

## North York Moors National Park Authority

<b>Hambleton District</b> <b>Parish: Osmotherley</b>	<b>App No. NYM/2017/0717/FL</b>
<b>Proposal:</b> conversion of and extensions to outbuildings to form 1 no. local occupancy dwelling together with alterations and extension to existing dwelling	
<b>Location:</b> 10 South End, Osmotherley	
<b>Applicant:</b> K Livingston, 10 South End, Osmotherley, DL6 3BL	
<b>Agent:</b> Lavingham Planning Consultants Ltd, fao: Mr Andrew Cunningham, 18 Church View, Brompton, Northallerton, DL6 2QX	
<b>Date for Decision:</b> 12 December 2017	
<b>Grid Ref:</b> 445623 497105	

### Director of Planning's Recommendation

**Refusal** for the following reasons:

1.     MISC00     The Local Planning Authority considers that the scale, design, built form and historic fabric of the attached range of historic outbuildings to 10 South End contribute to the heritage values of the Listed Building of which it is part. As a consequence of the extensive degree of demolition, alteration, remodelling and extension proposed in the application scheme it would fail to preserve the character of the Listed Building as a whole as one of special architectural or historic interest in accordance with the requirements of Core Policy G and Development Policy 5 of the NYM Local Development Framework.
2.     MISC00     The Local Planning Authority considers that the attached range of historic outbuildings to 10 South End contributes to the architectural and historic character and appearance of the Osmotherley Conservation Area as a result of the scale, design, built form and historic fabric of the buildings. As a consequence of the extensive degree of demolition, alteration, remodelling and extension proposed the application scheme would fail to preserve or enhance the architectural or historic character and appearance of the Conservation Area in accordance with the requirements of Core Policy G and Development Policy 4 of the NYM Local Development Framework.
3.     MISC00     The Local Planning Authority considers that the proposed subdivision of the application site into two substantial independent dwellings would entail an intensification of use that would be detrimental to the historical and aesthetic heritage values of the setting of the Listed Building and the character & appearance of the Osmotherley Conservation Area. Unacceptable harm would arise from the conversion of the open grass to the front of the dwellings to provide parking; the anticipated presence of additional cars to the frontage; the subdivision of the historic rear garden curtilage; and the anticipated additional storage and ancillary requirements of the two dwellings which are not provided for within the existing scheme would not accord with the requirements of Core Policy G which seeks to protect the setting of Listed Buildings and the character and appearance of Conservation Areas.

