

## North York Moors National Park Authority

<b>Parish: Ugthorpe</b>	<b>App No. NYM/2020/0275/FL</b>
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**Proposal:** change of use of outbuildings to provide for holiday and ramblers', accommodation comprising one single bedroom self-contained holiday apartment, two 3-bedroom and one 2-bedroom units together with two ramblers cottages with a laundry and drying room, plus a games room, ancillary store and covered parking area.

**Location:** Outbuildings at Biggin House, Guisborough Road, Ugthorpe

**Applicant:** The Mulgrave Estate, fao: Mr Robert Childerhouse, c/o Agent

**Agent:** EJW Planning Limited fao: Mrs Erica Whettingsteel, Lincoln Barn, Norwich Road, Scoulton, Norwich, NR9 4NP

**Date for Decision:** 23 June 2020

**Extended to:** 30 September 2020

### Director of Planning's Recommendation

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

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSUO00 The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
4. RSUO00 The holiday units hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Biggin House and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
5. RSUO00 The covered parking, games room and storage hereby approved shall be used for purposes ancillary to the occupation of the main dwelling known as Biggin House and the associated holiday units and for no other purpose, and shall not be sold or leased separately unless otherwise approved in writing by the Local Planning Authority.
6. RSUO00 No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

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## Condition(s)/continued

7. GACS07 This permission has been granted in accordance with the details specified in the Structural Appraisal Report prepared by Robert Childerhouse Assoc RICS FAAV dated 16 April 2020, Reference: BH/RC/0001. 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.
8. CDLB00 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 unless otherwise agreed with the Local Planning Authority.
9. MATS00 The roof of the development hereby permitted shall maintain its original structure and be clad with traditional, handmade natural red clay pantiles the details of which shall be submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. MATS00 All pointing in the development hereby permitted shall match the historic unless approved in writing by the Local Planning Authority, which is typically a mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 (dry non-hydraulic quicklime: sand). A one metre square panel of stonework showing mortar method of application, finish and shall be produced on site and approved in writing by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
11. MATS00 No work shall commence on the installation of any doors/ windows in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors/ windows and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All doors/windows shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. MATS00 No work shall commence to paint the external joinery in the development hereby approved until a scheme for the painting of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, stable doors and any other exterior joinery fixtures. The works shall be carried out in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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## Condition(s)/continued

13. MATS00 The external face of the frame to all new windows shall be set in a reveal of a minimum of 200mm 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
14. MATS00 The details of any new lintels and cills together with any replacement lintels and cills, shall be submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details hereby approved and shall be maintained in that Condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. MATS00 Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
16. MATS00 No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be flush fitting and fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
17. MATS00 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.
18. MATS00 All rainwater goods shall be painted cast iron in a colour to be agreed in writing by the Local Planning Authority and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing.
19. MATS00 The external elevations of the covered parking and games room building hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding as shown on the approved plans and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
20. MATS00 All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
21. MATS00 The following schemes of off-site highway mitigation measures must be completed as indicated below:
- Installation of Passing places on the highway between the application site and the A171.

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## Condition(s)/continued

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| 22. | MISC00 | Bat survey Information to be submitted.  |
| 23. | HWAY00 | For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. |
| 24. | MISC00 | Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.   |
| 25. | MISC00 | No development shall be commenced until further bat activity surveys have been undertaken and the results have been submitted to and approved in writing by the Local Planning Authority, together with an Ecological Mitigation and Enhancement Strategy that includes provision of alternative nesting sites for swallows.   |
| 26. | MISC00 | Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority.   |
| 27. | MATS00 | No work shall commence on the installation of any external fixtures to the building to which this permission/consent relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. All other external lighting and paraphernalia should be removed. The details should include for provision for any exterior fittings including but not limited to lighting, meter boxes, alarm fittings, security cameras, cabling, signage, wall or roof flues that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.  |
| 28. | MATS00 | All pipework/cabling and other services related to the internal accommodation is to be located internally unless agreed in writing with the Local Planning Authority   |
| 29. | DRGE00 | The holiday accommodation hereby permitted shall not be brought into use until a suitably sized private sewage treatment plant has been installed to serve the development. The specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.  |

