

North York Moors National Park Authority

Parish: Fylingdales	App No. NYM/2020/0443/FL
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Proposal: conversion of existing redundant agricultural buildings to 2 no. cottages (dual use (holiday letting/local occupancy letting) with associated access, parking and landscaping works

Location: Greenhills, High Lane, Robin Hoods Bay

Applicant: Mr and Mrs Sheveling, Greenhills, Robin Hoods Bay, High Lane, Whitby, YO22 4PJ, UK

Agent: Bell Snoxell Building Consultants Ltd fao: Mr Louis Stainthorpe, Mortar Pit Farm, Sneatonthorpe, Whitby, YO22 5JG

Date for Decision: 26 August 2020

Extended to:

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. WPDR01 Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I
4. GACS07 External Lighting - Submit Details
5. RSU000 The occupation of the dwelling hereby permitted shall be limited to:
 - i. a qualifying person; and
 - ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person.

Or

 - iii. 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).

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

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1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or
2. Currently in employment in the National Park; or
3. Having an essential need to live close to relative(s) who are currently living in the National Park; or
4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
5. Former residents whose case for needing to return to the National Park is accepted by the Authority.

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.

Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:
Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.

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| 6. | RSUO00 | The local occupancy/holiday letting units hereby permitted shall not be sold or leased off from the main dwelling known as Greenhills except as letting accommodation in accordance with the terms of condition 5 above without a further grant of planning permission from the Local Planning Authority. |
| 7. | CDLB05A | Conversions - Extent of Rebuilding/Repair Work (Bell Snoxell Building Consultants Ltd, dated June 2020 (LS/8564), 1 July 2020) |
| 8. | MATS04 | Stonework and Roofing Tiles to Match |
| 9. | MATS09 | Brickwork to Match |
| 10. | MATS22 | Pointing - New Development - Standard Mix |
| 11. | MATS00 | The external elevations of the living room extension hereby approved shall, within three months of first being brought into use, be clad in black/char vertical clad timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. |
| 12. | MATS00 | All new window frames, glazing bars, external doors and door frames shall be of either timber or aluminium construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 13. | MATS61 | Windows and Doors - Submit Details of Colour/Finish |

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Continued/Condition(s)

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| 14. | MATS46 | Window Frames in Reveals to Match Existing |
| 15. | MATS52 | Windows - Lintels and Cills in Stone to Match Existing |
| 16. | MATS54 | Trickle Vents Shall Not be incorporated into Windows |
| 17. | MATS56 | Conservation Rooflights Only |
| 18. | MATS70 | Guttering Fixed by Gutter Spikes |
| 19. | MATS72 | Black Coloured Rainwater Goods |
| 20. | HWAY00 | The development hereby approved shall not first be brought into use until clear visibility splays from the access onto Smay Lane have been provided at 2m x 17m to 17.5m northwards and 2m x 25m southwards. The eye height will be 1.05metres and the object height shall be 1.05metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. |
| 21. | MISC02 | Bat Survey Submitted |
| 22. | LNDS04 | Trees/Hedging Retained in Accordance With Plans |
| 23. | LNDS10 | Details of Hardsurfacing to be Submitted |
| 24. | MISC00 | Any clearance of shrubs, trees or other woody vegetation as connected with the development is only to be carried out outside of the bird breeding season (March to August inclusive), unless the vegetation has been thoroughly checked by a suitably qualified ecologist for bird nests within 48 hours of the works being carried out. |
| 25. | GACS09 | No External Paraphernalia/Gob-ons |

Informative(s)

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| 1. | MISINF00 | The applicant is advised that an open sided barn or other suitable outbuilding within the applicant's ownership is to be retained as potential nesting sites for swallows to compensate for lost opportunity within the buildings to be developed. |
| 2. | MISCINF12 | Birds |



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Consultations

Parish - 27 July 2020 - Object due to increased usage of a very small lane.

Highways - 17/07/2020 - Smay Lane, either side of the access point is very narrow and steep in places with very limited forward visibility for drivers. The applicant has stated that there are no works to improve the access at the point where it meets Smay Lane. The design standard for the site is the design Manual for Roads and Bridges and the required visibility splay is 2 metres by 33 metres. The available visibility is 2 metres by 10 metres. Consequently, the Local Highway Authority recommends that planning permission is refused due to the narrow width and gradient of the roads leading to the site and unsatisfactory visibility.

16/9/2020 - It is accepted that visibility requirements do not recognise that vehicle speeds may be lower than 19mph and that in this case it is likely that vehicle speeds will be 15mph for the 85^h percentile. For a first principles comparison, the Highway Code states that, for vehicles travelling at 15mph, a sight stopping distance of 17m is required. By coincidence this (17m) is the visibility distance the applicant claims they can achieve in one direction, with 25m being claimed for the other direction. However, this was when the hedgerows and verge had been quite severely trimmed in order to maximise visibility and it's probable that once the development is complete no-one will trim the verges to maximise visibility and drivers will be struggling with very minimal visibility.

The unsuitability of the road, by way of its narrowness, is not the main issue here, as the numbers of vehicle using this road are very small. The visibility however, remains a point of concern.