---

**Application No:** NYM/2017/0717/FL

---

## Refusal reasons continued

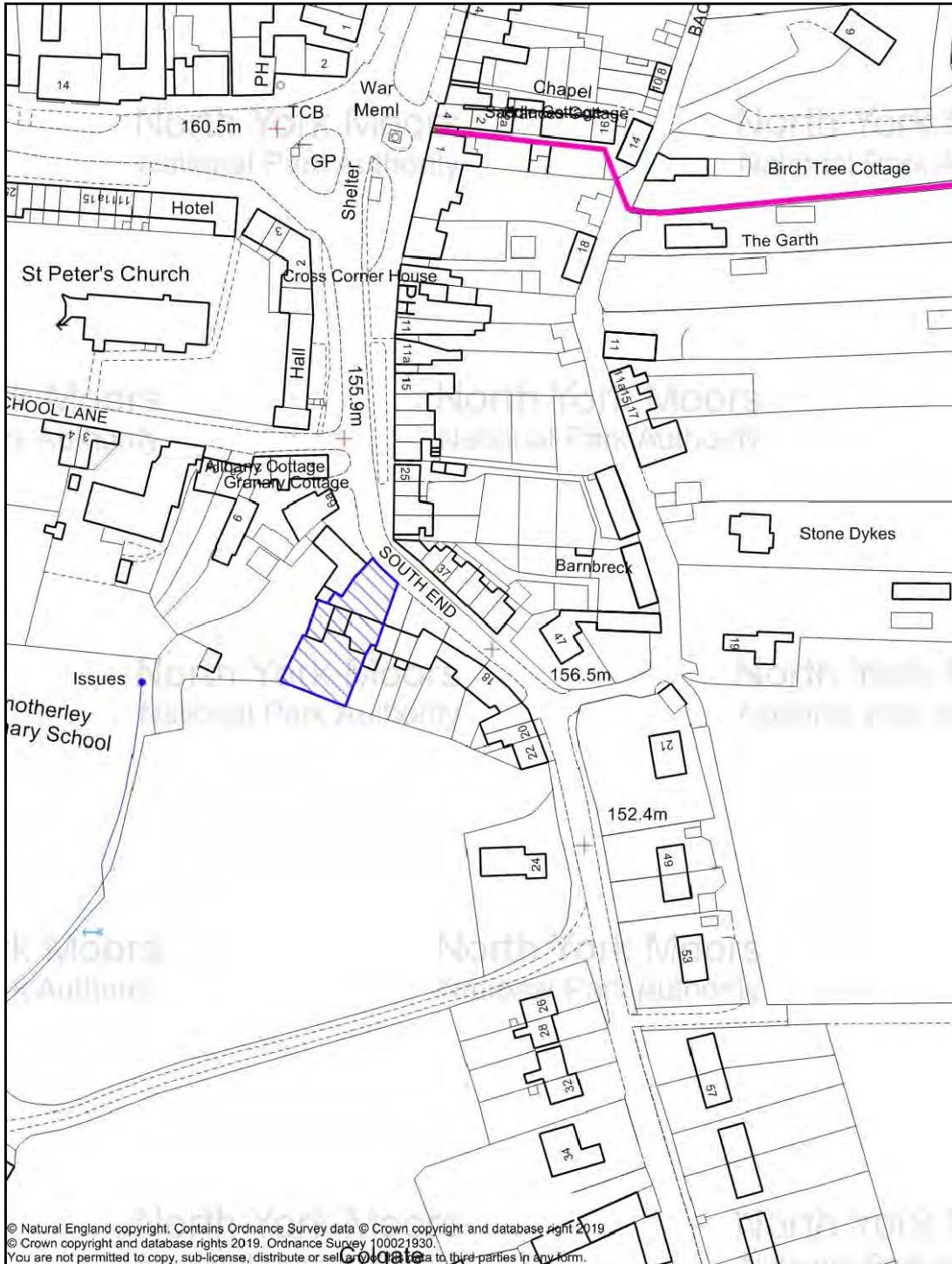
4. MISC00 The Local Planning Authority considers that the alterations proposed to enable the conversion to a substantial separate dwelling will be excessive and incompatible with preserving the heritage value of the Listed Building which would be considered to result in less than substantial harm to both the historic fabric and the character and appearance of this Listed Building. No clear and convincing justification has been submitted to show that there are public benefits that are sufficient to outweigh this harm and as such the application is refused in accordance with the requirement in paragraph 193 of the NPPF to give great weight to the asset's conservation, Core Policy G, Development Policy 5 and the guidelines of the NYM Design Guide Supplementary Planning Document.
5. MISC00 The Local Planning Authority considers that the proposals in relation to the dwelling house to install double glazing and wall insulation lack clarity or detail and that they would be likely to cause unacceptable harm to the heritage significance of the heritage asset and would fail to preserve the character of the Listed Building as one of special architectural or historic interest in accordance with the requirements of Core Policy G and Development Policy 5 of the NYM Local Development Framework.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2017/0717/FL

Scale: 1:1250



© Natural England copyright. Contains Ordnance Survey data © Crown copyright and database right 2019.  
© Crown copyright and database rights 2019. Ordnance Survey 100021930.  
You are not permitted to copy, sub-license, distribute or sell this data to third parties in any form.

---

**Application No: NYM/2017/0717/FL**

---



---

**Application No: NYM/2017/0717/FL**

---

**Consultations**

**Parish** – 4/11/2017 – Strongly supported the application provided that all the works are carried out in accordance with the Conservation Officer's recommendations and respect the buildings' Listed Status.