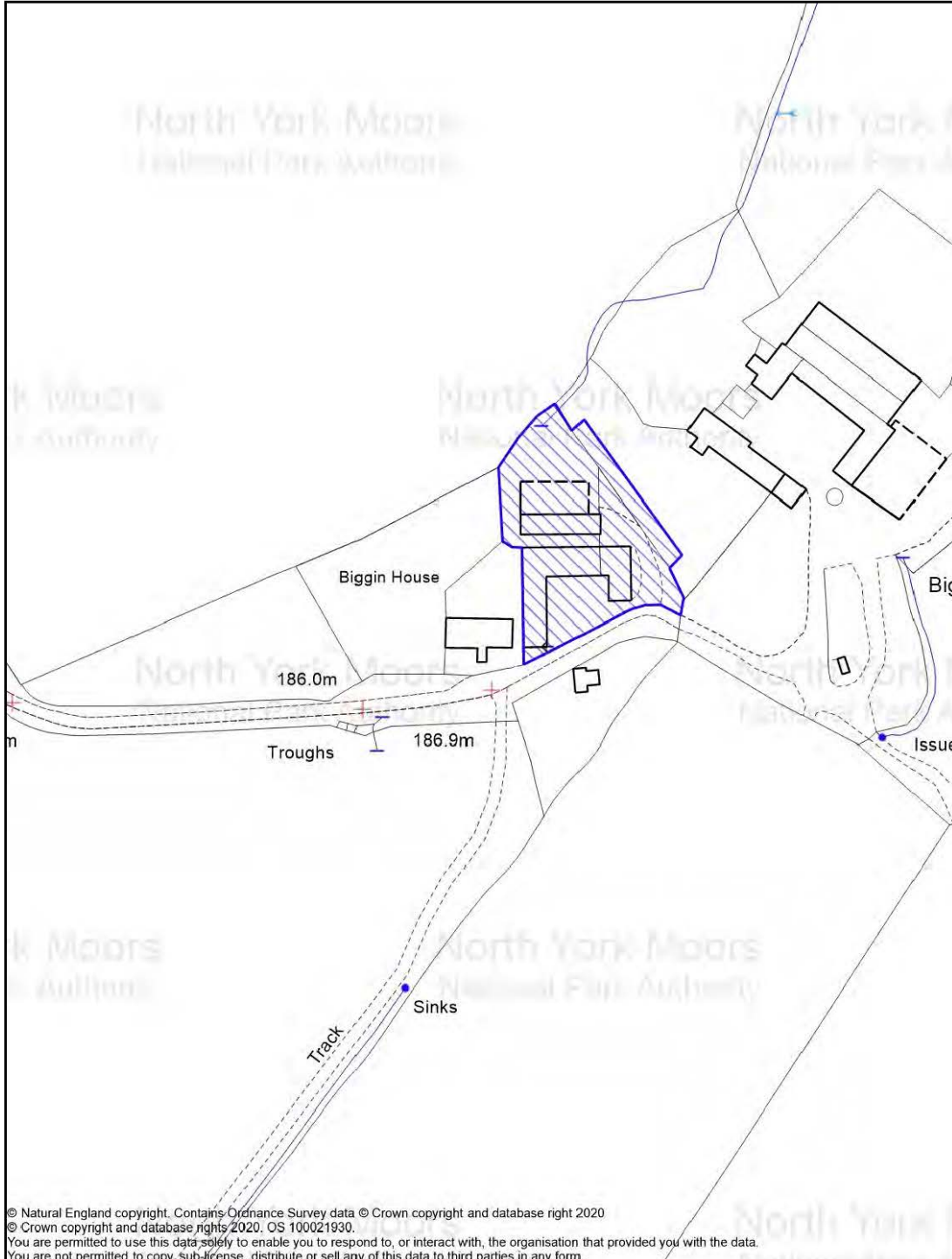
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**Informative(s)**

1. INF00 The applicant is advised to consider whether parts of horse engine which remain in the outbuilding could be incorporated into the internal design.
2. INF00 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.



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**Consultations**

**Parish** - 8 June 2020 - After receiving comments from residents and Councillors the Parish have considered the above development to be too extensive for the area. Access to the development is via a single track lane on a road with few passing places and the junction with the main A171 is notoriously difficult. The Parish Council support a smaller development. We hope that you will consider these objections.

Revised plans - No comments received

**Highways** - 26/5/2020 - Conditional approval - The vehicular access to the site from the A171 is only one car width over the vast majority of its one mile length. The LHA are not aware of any issues or difficulties due to this restricted width. From the A171, this road leads to 4 different farm house clusters. The proposals will increase the amount of traffic on the road and therefore increase the likelihood of two way traffic coming face to face. The installation of some passing places would help cater for the safe passing of vehicles without the potential verge damage. The above mentioned passing places would also benefit drivers of Contractors and deliveries associated with the work required to construct the proposed changes.

