2. The Planning Good Practice Guide guidance applies to all Members when they are involved in the planning process. The aim of the guidance is to provide practical advice to Members when dealing with planning matters to ensure high standards of decision-making and reduce the risk of possible challenge.

3. The guidance includes the following procedure in cases where the Committee is minded to make a decision contrary to officer recommendation:

> "b) Where a recorded vote shows an intention to determine an application contrary to policy or/and advice, the matter will stand deferred until the next meeting of the Committee unless there are no substantial doubts about the validity or soundness of the reasons (such to be advised by the Head of Development Management).
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> d) Where an application has been deferred under para b) above:
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> ii. the officers will provide further advice to the Committee as to whether it is possible to strengthen the validity and soundness of the reasons put forward, and setting out appropriate conditions/planning obligations if the proposed decision was to approve the application."

4. At the meeting held on the 20 January 2026 Members were minded to approve the application contrary to Officer recommendation. A copy of the report from that meeting is **attached** for information.

5. The reasons given by Members for that decision were:

- The proposal would still provide visitor accommodation
- The proposal would fulfil the Authority's Statutory Purposes.

Analysis of reasons

4. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that decisions are taken in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Good Practice Guide includes the following:

> "Officers will advise in their report which of the arguments put forward by an applicant, objector or supporter are considered capable of constituting material considerations. Often arguments of a personal kind relating to the circumstances of the applicant are put forward to support an application. Whilst these can be moving and persuasive, personal circumstances cannot outweigh other planning considerations except in the most exceptional circumstances.
>
> Nonetheless, there will be occasions where you may be minded to vote to approve an application contrary to your policies. In this case you must identify clear and substantiated reasons that are capable of constituting material planning considerations.
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> The decision is ultimately the Committee's. However, it is imperative that the decision that is made identifies relevant planning considerations, and with detailed reasons set out to explain what might otherwise appear to the public to be inconsistency."

Reason 1: Provision of visitor accommodation

5. Policy C1 of the adopted Yorkshire Dales Local Plan (2015-2030) sets out that, on sites of up to five dwellings, new housing will be restricted to local occupancy. The relevant policy in the draft Yorkshire Dales Local Plan (2025-2040), also called C1, makes it clear that these restrictions also apply to change of use proposals, and that development of up to five dwellings will be restricted to meeting local housing needs.

6. The Town and Country Planning (Use Classes) Order 1987 groups the various uses to which land and buildings can be put into distinct classes, with uses of a similar nature put in the same class. For example, Class B2 includes general industrial uses and Class E includes commercial, business and service uses. Changing the use of buildings or land within the same use class is not development requiring planning permission. Changing use from one class to another requires planning permission unless allowed in the Use Classes Order as 'permitted development'.

7. The Use Classes Order groups hotels, boarding or guest houses into Class C1. The use of a building as a dwellinghouse by a single household, whether or not as a holiday let, is defined as Class C3.

8. This application proposes the change of use of the building from a bed and breakfast use (a Class C1 Use) to a holiday let (a Class C3 Use). Whilst the two uses both offer holiday accommodation changing the use of the building to a Class C3 use effectively permits its use as an open market house that can be used as a holiday let or second home (as all fall within Class C3).

9. As set out above, both current and emerging local plan policy require changes of use that result in a new dwelling to be restricted to local occupancy. The reason for this requirement is that within the National Park 21.6% of all dwellings are underoccupied, ie. are second homes, holiday lets or are empty (2021 Census). This figure rises in settlements where holiday lets are particularly popular and in Malham the figure rises to 24.1%. The high proportion of under occupied houses has a direct effect on local communities as services such as schools, local shops, bus services and businesses cannot be sustained without a stable population permanently occupying houses in the community.

   Reason 2 : The proposal would fulfil the Authority's Statutory Purposes.

10. The Authority's statutory purposes are:

    (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park; and

    (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

    (S.5 National Parks and Access to Countryside Act 1949 [as amended])

11. In making decisions that further National Park purposes the Authority has a legal duty to "foster the economic and social well-being of local communities within the National Park" (Section 62 Environment Act 1995).

12. It is acknowledged that the use of the building as holiday let accommodation would provide opportunities for visitors to stay in the Park, furthering the second statutory purpose of the National Park, and there would be a small benefit from spending in the local economy. However it is considered that the small benefit to the local economy of an additional holiday let house does not outweigh the benefit to the local community that a family sized, permanently occupied local occupancy house would have. This is a point that is supported by the current and emerging local plan policy. It is the strategy of the current plan, carried forward into the emerging plan, that proposals to create new housing are opportunities to provide more local occupancy housing. The provision of more holiday let accommodation is not an element of the economic strategy of the emerging plan other than as a means to support diversifying farm businesses.

13. The provision of visitor accommodation is a material planning consideration and the fact that it is the applicant's intention they would continue to run it is positive. However Members are advised that to restrict the use of the building to a holiday let (ie. as a means to prevent use as a second home or open market home) or to restrict ownership to the applicant (to benefit a local family), is not a sound course of action. If the building is subject to a condition restricting the use to holiday let and a S106 agreement tying ownership to the applicant, both restrictions could be subject to an application to remove them which the Authority would find very difficult to resist as the Local Plan recognises that a high number of holiday lets/under occupied housing undermine the sustainability of communities and preventing an owner from selling their property is likely to be considered unreasonable.

14. Members need also to be mindful that proposals raising the same policy issues are regularly submitted to the Authority and there is a current appeal resting on the same point. Members are advised against relying on the provision of holiday accommodation in support of the second statutory purpose as that would undermine adopted and emerging housing strategy, would create a precedent that would be repeated, and; would likely affect the outcome of the current appeal.

Conclusion

15. The proposal is for change of use to create a dwelling within the housing development boundary of Malham and the Authority's planning policy requires that new housing created through a change of use should be restricted to local occupancy housing. The Applicant will not agree to enter into a s106 agreement to secure local occupancy. For this reason, the proposed development conflicts with Policy C1 of the adopted and emerging Local Plans.

Recommendation

16. The recommendation to refuse planning permission remains as set out in the report to the January Planning Committee.

17. However, if Members are minded to approve planning permission, it is recommended that the following conditions should be imposed:

- Standard time limits for submission of reserved matters
- Accordance with approved plans
- Permission is granted only for a C3 use
- Provision of biodiversity enhancement
- Restriction on external lighting

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Background documents
Planning application file reference C/54/38K