21/12/2018 – I have been asked by Members of the Council to provide you with reasons why we support this planning application. They are as follows:

The application relates to a building that has been unoccupied for some 60-80 years.

- The Parish Council prefers to see buildings occupied and making a useful contribution to the community.
- The scheme is for the conversion of a building and falls within the category of infill within the village built-up area.
- The scheme creates an additional family unit with three bedrooms which would make a welcome contribution to the village and;
- The application appears to have complied with your conservation requirements using a style and materials in keeping with the street scheme and the existing building.

**Ward** –

**Historic England** – on the basis of the information, we do not wish to offer any comments. We suggest that you seek the views of your specialist Conservation Officer.

**Demolition Bodies** –

**Advertisement Expiry Date** – 1 December 2017

**Others** – **Mr John Appleton, 33 South End, Osmotherley – 24/11/2017** – My objections to these planning proposals are as follow:

- The loss of a significant range or vernacular buildings (The coach house and stable) intergral to South End
- A change to the structural appearance of the coach house and stable with the loss of the hay loft door and changes to the roof heights.
- The apparent loss of independent access to the rear of No.10 South End
- The loss of access to the joiner's shop/garage of No.8 South End
- The loss of greenspace (Parking provision) to the front left of No.10 South End.

**Background**

This application and the associated Listed Building consent application are for the conversion of and extension to the outbuildings at 10 South End, Osmotherley to form an independent local occupancy dwelling together with alterations and extension to the existing dwelling.

The application site is located on the western side of South End in the Osmotherley Conservation Area. The site comprises a two storey dwelling, with an attached two storey hipped roof cartshed and a single storey stable with a piggery to the rear. The front elevations of the buildings are readily visible in the street scene despite being set back at an angle from the road. The rear and side elevations are visible in more distant views.

10 South End is significant for its inclusion on the National Heritage List for England at Grade II. The house itself is mid-18th Century with 19th Century alterations. The associated

---

**Application No: NYM/2017/0717/FL**

---

## Background continued

cart house, stable and pig sty appear to be later incremental additions, however they are “part of” the listed building as defined by section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and not curtilage listed as stated in the Design and Access Statement.

The proposed development site is also significant as it sits within the Osmotherley Conservation Area and makes a positive contribution to character and appearance. As a whole the asset exhibits various degrees of Evidential, Historical, Aesthetic and Communal values as defined by Historic England in Conservation Principles, Policies and Guidance (CPPG).

This proposal is for substantial rebuilding and alterations to subdivide the outbuilding from the main house to create a three bedroom semi-detached property with its own rear garden area. The proposal includes increasing the size of the two storey element through moving the internal wall out to the west, incorporating part of the stable, and rebuilding the hipped roof. It is also proposed to increase the height of the single storey stable up to two storeys with a further hip which would be slightly lower than the remodelled cartshed hip, producing a double hip arrangement. A small element of the existing stable roof gable would be retained breaking above the eaves of the enlarged west gable. To the rear it is proposed to extend both the existing house and proposed local occupancy unit across the full rear elevation as a single storey lean-to. The gable proposed on the rear elevation of the new dwelling would incorporate the low level piggery which is currently present in this location.

A storage/garage area is retained within the existing building however at 4m deep this is not big enough to accommodate a car. A shed or greenhouse is indicated on plan but no further details of this proposal have been provided. Parking is proposed on the green area in front of the property which will be surfaced for additional parking.

Proposals for the dwelling house are referred to within the application documents including the replacement of single glazed sash windows with double glazed windows and the installation of wall installation to the inside of external walls, but no further details of these proposals are provided.

