

North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Hackness	App No. NYM/2019/0021/FL
Proposal: conversion of barn to form 1 no. open market dwelling and new access (part revised scheme to NYM/2015/0209/FL) together with the transferring of local occupancy restriction to Sunny Bank Cottage	
Location: Sunny Bank House, Broxa Lane, Hackness	
Applicant: Mrs Ivy Stuart, Sunny Bank House, Broxa Lane, Hackness, Scarborough, North Yorkshire, YO13 OJW	
Agent: Richard Winn Architectural Design, Old Barn Cottage, Middle Farm, Main Street, Allerston, Pickering, North Yorkshire, YO18 7PG	
Date for Decision: 12 March 2019 Extended to: 19 April 2019	
Grid Ref: 496702 490016	

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. WPDR01 Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I
4. RUS013 Occupancy in Accordance with NYM Core Policy J (part 1 of 2)
5. MATS04 Stonework and Roofing Tiles to Match
6. MATS00 Windows/Door Frames to be Painted Wood – Colour to be Agreed
7. MATS30 Doors - Details of Construction to be Submitted
8. MATS40 Detailed Plans of Window Frames Required
9. MATS56 Conservation Rooflights Only
10. MATS74 Flues to be Coloured Matt Black
11. MATS70 Guttering Fixed by Gutter Spikes
12. MATS73 External Fixtures
13. HWAY00 Private Access/Verge Crossings: Construction Requirements
14. HWAY10 Visibility Splays
15. HWAY00 Closing of Existing Access
16. LNDS00 Tree Survey Submitted
17. LNDS00 Notwithstanding the details shown on the approved drawings no. 1300-3A, 1300-4 & 1300-5B, no work shall commence on the erection of any boundary fencing until full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, have been submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informative

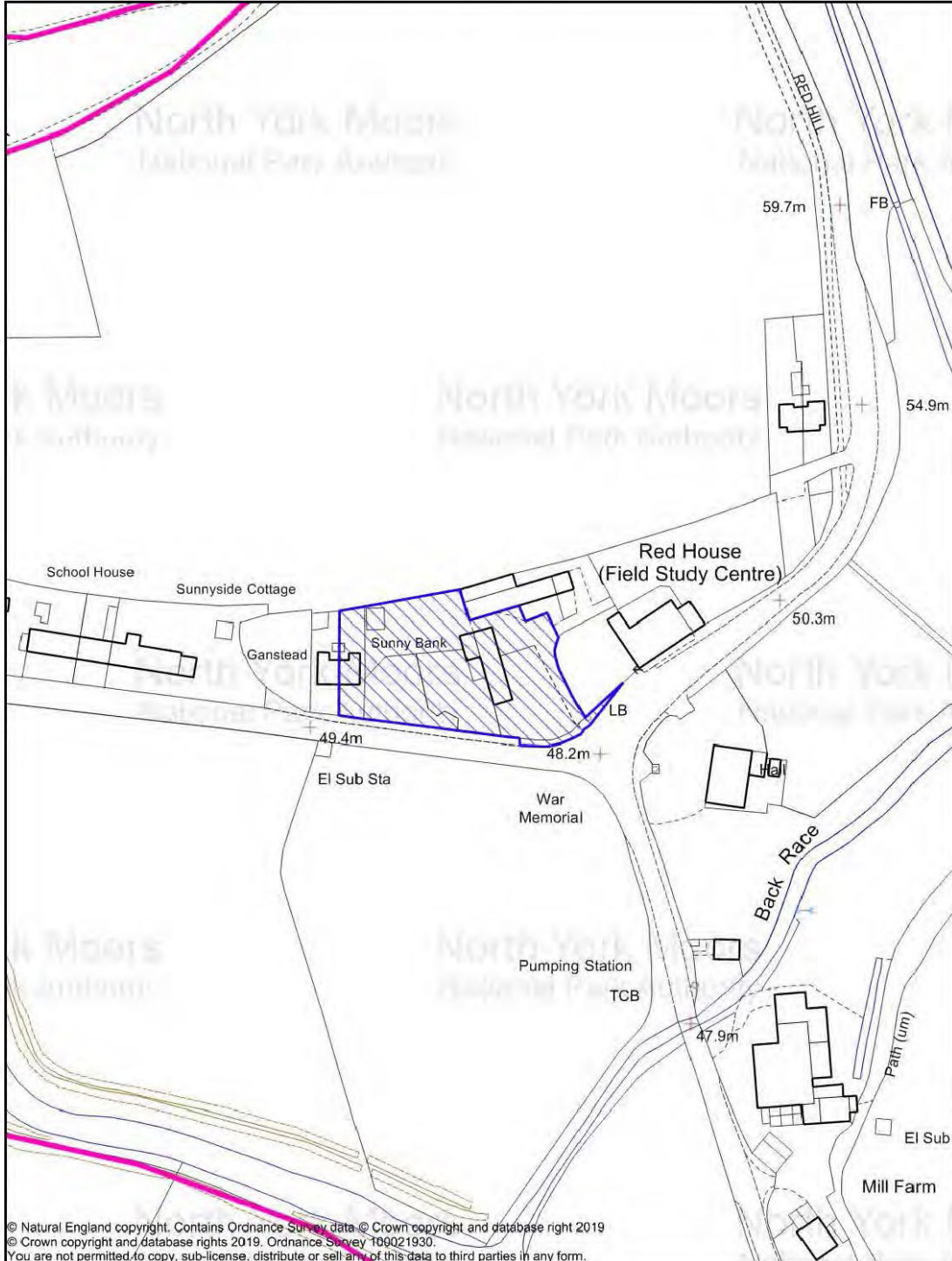
1. Private Access/Verge Crossings: Construction Requirements



