# Yorkshire Dales National Park Authority

**Committee:** Planning

**Date:** 28 May 2024

**Applicant:** Mr & Mrs Corker

**Parish:** Grassington

**Officer:** Janet Perry

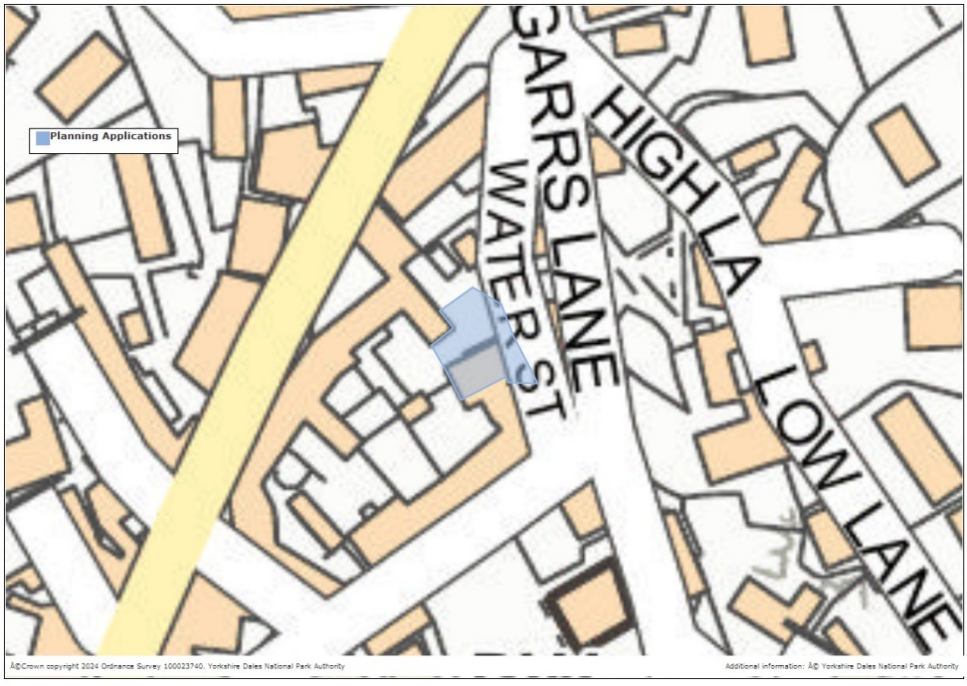
**Application No:** C/33/29P

**Site Address:** Pletts Barn, Water Street, Grassington, Skipton, BD23 5EF

**Proposal:** Application to modify the Section 106 Legal Agreement (dated 15 January 2014) attached to planning permission C/33/29J, to include the option of holiday let.

## Purpose of Report

1. That Members APPROVE planning permission for the above development in accordance with the recommendations below.



## Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

## Application Site

3. Pletts Barn is a traditional stone barn in the centre of Grassington. It is a Grade II listed building.

## Proposal

4. Application to modify the Section 106 Legal Agreement (dated 15 January 2014) attached to planning permission C/33/29J, to include the option of holiday let as well as local occupancy.

## Relevant Planning History

5. A change of use application was granted in 1978 for the change of use of the traditional agricultural building to be a museum or art gallery, meeting hall or office space. In 1981 permission was granted to change the use of the building to an outdoor shop.

6. In January 2014 planning permission and listed building consent was granted to change the use of the shop to a local occupancy dwelling. A legal agreement (a planning obligation) accompanied this application to secure the occupancy of the dwelling to meet the local occupancy criteria set out in Appendix 1of the Housing Development Plan 2012. The application that is the subject of this report is to modify that agreement.

7. In 2019 an application was made to discharge (remove) the planning obligation; this application was withdrawn. Later in 2019 an application was made to upgrade the terms of S106 agreement to be in line with the current occupancy criteria set out in Appendix 5 of the Local Plan 2015 and was permitted.

## Consultations

8. The comments of statutory and non-statutory consultees are summarized below:

   **Grassington Parish Council** – “The members of Grassington Parish Council object to the application of widening the legal agreement to cover holiday lets and local occupancy, this property was constructed from a retail property conversion and not a barn conversion into residential.”