Reference is also made to the scheme representing a form of “enabling development” to facilitate the renovation of the existing outbuildings, however, no formal evidence has been submitted to support the proposal as one for “enabling development” within the strict parameters established by Historic England in their guidance on enabling development (*Enabling Development and the Conservation of Significant Places 2008*)

A Design and Access and Planning Statement has been submitted with the application along with a Heritage Impact Assessment, a Bat, Breeding Bird and Barn Owl Scoping Survey, a Structural Report and the required local occupancy proforma.

A similar full and Listed Building consent application for a separate dwelling (although a different design) (NYM2/113/0118A/PA & B/LB) was refused in July 1999. Since this time there has been some enforcement involvement on the site, due to concerns about the general stability of the outbuildings. At this point the Authority requested an Engineers Report which was received dated September 2013. This satisfied the Authority that there was no immediate risk of collapse of the outbuilding.

With regard to the medium and long term future of the attached outbuilding, the report states that it is possible that issues of structural soundness and safety could arise again if the

## Background continued

building is left. This application represents the applicant's proposal for addressing the long term future of the buildings.

The Enforcement Report from 2016 concluded that the Structural Report recommends that the truss and purlins to the roof are propped with a brace system of supports to ensure the future of the roof and this has happened. As there was no immediate risk of collapse and no clear or obvious evidence of continuing structural decay, cracks or bowing and the fact that the roof was intact and weathertight, the Authority decided not to intervene further.

## **Main Issues**

### **National Park Policies**

Core Policy J of the NYM Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, as well as other measures including supporting the development of local needs housing within the main built up area of the local service villages (which Osmotherley is classed as) and other villages, and restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Core Policy G of the NYM Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Listed Buildings and Conservation Areas

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

Development Policy 5 of the Core Strategy and Development Policies Development only permits extensions or changes of use of a Listed Building, or the construction of any structure within its curtilage where such development will not have an unacceptable impact on the special historic or architectural interest, or the setting of the Listed Building.

Development Policy 19 of the NYM Local Development Framework states that proposals for extensions or alterations to dwellings, or other development within the domestic curtilage will only be supported where the scale, height, form, position and design does not detract from the character of the original dwelling and its setting; the development does not adversely affect the amenities of neighbouring occupiers, or that of the existing dwelling and that annexe accommodation is ancillary to the main dwelling and will remain under the control of the occupier of the main dwelling.

Policy E5 of the NYMNP Management Plan requires that the built heritage is conserved or restored where appropriate.

---

**Application No: NYM/2017/0717/FL**

---

**National Policy**

Section 62 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that when determining planning applications within a Conservation Area, the Local Planning Authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

The paragraphs of the NPPF that are particularly relevant to consideration of the application are:

Para. 184 “[Heritage] assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Para. 190 “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Para. 191. “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”

Para. 192. “In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Para.193 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

Para.194 “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

Para. 195 “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

Para. 196 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.”

The NPPG Planning Practice Guide advises in relation to “optimal viable use” that if there is only one viable use, that use is the optimum viable use. If there is a range of alternative



---

**Application No: NYM/2017/0717/FL**

---

**Main Issues continued**

viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Historic England's Conservation Principles, Policy Guidance states, in paragraph 153: The fact that a place is neglected should not, of itself, be grounds for agreeing a scheme that would otherwise be unacceptable.

In relation to "enabling development" Historic England's guidance *Enabling Development and the Conservation of Significant Places*, 2008, advises that "Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future... Full information is necessary not just to demonstrate physical impact, but particularly to establish and quantify need, since the financial considerations involved are fundamental to the decision. Local authorities are empowered to demand it. Enabling development is a type of public subsidy, and so should be subject to the same degree of financial scrutiny, transparency and accountability as cash grants from public sources... Uses or management strategies must not only be compatible with the historic form, character and fabric of the place, but be financially viable... Establishing and quantifying need is at the heart of any application for enabling development. Specialist expertise is required to judge whether the extent of works proposed, the costs, the profit levels, and the anticipated final values are fair and reasonable."

The Osmotherley and Thimbley Village Design Statement cites the view toward the gable end/rear of the outbuilding as an important view of the Conservation Area from the public footpath to the west.