**Environmental Health Officer** - 5/5/2020 - No objections

**North Yorkshire Fire & Rescue** - 5/5/2020 - No objection/observation

**Police (Traffic)** -

**Site Notice Expiry Date** - 30 June 2020

**Others - M P Black, Chestnut Cottage, Guisborough Road, Whitby** - 25/5/2020 - Object. The road that leads to this property is unsuitable for the amount of extra traffic that this will generate. There are no passing points, the grass verges are usually saturated making it unsuitable. The road is not gritted in the winter; we've been snowed in more than once. Changes recently to the farms means we have vehicles up and down, mainly tractors, all the time. There is now a group who are breeding pheasants, more traffic. We have cyclist, joggers and green laners (motorcycles) use this road. There are youngsters learning to ride at the riding school. (Riding school is on this road) There are lot of walkers using the bridle way that runs onto this road. On the application it says the present structure is redundant yet there's a poly tunnel that's in use.

1/6/2020 - I've read a document from the Highways Authority that has been sent to you and would take issue with some of the content. It mentions the numbers of cars per dwellings but there's no mention of the inordinate amount of farm vehicles up and down this road. In the few years we've been here I've seen the road closed twice. The last time there was a fatality. It's a dangerous turning as coming from Whitby the turn is straight after the bend. On top of all this there are a lot of farm vehicles using the Bridleway

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## Others Continued

15/6/2020 - The amount of traffic moving along this road is getting excessive already. Young children are often on ponies along this lane. To allow this development will just increase traffic to a ridiculous level. The Bridleway that runs onto this road is being used by the farms to a high level. If this development is allowed the amount of traffic on the lane with cleaners, deliveries, maintenance and the occupants will certainly be unacceptable. Even with the passing places the road isn't suitable for the amount of traffic it will get.

2/8/2020 - Strongly Object. The design of this structure is definitely not in keeping with local farm environment. The effect of this development is only going to be detrimental to the local community. What was a nice quiet community is already disrupted by the farms/letting etc. There is a limited amount of areas to put 'passing places' and has not been specified also the traffic pulling out into the main road will always be an issue.

**Miss J Bushrod, Grange Farm, Guisborough Road, Whitby - 26/5/2020** - These buildings should remain for agricultural use only. This must be one of very few farms in the Park whose outbuildings currently remain and as such should be preserved for prosperity. With the splitting of the tenancy at Mulgrave Farm there has been a noticeable increase of mainly large agricultural vehicles on the road and bridleway. This is a single track road with no passing places, although in part there are grass verges, these are extremely soft. In addition the road is not treated in winter and there are a number of places where water builds up causing ice sheets. This road cannot open to more traffic.

31/5/2020 - Having read the highways report I believe that to say that this road leads to four different farm house clusters does not accurately reflect the current situation. There are two farms and one long established Riding School and Livery yard, excluding the two farm houses there are five other dwellings and a holiday cottage. A shooting syndicate is based at Biggin House Farm where they breed their pheasants and gather on shooting days. The riders from the livery yard regularly use the road to access the moor, bridleway and track to Ugthorpe, as do walkers and cyclists. The tenancy arrangements at Mulgrave Farm have changed and we have seen a greatly increased number of large tractors and trailers accessing both the bridle path and track from the road.

31/07/2020. Strongly Object. I have now viewed the new plans. Whilst pleased to see that the Barn is being retained, the structure is out of keeping. The barns should remain for agricultural use thus avoiding the use of ugly polytunnels and other structures that may prove to be needed. This road cannot cope with any more traffic as the structure of the road makes passing places in my view impossible in the right areas; users on foot, bike and horse will remain at risk.

**Mr Galloon, Woodleigh, Ugthorpe – 31/05/2020** - Although the actual site would appear ideal for this project, secluded and with very little visual impact it is the access road junction from the A171 that is cause for my concern.

The pull out turning right is just off a blind corner on the fast A171 also the pull out is on a rise from the access road making it even more hazardous.

If the access at this accident black spot could be improved then I feel the application should be approved but with no improvement then it should be turned down.

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Others Continued

**Mrs K Edwards, Lawns Farm, Barry Bank, Ugthorpe - 10/6/2020 - Concerns.** The plans which will bring a significant increase of traffic down the single track lane. This lane is very narrow in parts together with a dangerous turn onto the A171 which often has had collisions with both vehicles turning down the lane and vehicles pulling out onto the main road. This lane has no passing places. There is a riding stables established for many years, and horses and riders are frequently on the lane. We are concerned that visitors to the development will use the lane as a short cut. The lane is mainly unsuitable for motor vehicles but already we have off road bikes hurtling down. Another concern is regarding the environment, over use of farm buildings converted to holiday accommodation is already spoiling the once tranquil feel of our countryside in many areas. The development is in a rural, quiet setting it would be a shame to blight it with such an obviously over developed plan.