**Public Responses**

Public responses received at the time of writing: 0

9. A site notice was displayed at the site on 4 March 2024. No comments were received.

**Assessment**

10. Key Issues:

- Planning law
- Principle of development
- Parish Council comments
- Equality Act

Planning law

11. The application is for the modification of a Section 106 agreement made at the time of the approval (C/33/29J) for the conversion of a shop to a dwelling. The section 106 agreement restricts the occupation to person(s) with a local connection to the area.

12. Under S106A(6) of the Town and Country Planning Act 1990 the local planning authority has three options in relation to determining an application to modify a S106 agreement, these are:

    (a) that the planning obligation shall continue to have effect without modification;

    (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

    (c ) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

13. Members must therefore consider whether the s106 agreement will continue to serve a useful purpose equally well if it is modified in the way proposed.

Principle of development

14. Application C/33/29J was granted on the basis of compliance with Policy B15 of the 2006 Local Plan and Policy HDP3 of the Housing Development Plan (2012). Policy B15 was a conservation-orientated policy aimed at securing the long-term future of traditional buildings in a manner that conserves their intrinsic value. Policy HDP3 of the 2012 Housing Development Plan stated that the conversion of non residential buildings to housing should be tied to local occupancy in perpetuity, to ensure that

they contribute towards meeting local housing need as a public benefit that would outweigh the harm to traditional buildings through their conversion.

15. The current 2015-2030 Local Plan includes a conversion policy which allows the re-use of traditional building to provide either local occupancy dwellings or a holiday let. Policy L2 allows the conversion of suitable traditional buildings, in suitable locations to both local occupancy dwellings and holiday lets. It is considered that as this property is within central Grassington it is in a suitable location for use as both a local occupancy dwelling and a holiday let in line with Policy L2.

16. Therefore, modifying the legal agreement for planning application C/33/29J to include the holiday let option would be consistent with current Local Plan policy. The property is a three bedroomed dwelling with parking in the centre of Grassington, a busy visitor location. The proposal would provide further visitor accommodation in the centre of a busy tourism hub.

17. Paragraph 90 of the National Planning Policy Framework is also relevant in that it states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning authorities should allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, and allow a suitable mix of uses (including housing) that reflects their distinctive characters.

18. This proposal allows for an existing dwelling to either be used as a family home, where the occupants meet the local occupancy criteria or as a holiday let in a Service Centre of the National Park, allowing a more flexible use of the property for either residents who are living and working within the area or for people who are on holiday in the area. Grassington is a sustainable location for this type of use and it is considered that the proposal would support the economic vitality of Grassington.

19. As such, the variation of the S106 agreement to include holiday let as well as local occupancy is considered to represent sustainable development that meets the aims of the Yorkshire Dales Local Plan 2015-2030.

Parish Council Comments

20. Grassington Parish Council object to the application of widening the legal agreement to cover holiday lets and local occupancy. This property was constructed from a retail property conversion and not a barn conversion into residential. The legal agreements are in place for a good reason and for the good of the rural communities and should not be removed just in order for financial gain.

21. Pletts Barn was originally an agricultural barn. It is a traditional building, grade II listed and is a heritage asset within the Yorkshire Dales National Park. Although it has had several uses over the years it is of high heritage value and is a traditional building in

the context of Policy L2 of the Local Plan. It was considered suitable for conversion to residential use under previous local plan policies and meets the criteria of Policy L2 of the current Local Plan. The property can still offer accommodation for local occupancy, however widening out the legal agreement to also allow for holiday lets allows for more flexibility for the property.

Equality Act

22. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

23. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

**Conclusion**

24. It is considered that the existing planning obligation still serves a useful purpose, to provide housing for local people who meet the local occupancy criteria set out in the Local Plan. A modified agreement that also allows for holiday lets, would also serve that purpose equally by allowing both local occupancy and the flexibility for its use as holiday accommodation in a busy tourism area. The proposal meets the aims of the Local Plan to provide local occupancy housing and tourist accommodation in a sustainable location and is sustainable development as expressed in the National Planning Policy Framework (2023)

**Recommendation**

25. It is recommended that the proposed modification is GRANTED.