**The Proposal in Relation to Building Conservation Interests**

The ancillary outbuildings that are the subject of the current application are attached to the dwelling house but they have their own distinctive character – exemplified in their form, scale, design and arrangement of openings and original fixtures – which contributes to the significance of the Listed Building as a whole by illustrating the historical status of the dwelling, the ancillary use of the buildings, examples of local vernacular detailing and the architectural character of a smallholding or workshop premises within the village settlement. The outbuildings therefore contribute to the aesthetic and historical heritage values of the listed building as a whole. The form and nature of the existing buildings also contributes positively to the character and appearance of the Conservation Area.

Consequently, the current proposals to alter the height, width, eaves level, gable ends, roof forms, pattern of historic openings or other distinctive features of the building would fail to preserve the architectural or historic character of the Listed Building or the character and appearance of the Conservation Area as required by the Act. The scheme would entail the substantial alteration, reconstruction and extension of the existing buildings, involving the comprehensive remodelling of their external walls, floorplan and roofs, as well as the loss of all internal historic fixtures, patina and architectural character. The reconfiguration of walls and roofs would obliterate the archaeological value of the buildings as their architectural

---

**Application No: NYM/2017/0717/FL**

---

## Main Issues continued

legibility would be lost. The proposed extension to the rear would have a highly domestic character which would diminish the distinct identities of the house and outbuildings respectively.

Within the curtilage of the Listed Building, subdivision would involve the erection of boundary walls and new shed/greenhouse buildings to the rear curtilage and the intensification of use of the grassed verge to the front curtilage including extension of hard surfacing for the provision of additional parking. Such subdivision and intensification of use would be detrimental to the setting of the listed building by eroding the legibility and integrity of the historic curtilage and facilitating the presence of additional vehicles to the foreground of the listed building.

Officers recognise that the buildings are in a poor state of repair and largely disused, and some investment is necessary to preserve them. Whilst the optimum use would be their repair and retention as outbuildings, they may be considered excessive in extent for most domestic uses given the village location. As such, it is accepted that some form of domestic conversion may be justified, but that conversion to a substantial separate dwelling is likely to be excessive and incompatible with preserving the heritage value of the Listed Building. The applicant has been advised that any scheme for repairing and reusing the buildings should seek to retain their current form and envelope, preserving the features and characteristics which contribute to their significance and minimising alterations. It has been suggested that partial conversion is likely to be more appropriate, retaining a garage to the ground floor as existing and adding accommodation to the first floor and the former byre. The pig sties would preferably be retained for storage, although may be capable of conversion subject to a sensitive scheme. The reduced accommodation that would result is likely to be more appropriate as additional to the main house for local or holiday letting or annexe use rather than for permanent separation in order to be compatible with the reduced scale of accommodation retain the garage for use with the house and avoid subdivision and intensification of the historic curtilage.

In relation to proposals for the existing dwelling house, no details are provided for the proposed replacement of windows with double glazing or the installation of wall insulation to the inside of external walls. Consequently the impact of these proposals on the heritage significance of the particular listed building cannot be assessed as required by the NPPF. However, general principles with regard to listed buildings would raise substantial concern with both proposals. The replacement of traditional single glazed sash windows with double glazing would be likely to harm the aesthetic and historical heritage values of the asset due to the effect of double glazing on the detailing (frame sizes, mouldings) and appearance (glazing reflections, air gap and spacers) of the windows. The installation of wall insulation has the potential to affect the performance of the building fabric by inhibiting the breathability of traditional materials and the character and fabric of internal spaces by entailing the covering or removal of historic plasterwork and the replacement or alteration of timber mouldings such as architraves or skirting boards. It is therefore unlikely that such proposals would be considered acceptable.