**Mrs G Jordan, Grange Stud, Guisborough Road, Ugthorpe - 5/6/2020 -** My liveries and riding school clients use the roads and tracks to regularly hack out. Increased traffic would impact on this and increase safety concerns. The size of the development means a potential of 10 further vehicles using this road up to three or four times producing a possible 280 vehicle journeys a week as well as increased farm traffic now that Mulgrave estate as spilt up the farm land and leasing it to different farms in the area, resulting in a lot of heavy farm machinery also using the road, making this road extremely busy and hazardous to my liveries and riding school clients.

### **Background**

Biggin House is located to the south of the village of Ugthorpe, approximately 3.5 miles to the west of Lythe and 4 miles west of Sandsend. This site and surrounding land is in the ownership of the Mulgrave Estate much of which is in agricultural use. The barns the subjects of this application are located in between Biggin House and Biggin House Farmhouse (a Grade II Listed Building).

There is an existing access to the east of the barns from Scar Lane that leads to Ugthorpe

The buildings comprise a U-shaped complex of traditional stone farm buildings together with a modern agricultural shed to the rear. The barn complex is of modest scale and form and constructed of local stone under clay pantile roofs. The complex is mainly single-storey with a two-storey element at its north west corner. The agricultural shed to the rear comprises a portal framed agricultural shed and covered extension that has been enclosed by corrugated sheeting.

This application seeks full planning permission for the change of use of a U shaped range of traditional stone and pantile outbuildings to provide a range of four holiday apartments and two rambler's cottages (which are effectively bedsits) along with provision of a laundry and drying room incorporated within the existing buildings and the use of a building to the rear to provide under cover parking and to replace a large lean-to on this building attached to this with a glazed lean-to extension to provide a sitting area and games room to serve the holiday units.

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**Background continued**

The scheme has been substantially amended since first submission as it was originally proposed to convert the open framed building at the rear (now to provide parking) to provide a further four one bed units of accommodation; so providing 10 units of accommodation in total, with parking all being along the eastern boundary of the site.

The revised scheme would make good use of existing openings, with the roof removed and replaced with full length roof windows located on the inner roof slopes in order to reduce roof clutter. In addition, the two new openings previously shown in the east elevation have been removed.

**Main Issues****Local Plan**

Strategic Policy C - Quality of design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity - seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making.

Policy ENV4 - Dark Night Skies - seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

Strategic Policy I - The Historic Environment - seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area. It goes on to state that where non-designated heritage assets are affected; a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the asset.

Strategic Policy J - Tourism and Recreation - seeks to support such development where it is consistent with the principles of sustainable tourism, does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account

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Background continued

and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.

Policy CO12 - Conversion of Existing Buildings in Open Countryside - seeks to permit such development only where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park; is structurally sound and capable of conversion without substantial rebuilding, is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings; has reasonable access to necessary infrastructure, services and facilities; is of a high quality design retaining existing external features which contribute significantly to the character of the building including original openings and roofing materials; does not lead to changes in the building's curtilage or in relation to any new vehicular access or parking area that would adversely affect the character and appearance of the building or the surrounding landscape; is located within an existing group of buildings that have a close physical and visual relationship to each other; and the proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings.

New uses for rural buildings that may be permitted under this policy are employment, education or training; holiday accommodation or permanent local occupancy residential use; tourism facilities; community facilities (in exceptional circumstances) and purposes incidental to the residential use of the dwelling.

### **Material Considerations**

The proposals have been considered against the above policies and the scheme has been amended accordingly.

The site whilst not designated is clearly an un-designated heritage asset due to its historic interest. The buildings are therefore considered to be worthy of retention and the revised scheme has amended the fenestration details and omitted the poorer quality building at the rear for domestic conversion providing amenity space and covered parking instead. The resultant design is considered to be in keeping with the character of the existing buildings. There are no objections to the scheme in terms of archaeology or ecology, and whilst further ecological surveys may be required, these aspects can be controlled by conditions.

The access to the development is considered to be adequate and the Highway Authority has no objections to the proposals subject to conditions.

The Parish Council originally expressed concerns regarding the number of units proposed and this has been taken into account and the number of units has been reduced from 10 to six. The Parish Council hasn't commented on these revised plans.

Concerns expressed by third parties primarily relate to additional traffic movements. However, the Highways Authority has raised no objections to the proposal and passing places will be required by condition

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**Conclusion**

In view of the above considerations it is considered that this proposal would contribute to the character of the area, through the re-use and acceptable physical conversion of these traditional buildings, which will ensure their long term up-keep and provide them with an economic use. The scheme is considered to be in accordance with the policies outlined above and is therefore recommended for approval.

**Pre-commencement Conditions**

Conditions 21 and 24 are pre-commencement conditions and have been agreed with the Applicant's 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 reduction in the number of holiday let units and new openings, so as to deliver sustainable development.