

North York Moors National Park Authority

Parish: Hackness

App No. NYM/2019/0619/FL

Proposal: demolition of existing two-storey rear extension, alterations and construction of single storey side and rear extensions to dwelling together with link extension to outbuilding, conversion of outbuilding to form 2 no. units of annexe accommodation, conversion of barn to form garaging and storage, erection of detached storage barn and landscaping works

Location: Newgate Farm, Rice Gate, Hackness,

Applicant: Mr & Mrs Ramsey, The Old Lodge, Wighill Park, Wighill, Tadcaster, LS24 8BR

Agent: Bramhall Blenkarn Ltd, Unit 13, The Maltings, Malton, YO17 7DP

Date for Decision: 23/12/2019

Extended to: 03/08/2020

Director of Planning's Recommendation

Approval subject to the following condition(s):

1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.																								
2	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Rec'd</th> </tr> </thead> <tbody> <tr> <td>New Barn Plan & Elevations As Proposed</td> <td>1346_AR50_01_B</td> <td>14 Apr 2020</td> </tr> <tr> <td>Elevations As Proposed Sheet 2</td> <td>1346_AR30_02_C</td> <td>17 Aug 2020</td> </tr> <tr> <td>Elevations As Proposed Sheet 1</td> <td>1346_AR30_01_C</td> <td>17 Aug 2020</td> </tr> <tr> <td>Second Floor & Roof Plans As Proposed</td> <td>1346_AR20_02_C</td> <td>17 Aug 2020</td> </tr> <tr> <td>Ground & First Floor Plans As Proposed</td> <td>1346_AR20_01_C</td> <td>17 Aug 2020</td> </tr> <tr> <td>Context Plan As Proposed</td> <td>1346_AR10_02_F</td> <td>17 Aug 2020</td> </tr> <tr> <td>Site Plan As Proposed</td> <td>1346_AR10_01_F</td> <td>17 Aug 2020</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Rec'd	New Barn Plan & Elevations As Proposed	1346_AR50_01_B	14 Apr 2020	Elevations As Proposed Sheet 2	1346_AR30_02_C	17 Aug 2020	Elevations As Proposed Sheet 1	1346_AR30_01_C	17 Aug 2020	Second Floor & Roof Plans As Proposed	1346_AR20_02_C	17 Aug 2020	Ground & First Floor Plans As Proposed	1346_AR20_01_C	17 Aug 2020	Context Plan As Proposed	1346_AR10_02_F	17 Aug 2020	Site Plan As Proposed	1346_AR10_01_F	17 Aug 2020
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3	RSUO09	The annexe accommodation hereby approved in the outbuildings shall not be occupied as separate independent dwellings and shall remain ancillary to the use of the main dwelling known as Newgate 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.																								
4	MATS03	All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.																								

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5	MATS15	The roof of the outbuildings to be converted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6	MATS21	No work shall commence on the re-roofing of the farmhouse or the construction of the roof of the extensions hereby permitted until details of the type of slate, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof slate 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	MATS19	The external surface of the roof of the agricultural building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
8	MATS60	All new window frames, glazing bars, external doors and door frames to the outbuildings to be converted shall be of timber construction and those to the extensions to the farmhouse shall be powder coated aluminium, and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MATS40	No work shall commence on the installation of any replacement or new windows or external doors in the development hereby approved until detailed plans showing the constructional details of all window frames, external doors and door frames to be used in the development 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. The window frames, external doors and door frames shall be installed 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.
10	MATS54	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.
11	MATS55	No work shall commence on the installation of any rooflights or glazed panels in the development hereby approved until full details of the proposed rooflights and glazed panels have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights 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.
12	GACS07	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.
13	MISC02	The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 7 Mitigation and Compensation of the submitted Bat Survey dated March 2020 by Wold Ecology Ltd.

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14	MISC00	The proposed culverting of the stream hereby permitted should be carried out at a period of low water flow, with any water present pumped around the work site until the culverting is complete and can be brought fully into use.
15	HWAY00	No development shall take place on site until a Construction Method Statement which provides for measures to prevent damage to the carriageway of the public highway leading to the site and the unsupported bank sides of Lowdales Beck and Highdales Beck that might otherwise arise from the use of the access by construction traffic and equipment, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved statement shall be adhered to throughout the construction of that phase.

Informative(s)

1	MISCINF01	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	MISCINF09	Please note that the footpath/track situated to the east of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
3	MISCINF12	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 . If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk .