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

Application Number: NYM/2019/0021/FL

Scale: 1:1500



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Application No: NYM/2019/0021/FL

Consultations

Parish – Strongly objects on the grounds it is contrary to the Adopted Local Plan Core Policy J and Development Policy 8 (criteria 8). Accepts that the principle of converting the barn to accommodation and creating a new access was established by the decision on NYM/2015/0209/FL and has no objection to the local occupancy restriction being imposed on Sunny Bank Cottage. However does most strongly object to the new dwelling being for the open market as such a proposal is completely contrary to the adopted Local Plan. While appreciating the applicant is having trouble selling the property due to the local occupancy condition, it is not considered this difficulty outweighs the requirements of the Adopted Local Plan. Furthermore it is considered that granting this application will create a most unwelcome and undesirable precedent in respect of future applications to convert barns/agricultural buildings within the National Park into residential accommodation.

Highways – Recommend conditional approval and comments that whilst the visibility for the existing junction to Sunny Bank Barn is very poor, following extensive discussions with the architects and applicant, the topography of the site would make any alternative access proposal extremely difficult. The existing access is therefore to be improved with the extension and widening of the footway to move the visibility point for vehicles exiting the site further into Broxa Lane.

Environmental Health Officer – Comment that the current level of natural lighting does not meet the recommended standards however as additional skylights will require further planning permission, which may not be considered favourably, reluctantly accept the current proposal as submitted.

Police – Traffic –

Site Notice Expiry Date – 27 February 2019

Background

Sunny Bank Barn lies towards the eastern end of the row of houses forming the hamlet of Hackness, opposite the junction with the road through the Forge Valley to the south. It is an attractive building of coursed stone under a pantile roof, situated within a small paddock area associated with the applicant's property to the west, Sunny Bank Cottage. Access to the barn is shared with the neighbouring property to the east, Red House and also Sunny Bank Cottage.

Planning permission was originally granted in March 2010 for the conversion of the barn into a two bedroom dwelling and as a material start has been made on the conversion with a new roof and the installation of insulation and soil/drainage pipes, the permission is extant. The plans approved under that previous permission included a new vehicular access and parking area to be created in the paddock to the west of the barn, some 50 metres to the west of the existing access to serve both Sunny Bank Cottage and the proposed barn conversion. The existing access, opposite the T-junction, with its poor visibility was considered not suitable to serve another dwelling and a new access where visibility could be improved was therefore proposed.

Planning permission was subsequently granted in June 2015 for a revised scheme whereby the details of the barn conversion were as originally approved in 2010 but the scheme utilised the existing access to serve the barn conversion with improved visibility.

Application No: NYM/2019/0021/FL

Background continued

This was to be achieved by the extension and widening of the footway to move the visibility point for vehicles existing the site further into Broxa Lane.

This application is essentially the same as that considered in 2015 with the exception that it proposes to transfer the local occupancy condition from the barn conversion to the applicant's existing property, Sunny Bank Cottage.

Main Issues

Policy

The relevant policies of the Core Strategy and Development Policies Document (CSDPD) are Core Policy A (Delivering National Park Purposes and Sustainable Development), Core Policy J (Housing) and Development Policy 3 (Design).

Core Policy A seeks to ensure that new development conserves and enhances the Park's special qualities with priority being given to maintaining and enhancing the natural environment, conserving the landscape, settlement, building features and historic assets of the Park and ensuring development does not detract from the quality of life of local residents.

