

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(South)  
Parish: Hackness

Application No. NYM/2019/0842/LB

**Proposal:** Listed Building consent for replacement rainwater goods, dormer window, chimney pots, addition of chimney pot, replacement kitchen window and re-felt porch roof to dwelling, works to roof and replacement door of tractor shed, works to roof and repair of stonework to stable and wood store

**Location:** Mount Misery Farm, Hackness

**Decision Date:** 17 February 2020

**Extended to:** 10 March 2020

## Consultations

**Parish** – No objections

**Site Notice/Advertisement Expiry Date** – 04 February 2020

**Others** -

## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1. Standard Three Year Commencement Date - Listed Building  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Strict Accordance With the Documentation Submitted or Minor Variations -  
Document No.s Specified

The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Mount Misery Location Plan		12/12/2019
Design Access/Heritage Statement		12/12/2019
Yorkshire Light Window Details and Sections	FEY231219.04	20/02/2020
Casement Window Details and Sections	FEY231219.03	20/02/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. **Windows - Timber and Specify Details of Colour**  
All new window frames and glazing bars shall be of timber construction and coloured white within six months of the date of installation and shall be maintained in that condition in perpetuity.
4. **Window Frames in Reveals - Specify Set Back 75 mm**  
The external face of the frame to all new windows shall be set in a reveal of a minimum of 75mm 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.
5. **Handmade Clay Pantiles to be Used**  
The roof of the stable and wood store shall be clad with traditional, handmade natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. **No work shall commence on the replacement of the Tractor Shed Roof until details of the steel roofing material to be used, including samples if so required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.**
7. **All pointing in the development hereby permitted shall accord with a specification which has been approved in writing by the Local Planning Authority. The mortar mix proposed should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand) and include the method of application and finish. A sample area may also be required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.**
8. **No work shall commence on the repair or alteration of the roofs of the stable and wood store until details of the extent of timber repair and/or replacement has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.**
9. **The roof of the stable shall be repaired using traditional lath and lime plaster and shall match the existing arrangement unless otherwise agreed in writing with the Local Planning Authority.**

## **Informatives**

1. **Bats**  
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.

2. Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at [www.rspb.org.uk/images/WBATL\\_tcm9-132998.pdf](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf).

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or [conservation@northyorkmoors.org.uk](mailto:conservation@northyorkmoors.org.uk).

**Reason(s) for Condition(s)**

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2. 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. 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.
4. 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.
5. 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.
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.
7. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
8. In order to ensure that the development is carried out in a manner which safeguards the historic fabric of the building and to comply with the provisions of NYM Core Policy G, which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on the special historic or architectural interest of the building.
9. 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.

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**Background**

Mount Misery Farm consists of a late Eighteenth Century Farmhouse and a number of outbuildings of various dates, located to the west of Hackness. The farmhouse is Grade II listed and constructed of dressed sandstone under a pantile roof with brick chimney stacks. The property is of modest proportions and of a traditional style with single glazed 12 pane Yorkshire sliding sashes to the principle elevation. The property has remained largely unaltered except for the insertion of 2 no. modern windows and a small dormer on the rear elevation. A number of small outbuildings lie to the north of the farmhouse, including stone and pantile structures as well as more modern timber structures.

The Authority's Building Conservation Officer has characterised the dwellinghouse as an attractive farmhouse that retains both architectural and historic interest and stated that the character of the site as a whole reflects the simple vernacular style of architecture and small scale form of development that is characteristic of the North York Moors as a whole.

No planning history exists for the site. This application seeks Listed Building Consent for various repairs and replacement works at the site including the replacement of the rainwater goods, dormer windows, chimney pots and kitchen window within the farmhouse and repairs and replacements to three of the outbuildings.

**Main Issues****Statutory Duties**

Section 16, paragraph 193 of the National Planning Policy Framework 2019 states that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16, paragraph 194 of the National Planning Policy Framework 2019 goes on to state that 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.

The Authority has a statutory duty to protect Listed Buildings within the Park as they form part of the significance of the built and cultural heritage of the North York Moors. These buildings represent a significant part of the history and culture of the National Park and their considerable importance, once lost, cannot be replaced.