Environmental Health Officer -

Natural England - 28 July 2020 - No objection

Water -

Police (Traffic) -

Site Notice Expiry Date – 29 July 2020

Others - 27/7/2020 - **Mrs J Boyle, 7 Elm Grove, Robin Hoods Bay** - No objection in principle as long as they repair and put in new drainage sufficient to stop all the water running off the field behind Elm Grove. I have the worst problem as I am the lowest; my neighbour also gets a lot of run-off. I am particularly concerned that any more hard landscaping will bring more water down onto my land unless the problem with the field drainage is rectified.

18/7/2020 - **Mr G Sanderson, 12 Elm Grove, Robin Hoods Bay** - Connection with the public sewer is to be in compliance with Section 106 of the Water Industry Act 1991.

15/7/2020 - **T & P Chandler, 9 Elm Grove, Robin Hoods Bay** - No objections, however the field has always posed serious drainage problems and we would therefore make our support

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Others continued

conditional on this being made good. The proposed access road runs on the route of a culvert which collects water from the field above and drains surplus water into the council maintained culvert on Smay Lane. It is essential that this culvert is improved and maintained in good working order, as a hard surface road would aggravate any existing problems.

Background

Green Hills Farm is located in an isolated and exposed position at the top of Robin Hoods Bay. It is accessed from a stone track opposite Hooks House Farm and the property is set against a backdrop of rising land, overlooking the bay, with some associated farm buildings and land.

To the south of the house and further down the hill are two separate traditional stone and pantile buildings, which although not listed, are of some character and represent non-designated heritage assets.

This application seeks full planning permission to convert these two buildings into two residential units, either holiday or local occupancy lets. It is also proposed to re-establish and extend an historical and overgrown access track which leads to both barns from a single track tarmacked lane known as Smay Lane, with a twin trod permeable access track.

The design of the proposed conversions would re-use existing openings, and with Barn B, it is proposed to replace an existing timber lean-to with a more contemporary timber and glass extension, to maximise the views down to Robin Hoods Bay and the sea, along with a modest section of timber decking which would have no handrail and be set just above ground level.

There would be no defined curtilages or associated outside structures, with external landscaping or provision of pathways/patios kept to a minimum with no boundary features.

Both the access track and parking areas will have permeable surfaces.

Access to the barns is proposed by a twin trod access track from Smay Lane. There is currently an overgrown gated entrance at this position. The track would run to the north side of an existing hedgerow. A small extension to the track is proposed leading southwards down to Graystone Barn to prevent the need for any other further access tracks to this conversion.

In line with other applications approved the twin trod format of compacted permeable stone with a grass centre will be utilised with then permeable surfaces for the car parking areas.

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,

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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 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;

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tourism facilities; community facilities (in exceptional circumstances) and purposes incidental to the residential use of the dwelling.

Policy CO2 – Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Material Considerations

The proposals have been considered against the above policies.

Suitability of Buildings for Conversion

The buildings whilst not designated are clearly worthy of retention as they add to the character of the locality. Furthermore, the scheme proposed would retain the character of the original buildings, with the proposed contemporary timber extension, replacing the existing lean-to timber extension and good use being made of existing openings.

The barns are not located within an existing group of buildings and stand-alone (though together) away from the main farmstead of Greenhills. The land has been recently bought by a family who run their own commercial vineyard elsewhere in the region and their intention is to cultivate vines on this site (the field is already substantially planted). Whilst these two barns are not tightly grouped with the host dwelling, they do fall within the holding and can be managed from the site and are in an area of loosely scattered development and are seen in the context of the group of the dwellings near Hooks House Farm and the top part of Robin Hoods Bay. Although not strictly falling within the policy on conversion of isolated rural buildings, a holiday use would fit well in the context of the future management of this land as a commercial vineyard open to the public. It is therefore important that as either holiday lets or local occupancy lets, they remain part of this holding and can be managed from the farmhouse.

In addition these buildings are particularly good examples of the local vernacular and it is considered important to ensure a continued use for them.

Access

The Parish Council has objected to the proposal due to concerns regarding the unsuitability of the lane.

The Highway Authority has commented that whilst the lane is single width, the proposal would not result in a significant increase in traffic, and due to the nature of the lane would be traveling at slow speeds, so they have not objected on those grounds. However, the Highway Authority has expressed concerns about visibility splays. They have advised that if the verges are maintained at their maximum cut back, then the minimal visibility splays achieved would be acceptable, but that if they were left to become overgrown again,

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inadequate visibility, even when taking into account the slow speeds of travel would be unacceptable. The maintenance of the verges can be controlled by conditions.

Surface Water Drainage

Whilst concerns have been expressed by nearby residents that the scheme might result in an increase in surface water flooding, it is not considered that the proposed scheme would exacerbate any existing problems as the proposed access track would be twin trod and all hard surfacing proposed would be permeable.

Conclusion

In view of the above considerations it is considered that this proposal would contribute to the character of the area, through the renovation of these existing buildings which will ensure their long term up-keep and through their resultant contribution to the local economy. The scheme is considered to be mostly in accordance with the policies outlined above and in view of the positive material considerations stated above is recommended for approval.

Pre-commencement Conditions

N/A

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.