Core Policy J (Housing) supports the development of local needs housing on infill sites or as a conversion of an existing building within the main built up area of the local service villages and other villages (of which Hackness is one).

Development Policy 3 (Design) states that in order to maintain and enhance the distinctive character of the National Park, development will only be permitted amongst other things where a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 8 (Conversion of Traditional Unlisted Rural Buildings), whilst not directly applicable to this application as it relates to a barn conversion within one of the listed settlements, provides useful guidance in the determination of this application along with the Design Guide Part 4: the Re-use of Traditional Rural Buildings.

Principle of Development/Design

The principle of the conversion and the design detailing has already been established by the granting and commencement of planning permission in March 2010 and subsequently in June 2015.

The details of the proposed conversion have not changed and are considered to be of a high standard of design which preserve the functional form and traditional character of the building in accordance with Development Policies 3 and 8 and the advice contained in the Authority's Design Guide.

With regard to the issue of the local occupancy restriction, whilst Officers do not wish the transfer of local occupancy conditions to become the norm within the Park, it is considered that there are exceptional circumstances in the case to justify the proposal. Works on the barn conversion have commenced but it remains unfinished. It is an attractive barn lying at the head of the T-junction in Hackness and therefore widely visible. Whilst it clearly is in a good state of repair at present, unless an alternative use can be secured, it could deteriorate and eventually be lost to the Park's Heritage.

Application No: NYM/2019/0021/FL

Main Issues continued

The applicant has been marketing the building for some 2-3 years with no interest from anyone who satisfies the local occupancy condition, other than one interested party in early 2018 who pulled out of the agreed purchase. It could be argued therefore that there is no demand for the barn as a dwelling to meet local housing need and as such it should remain as is. However the level of accommodation that the finished property would provide is modest and possibly not comparable with the expense necessary to carry out a high quality scheme of conversion which has undoubtedly put potential qualifying purchasers off. The applicant/owner has potentially agreed a sale to a couple who do not satisfy the local occupancy condition to secure the longevity of the barn and is offering to accept the local occupancy restriction on the current property instead. The net result will still be one open market dwelling and one local occupancy dwelling and as such there will be no loss of local occupancy housing to the Park. In fact it could be argued that the current property, Sunny Bank Cottage, is much more suitable as a local occupancy dwelling given its more conventional form and layout and is potentially more affordable. The Authority has in the past, where exceptional circumstances exist, imposed an occupancy condition (either for an agricultural workers dwelling or local needs housing) on an existing dwelling in order to facilitate the conversion of a barn for open market housing but such cases have been few and far between. It is not considered in this case that the transferring the local occupancy condition from the barn conversion to the existing dwelling would undermine the Authority's adopted housing or building conservation policies given the exceptional and difficult circumstances the applicants find themselves in, unable to sell a partially completed barn conversion to a local person in housing need.

Trees

There are two Lime trees positioned close to the road and in front of the barn which are the subject of a Tree Preservation Order. The proposal does not seek to remove these trees and works within the Root Protection Area (RPA) have been kept to a minimum so as to ensure the longevity and health of the trees. Submitted with the application is a Tree Report which confirms that there will be no lowering of the soil level within the RPA and only rubble which has been more recently deposited in this area will be removed. The report includes a Tree Protection Plan and an Arboricultural Method Statement and any permission will be conditional on these being adhered to at all times during the development.

The Authority's Woodland Officer has confirmed that the proposed increased width of the driveway can be accommodated without harm to the protected trees providing it is carried out in the manner proposed and that all the remaining root protection area is treated as an exclusion area for the duration of the construction phase.

Highway Safety

The originally scheme approved in March 2010 included a new access and parking area in the paddock some 50 metres to the west of the barn but this would have necessitated a significant amount of excavation to create a level site given the rising land, and potentially would have a detrimental impact on the visual amenity of the hamlet with the creation of a large opening in the stone boundary wall. The revised scheme approved in June 2015 proposed to utilise the existing access but with the visibility improved by the extension and widening of the footway to move the visibility point for vehicles exiting the site further into Broxa Lane. This had the support of the Highway Authority, which had been involved in lengthy pre-application discussions regarding the proposal.

The same improvement works to the existing access are proposed as part of this application and the Highway Authority has again confirmed their acceptance of these.

Application No: NYM/2019/0021/FL

Main Issues continued

The benefits of this proposal are that an existing dangerous access will be improved for the existing occupiers of Red House and Sunny Bank Cottage in addition to the proposed occupiers of the barn and it avoids substantial excavation works to the paddock to the east of the barn to create a new access.

Therefore in view of the above, approval is recommended.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy E5 which seeks to ensure the built heritage of the Park is conserved.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.