

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Harwood Dale

Application No. NYM/2019/0150/FL

Proposal: variation of conditions 2 (material amendment), 8 and 9 of planning approval NYM/2017/0453/FL to allow an increase in height of the eaves and apex of the roof and amendments to window and door detailing together with construction of boundary wall (retrospective)

Location: Burgate Farm, Harwood Dale

Decision Date: 14 October 2019

Consultations

Parish - No objection.

Site Notice Expiry Date - 10 October 2019.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. **Strict Accordance With the Plans/Specifications or Minor Variations**
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2. Within six months of the date of this permission the satellite dish that is currently sited on the northern gable shall be relocated so that it does not project above the ridge line of the building.
3. **Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. **Family Annexe - Outside Villages (insert)**
The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as **Burgate Farm** and shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for members of the family of the occupier of the main dwelling.
5. This permission has been granted in accordance with the details specified in the survey prepared by Richard Agar Associates Limited received on 15 June 2016, other than the omission of the chemical damp proof course. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
6. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix, other than as detailed in the email from Catriona Cook MBE (Mrs) received on 11 November 2017, unless otherwise agreed with the Local Planning Authority.

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7. **Windows and Doors - Timber**
All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. The doors in the development hereby approved (and any replacements) shall be installed in accordance with the approved detailed/constructional plans received on 5th October 2017 together with the **elevation plans dated 28 August 2019** and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. The windows to be installed (and any replacement windows) in the development hereby approved shall be installed in accordance with the details received on 13 and 17 November 2017 **and in accordance with the elevation plans dated 28 August 2019** and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. **Window Frames in Reveals - Specify Set Back (insert)**
The external face of the frame to all new windows shall be set in a reveal of a minimum of **50mm** from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. **Conservation Rooflights Only**
The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
12. **Guttering Fixed by Gutter Spikes**
The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13. **Black Coloured Rainwater Goods**
The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9 of the submitted Bat Survey prepared 05 May 2017 and received at the Authority on 08 May 2017 by John Drewett Ecology.

Informatives

1.	<p>Bats</p> <p>All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>
2.	<p>The applicant's attention is drawn to Condition 3 of planning approval NYM4/026/0004E/PA which restricts the existing annexe attached to the farmhouse to occupation by members of the family or occupier of the main dwelling only. Any occupation by a farm worker or use as holiday accommodation will require a separate grant of permission from the Local Planning Authority.</p>

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Reasons for Conditions

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
5. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
6. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 2, 7 to 13. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
14. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.



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**Background**

Burgate Farm is a working dairy farm, located in a valley bottom approximately one kilometre east of Harwood Dale village. It is barely visible from the road and is accessed via single track lane which passes through two other farms/properties before terminating at Burgate Farm. The main farm comprises a traditional stone under slate farmhouse with a range of traditional stone under pantile agricultural buildings forming a courtyard with an extensive range of modern farm buildings (including milking parlour) beyond.

Planning permission has previously been granted (and implemented) for the conversion of a single storey range of traditional outbuildings attached to the main farmhouse to a family annexe. The bulk of other recent planning applications at the site relate to agricultural buildings and works.

Planning permission was subsequently granted in 2016 for extensions and alterations to the westernmost outbuilding to allow its conversion to an additional unit of residential accommodation. In 2017, an application for amendments to the scheme was approved which related to the omission of the chemical damp proof course, amendments to roof light details and incorporation of a recessed roof space between the stables and the barn conversion. That application also dealt with joinery details which had previously been reserved by condition.

This application seeks further amendments to the scheme following routine monitoring of the site. The building works are now substantially complete and therefore, this application seeks retrospective approval for relatively minor discrepancies including revisions to door and window details (lintels) in the north elevation and the installation of a satellite dish together with more substantial changes including an increase in the height of the eaves and apex of the roof and the construction of a 2m high stone boundary wall to enclose the frontage of the property.

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Main Issues

The relevant policies of the NYM Core Strategy and Development Policies Document to consider with this application are Development Policy 8 (Conversion of unlisted Rural Buildings) and Core Policy J (Housing) together with the advice contained within Part 4 of the Authority's adopted Design Guide.

Core Policy CPJ of the 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 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.

Development Policy 8 of the Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self-catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historical importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas. In the case of long-term/permanent residential uses, the occupancy of the accommodation is restricted to a person satisfying the local needs criteria set out in Core Policy J and the tenure will be restricted to letting only and the unit will not be sold off separately from the main dwelling.

Part 4 of the Authority's adopted Design Guide (The Re-use of Traditional Rural Buildings) identifies that the pattern of openings is a direct product of the historic function of the building and given that many buildings were used as a means of storage or shelter openings were generally kept to a minimum. Design guidelines recommend that the insertion of new openings in otherwise blank elevations (or where there is no evidence of previous openings) should be avoided.

The main issues are considered to be whether the proposed conversion is of a sensitive design and the proposed use is in accordance with the adopted planning policies.

The principle of the development for conversion has already been accepted through the approval of the 2016 application. The issue for consideration with this application is the impact on the character of the building of the changes to the roof, the formal enclosure of a front 'garden' with substantial stone wall, revisions to door and window detailing together with the installation of a satellite dish.

The building in question had already been substantially altered prior to the submission of the 2016 application and it has been accepted that the original character and appearance of the building has diminished. Although, the original scheme was amended in order to respect the agricultural and utilitarian nature of the building, due to the large two storey front projecting gable that had been constructed prior to 2016, a certain level of 'domestic' character/features were unavoidable.

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Consequently, Officers consider that the variations now sought do not constitute an unacceptable level of harm. For example, the overall shape and form of the rear extensions does not change as a result of the increase in roof height and by reason of its position within a working farmyard, the changes do not result in any loss of amenity to neighbouring properties.

The formal enclosure of outside areas is typically resisted for conversions schemes due to the overly-domestic appearance they have which in turn undermines the setting of a barn. However, in this case the building is located at the 'gateway' to a busy working dairy farm and located in close proximity to livestock areas and in a position where large agricultural vehicles pass by very closely. Therefore, Officers accept that there is reasonable justification for clear delineation and in terms of materials, the stone wall and five-bar timber gate have strong agricultural references which seem appropriate for the site.

The variation to the window and door details in the north elevation are very minor relating to stone lintel details which were omitted from the original scheme, the scheme, as built represents very little alteration to the original building and there is no objection to these details. Finally, the proposed satellite dish is considered to detract from the overall character of the property but the harm is off-set by the use of a dark colour for the apparatus and the location of the barn which has a backdrop of a working farmyard. The property is not listed and is not within a conservation area or undesignated village streetscene where the presence of a satellite dish would be more harmful.

The Parish Council has no objection to the scheme and no other representations have been received. Therefore, in view of the above, approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.