The Authority has a general duty in respect of listed buildings in its exercising of planning functions as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

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**Application Number: NYM/2019/0842/LB**

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**NYMNPA Policies**

The relevant policies contained within the North York Moors Core Strategy and Development Policy Document to consider in relation to this application are Development Policy 3 (Design), Development Policy 5 (Listed Buildings) and Development Policy 19 (Householder Development).

Development Policy 3 states that development will be permitted where among other things a high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.

Development Policy 5 states that proposals for the alteration, extension or change of use of a Listed Building will only be permitted where they will not have an unacceptable impact on the special historic or architectural interest of the building.

Development Policy 19 supports proposals for development within the domestic curtilage of dwellings where among other things the form, position and design of the development does not detract from the character and form of the original dwelling or its setting in the landscape.

**Windows**

The existing windows within the rear elevation of the property are not historic and are not traditional in style. Information submitted by the applicant demonstrates that the kitchen window and dormer window are in a poor state of repair and therefore the Authority's Building Conservation Officer has no objection to the replacement of these modern windows as they make no contribution to the significance of the listed building. The applicant originally sought to replace the windows with double glazed timber casements in a style similar to the existing; however, following negotiations with the Authority these designs have been amended. The dormer window is now to be a double glazed timber Yorkshire sliding sash window and the kitchen window is to be a double glazed flush fitting timber casement window with a fixed central sash with one side hung sash on either side. The Authority's Building Conservation Officer advised that as the replacement windows could now be considered an enhancement on the existing, then in this instance, double glazing would be considered acceptable. Both windows are of a traditional design, using Slim Glazing Units with a profile of 4,6,4 and 26mm glazing bars. It is therefore felt that the replacement windows will be sympathetic to the traditional character of the original dwelling and will relate well to the surrounding landscape.

**Rainwater goods**

The replacement of the existing uPVC rainwater goods with cast iron guttering is considered to be an enhancement as uPVC is a non-traditional material that detracts from the significance of the listed building. Therefore the replacement with a more traditional material is supported.

**Chimney Pots**

The Building Conservation Officer has raised no objections to the replacement of the damaged chimney pot and possible installation of a second chimney pot, provided that the replacements are of traditional handmade construction. The replacement of the chimney pots is not considered to harm the significance of the listed building and is therefore supported.



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**Application Number: NYM/2019/0842/LB**

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**Porch**

No objections have been raised to the re-felting of the porch roof. This proposal is not considered to have any detrimental impact upon the special historic or architectural interest of the building and is therefore supported.

**Tractor Shed**

The Building Conservation Officer has not raised any objections to the replacement of the defective timbers and steel roof within this structure and as such this proposal is supported.

**Stable**

The Building Conservation Officer has noted the presence of historic timbers within this building, however the poor condition of the roof is acknowledged and therefore the selective repair and/or replacement of the timber would be considered acceptable in this instance. This is subject to details of the extent of the timber to be removed being submitted to the Authority for approval prior to the commencement of any works to this roof structure. The Building Conservation Officer has also specified that the roof is to be repaired in a traditional manner using traditional lath and lime plaster to match the existing arrangement.

**Wood Store**

The Building Conservation Officer has noted that this building has undergone some alteration and therefore has no objections to the replacement of defective roof timbers, repair of defective stonework and replacement of the existing steel roof with pantile. These works are not considered to have a detrimental impact upon the special historic or architectural interest of the building.

**Conclusion**

This application seeks to carry out necessary repairs and replacements in order to conserve the listed farmhouse and the curtilage listed outbuildings. The proposals within this application are not considered to amount to harm to the significance of the property, and in some cases, they are considered to protect and enhance the special historic and architectural interest of the building.

For the reasons outlined above, this application is recommended for approval.

**Draft Local Plan**

Strategic Policy I within the Draft Local Plan states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment.

CO17 within the Draft Local Plan states that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will be permitted where among other things, the form position and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape.

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**Application Number: NYM/2019/0842/LB**

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**Pre-commencement Conditions**

Conditions 6, 7 and 8 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

**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 proposal including the amendment of window designs, so as to deliver sustainable development.