

## North York Moors National Park Authority

<b>Hambleton District</b> <b>Parish: Osmotherley</b>	<b>App No. NYM/2017/0722/LB</b>
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**Proposal:** Listed Building consent for conversion of and extensions to outbuildings to form 1 no. local occupancy dwelling together with alterations and extension to existing dwelling

**Location:** 10 South End, Osmotherley

**Applicant:** K Livingston, 10 South End, Osmotherley, DL6 3BL

**Agent:** Lavingham Planning Consultants Ltd, fao: Mr Andrew Cunningham  
18 Church View, Brompton, Northallerton, DL6 2QX

**Date for Decision:** 12 December 2017

**Grid Ref:** 445623 497105

### Director of Planning's Recommendation

**Approval** subject to the removal of the replacement rear double glazed units to the house from the scheme and the following conditions:

1. TIME02 Standard Three Year Commencement Date - Listed Building
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. CDLB09 Demolition Contract (Conservation Area)
4. CDLB00 No work shall commence on site to clear or strip out the building to which this permission relates until a full Conservation Structural Survey and condition report from an appropriately qualified professional from a Conservation background has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works or repairs are necessary and the amount of new structural work needed to enable the conversion. The work shall not be carried out otherwise than in accordance with the approved details.
5. CDLB05B External Fixtures
6. MATS06 Stone Panel
7. MATS22 Pointing - New Development - Standard Mix
8. MATS14 Roof Tile to be Agreed
9. MATS30 Doors - Details of Construction to be Submitted
10. MATS33 Doors - Finish to be Agreed
11. MATS40 Detailed Plans of Window Frames Required
12. MATS46 Window Frames in Reveals to Match Existing
13. MATS60 Windows and Doors - Timber
14. MATS70 Guttering Fixed by Gutter Spikes
15. MATS71 Black Painted Cast Iron Rainwater Goods

#### Informatives

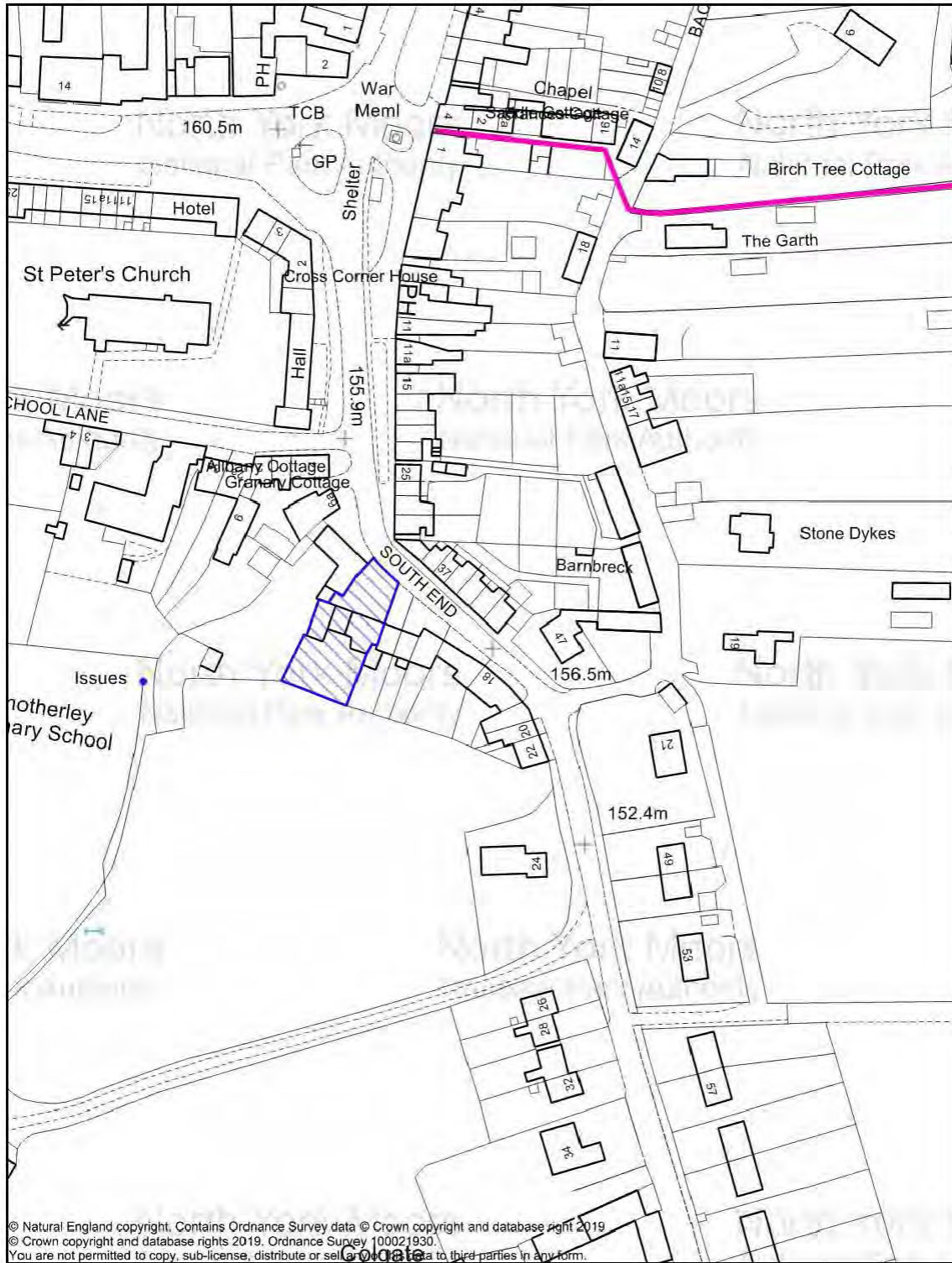
1. Development in Accordance with Planning Permission
2. Bats