The current scheme would fail to accord with the design, Listed Building and Conservation policies of the Local Plan or the adopted guidance on the conversion of traditional buildings. Cumulatively, such alterations would result in a high degree of harm to the aesthetic design and historical illustrative heritage values of the buildings and the streetscape character of the Conservation Area. The level of cumulative harm from the proposed scheme is considered to be substantial in relation to the heritage significance of the listed building and less than substantial, albeit significant, to the character and appearance of the conservation area.

---

**Application No: NYM/2017/0717/FL**

---

**Main Issues continued**

Officers do not consider that any public benefit associated with the scheme (provision of a local occupancy dwelling) would be sufficient to justify such harm. Officers do not agree that the proposed scheme would conserve the special interest of the listed building and therefore do not accept that the scheme would represent a public benefit in terms of achieving the good repair of the heritage asset. No formal evidence has been provided to support the assertion that the scheme would represent “enabling development”,

**Occupancy in Line with the Requirements of Core Policy J**

The Local Occupancy Proforma states that the proposed dwelling is required for the applicant to live in whilst they undertake maintenance and structural works to bring the main house up to a safe and sustainable condition for everyday life and then they plan to sell the outbuildings to pay for the outlay on making the Listed Buildings sustainable.

This is not considered to be wholly in line with Core Policy J as the applicant has confirmed that they are not to be the long term occupant of the unit. The Authority has concern with regard to the pressure that this will put on the restriction when attached to a Listed Building to be marketed for sale as it is meant to be a means of making accommodation more affordable to the local housing market, however this market would not usually be looking at investing in a Listed Building.

It would be considered to be more appropriate to market the property as a whole with the main house and outbuildings for a perspective purchaser to decide the best manner in which to use the attached outbuildings rather than putting pressure on them to develop a scheme which may not be suitable in the long term.

**Bats**

The Survey by MAB Ecology from September 2017 is thorough and includes details of an Emergence Survey which was carried out in late August. There were some potential roost sites within the buildings which are situated in an area of good bat habitat. The North Yorkshire Bat Group provided data for a large number of records of bats in the surrounding area. The check of the buildings showed no signs of use by bats and no bats emerged from the buildings during the emergence survey. Common Pipistrelle and Brown Long Eared bats were recorded in the area foraging and commuting. The Authority’s Ecologist is happy with the conclusion of the Survey that the development will have no impact on bats. An informative could be included with the planning permission in case bats are found during building works.

**Conclusion**

The proposed scheme would seriously harm the character of the building as one of special architectural and historic interest as a consequence of the erosion of the legibility of the historic relationship between the principal host building and its subservient ancillary buildings; through the loss of the relative scale of the house and outbuildings as a result of the raising of the roof heights of the outbuildings and their remodelling as wider and deeper structures than the main house; the creation of additional openings and the domestic design of the fenestration; and loss of the historic pig sties; all of which result in the creation of a residential unit which not only would be larger than the host property but would be devoid of the majority of features which contribute to the distinctive character of these buildings as former ancillary agricultural buildings. Furthermore, the plans contain insufficient detail regarding the internal alterations and the impact the proposed alterations would have on the historic fabric and features of the dwelling house and the ancillary buildings as they lack any

---

**Application No: NYM/2017/0717/FL**

---

**Main Issues continued**

information in relation to proposed double glazed window designs, specification of proposed wall insulation and how historic floor and wall surfaces and residual historic features would be preserved and incorporated. The loss of the historic scale, distinctive form and arrangement and architectural characteristics would also harm the character and appearance of the Osmotherley Conservation Area (also a designated heritage asset). There is no clear and convincing justification for the harm identified to these heritage assets that would result from the proposed scheme and the current scheme would not constitute a public benefit that would outweigh any harm because it would substantially erode the heritage value of the Listed Building.

This application has been in for some time and has involved various amended schemes, however the applicant is not willing to accept that a separate unit of accommodation on the site would be considered to be overdevelopment of the site and therefore refusal is recommended.

**Management Plan Policies**

The proposed scheme is not considered to meet the requirements of Policy E5 of the NYMNP Management Plan which states that the built heritage will be conserved or restored where appropriate.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.