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

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Scale: 1:1250





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**Parish** - 19/08/2019 - Revised scheme - We support the use of heritage double glazing.

4/11/2017 - original scheme - 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 - original scheme - 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 - original scheme -**

My objections to these planning proposals are as follow:

- The loss of a significant range of vernacular buildings (The coach house and stable) integral 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.

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**R Abbott, 12 South End, Osmotherley 30/04/2019**

**original scheme** - I have **no objections** to the above scheme. I confirm my support for the scheme as it would improve the adjoining outbuildings and frontage to the street.

**S Hind, 29 South End, Osmotherley 30/04/2019**

**original scheme** - live on the opposite side of the road, close to No.10 and **support** the proposed development as it brings long term empty buildings back into use as housing and tidies up that corner of the village.

**Mr S Foster, 10 South End, Osmotherley 09/05/2019**

**original scheme** – As the owner of the adjoining property (8 South End) and the owner of two neighbouring properties (6a and 4 South End) I have **objections** to the proposed scheme. By carrying out the proposed works my access to No.8 would be restricted. I am unhappy about proposed windows that overlook the garden of No.8 and feel that the privacy of my garden will be undermined. I am unhappy that the ‘outbuilding’ being developed into a dwelling would allow occupants to look into and over the garden at No.8, again undermining the privacy. I feel that the proposed development would be detrimental to the aesthetic appearance of this particularly quaint part of South End. I would also point out that Mrs Livingstone has not requested access over my property to carryout works to the gable overlooking my garden at No.8, I would be very reluctant to allow any access should she so request.

### **Background**

This application and the associated full planning application are for the change of use, 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 site and associated full and Listed Building applications were considered at the Planning Committee on the 18 April 2019 where they were deferred for a Committee Site Visit to take place in the presence of the Building Conservation Officer who was not in attendance at the Committee Meeting to offer expert advice in relation to the questions raised by Members of the Committee. Following the Member's Site Visit, and an indication from the applicant that she was prepared to revise the scheme with a ‘conservation focus’, Officers have sought to provide advice to the applicant on an alternative scheme that would provide a local occupancy dwelling without the substantial harm proposed by the submitted scheme which was recommended for refusal. The applicant and the Authority have been in discussion to agree a compromise scheme on both sides. The scheme now proposed involves more demolition works than would normally be considered to be acceptable when dealing with a Listed Building; however this result has come about due to the request to work with the applicant both at Committee and restated at the Site Visit.

Following on from the applicant's agreement to include more sympathetic heritage design features, both this application and the associated Listed Building application are now recommended for approval subject to the removal of the proposal to use double glazing in the rear elevation of the main house (the front elevation is already proposed to be single glazed with secondary glazing).

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**Background to Earlier Proposal**

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 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 its 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). Previously the proposal was 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 included 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 was 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 was proposed to be 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 insulation to the inside of external walls. Further details with regard to these elements have recently been submitted which include the use of internal breathable insulation panels (wood fibre board) and lime plaster. The proposal for the windows are to use secondary glazing to the front elevation and new double glazed units to the rear. This is discussed further below.

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)

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**Background to Scheme now Proposed**

Through negotiations the proposal has now been amended to a more modest two bedroom dwelling with an area retained internally as a garage/garden store. The original building proportions have been retained in terms of the single and two storey elements, however the hipped roof has been removed and replaced with a more traditional gable. A single storey glazed lean-to is now proposed on the rear of the outbuilding which connects to the existing piggery building which will be retained although the roof will be slightly higher and floor will be dug out to improve the usable height of the building.

**Other Submitted Reports and Site History**

A Design and Access and Planning Statement have 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 Engineer's 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 building is left without any works. 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.

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**Main Issues continued**

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.

**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.”



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## Main Issues continued

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 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.

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**Main Issues continued**

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.

The scheme now proposed is considered to be acceptable to both the applicant and Local Planning Authority as a means of securing a new use for this area at the centre of the Osmotherley Conservation Area and retains much more of the original character than the previously proposed scheme. The Structural Survey submitted with the application on 5 October 2017 does state that the building is capable of conversion; however it also states that a large amount of rebuilding is required, in new matching stone, off a reinforced thickened concrete floor slab with a new block liner wall. These ordinary building methods are considered to be inappropriate for a Listed Building and therefore a more conservation based Structural Survey has been conditioned, as well as a contract for redevelopment of the site to ensure that the site is not left half developed due to its location at the centre of the Conservation Area.

Officers raised concern that within the curtilage of the Listed Building, the 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. Officer’s felt that 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, however Members and the Parish council have

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**Main Issues continued**

indicated support for the proposed use to be acceptable, provided that an acceptably designed scheme for the building could be agreed. The scheme now proposed is for a two bedroom unit rather than a three bedroom unit as previously proposed and therefore the resulting reduced massing, alterations and extensions and parking levels will be less intensive.

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.

In relation to proposals for the existing dwelling house, no details had previously been provided for the proposed replacement of windows with double glazing sealed units 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 could not be assessed as required by the NPPF and therefore this was previously a reason for refusal. These details have now been provided, and are largely considered to be acceptable; however the applicant and Authority have been unable to come to an agreement with regard to the rear windows on the main house element. The applicant has submitted details and wishes to change the existing single glazed windows to double glazed units. Their statement does however state that if this is not considered to be acceptable then they would accept the use of secondary double glazing on the rear as well as the front elevation. Approval is recommended to the scheme now submitted on the grounds that the double glazing is removed from the proposal. The Authority's Building Conservation Officer will be at Committee to deal with any detailed questions on the replacement windows issue.

The replacement of 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 and therefore the Authority does not feel able to support this even on the rear elevation.

The scheme now proposed is considered to be more in line with the design, Listed Building and conservation policies of the Local Plan and the adopted guidance on the conversion of traditional buildings. The level of cumulative harm from the previously proposed scheme has been significantly reduced so that the applications for full planning and Listed Building consent are now considered to be acceptable in terms of the impact on the Listed Building and Conservation Area.

**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 speculative approach 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

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**Main Issues continued**

more affordable to the local housing market, however this market would not usually be looking at investing in a Listed Building.

The applicant is aware of this risk however and the Parish Council appear keen to support the creation of an additional unit of accommodation within this location and therefore this is a judgement that the applicant has to make in terms of risk and viability.

**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 scheme now proposed, after significant negotiations have taken place between the applicant and Authority, is considered the most that could be negotiated to accommodate a separate unit of accommodation without having a detrimental impact on either the appearance of the Listed Building or the level of amenity enjoyed by the neighbouring properties within this Conservation Area setting.

On the clear understanding that the double glazing is removed from the application and only secondary glazing proposed throughout the whole of the existing dwelling then approval is now proposed to the amended scheme, subject to the conditions proposed.

This application has been in for some time and has involved various amended schemes, however the applicant is now willing to accept that the smaller separate unit of accommodation now proposed is the most that is considered to be acceptable on the site without being considered to be overdevelopment of the site or having an adverse impact on the host Listed Building or Conservation Area setting.

**Management Plan Policies**

The proposed scheme is now 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**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the design and scale of the proposal, so as to deliver sustainable development.