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Reason(s) for Condition(s)

1.	To ensure compliance with Sections 91 to 94 of the Town and Country Planning 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 Local Plan Strategic Policy A and NYM Local Plan Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	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 Local Plan Strategic Policy M and Policy CO10.
4.	For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Strategic Policy C 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.
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11.	For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Strategic Policy C 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.
12.	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Local Plan Strategic Policy A which seeks to conserve and enhance the special qualities of the National Park.

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13.	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Local Plan Strategic Policy H which seeks to conserve and enhance the quality and diversity of the natural environment.
14.	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Local Plan Strategic Policy H which seeks to conserve and enhance the quality and diversity of the natural environment.
15.	In accordance with NYM Local Plan Policy CO1 and in the interests of highway safety and the general amenity of the area.

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Consultations

Parish – Objects for the following reasons:

It is believed the application site forms part of the Newgate Estate which was marketed in 2017 as comprising approx. 200 acres grassland, approx. 220 acres woodland, the Highdales Shoot (pheasant shoot and ponds offering duck shooting), an extensive range of traditional outbuildings and Newgate farmhouse. The farmhouse has not been lived in for some years and there are no mains services. There is no indication in the application as to the original extent of the domestic curtilage to the farmhouse but it is suspected it was considerably less than the green dotted area shown on the proposed site plan.

Foul sewage is to go into a package treatment plant with discharge to a soakaway. There is nothing to indicate that a soakaway would work; if it didn't then the discharge would go into Highdales Beck.

There is no objection to the renovation of the house or the demolition of the existing two storey at the back of the house nor to the single storey extensions to the rear (although the flat roof with balcony is not typical of the area) and side. However the conversion of the farm buildings to form another residential unit, garaging, store room, boot room and gun room along with the erection of detached barn is considered excessive. The application as submitted gives the impression of being designed for use in a commercial operation not as a private residence and as such would result in an unacceptable intensification of use. The property is reached a narrow single track road just short of 2 miles long with few passing places, followed by a private access track some ¼mile long.

There are two Public Rights of Way in the area, neither of which are shown on the application. One will run behind the farm buildings so will now be within the green dotted area on the proposed site plan.

As such it is considered that the application does not accord with Existing Local Plan Policies:-

DP1 (Environmental Protection) by virtue of unacceptable adverse impact and lack of infrastructure capacity;

DP3 (Design) by virtue of the features of the proposals not being compatible with the surroundings;

DP8 (Conversion of Traditional Unlisted Rural Buildings) by virtue of being contrary to points 3, 4 and 6;

DP19 (Household Development) by virtue of being contrary to point 1.

or Emerging Local Plan Policies:-

CO4 (Public Rights of Way and Linear Routes) by virtue of its unacceptable and harmful impact on the public rights of way;

CO17 (Household Development) by virtue of being contrary to paragraph a) of the section on alterations and extensions to the existing dwelling and paragraphs a) and e) of the section on existing outbuildings and the development of new outbuildings;

CO18 (Residential Annexes) by virtue of not having satisfactorily demonstrated the proposals comply with points 1 and 2.

Amended plans: The original objections stand. It is stated that the house and barn are no longer to be used as a commercial shoot location - the shoot having been organised by a

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third party. The applicant for 2019/0619/FL is also a director of the company 4Gun Estates LLP which has submitted 2019/0832 as a part retrospective application to create new tracks and repair existing ones. Councillors have considerable difficulty in believing that there is no long term intention to run a shoot from Newgate Farm or to shoot over its land. Councillors are aware of strong feelings held by parishioners regarding the impact of the shooting activities of recent months and the problems caused by the huge numbers of birds released, many of which are left to rot where they drop on shoot days or (if they survive the shoot) have to scavenge for food in parishioners land/gardens.

The road to Newgate Farm is public highway and very narrow - there are minimal passing places. Council would not be in favour of any attempts to increase or restrict the use of this road or reduce the length of the public highway since that would have an unacceptable impact on the highway access rights of the other dwellings on the road.

Highways – Recommends refusal. The application is for the refurbishment and renovation of an existing farmhouse which has been un-lived in for a number of years and the conversion of a barn to two self-contained residential units. These proposals are quite extensive in a very rural location will the site being accessed by a very narrow single track highway with very few passing places, most of which are un-constructed. There is no available verge space to provide additional passing places as the road is bounded by a river on one side and high verges on the other. The local Highway Authority has concerns that the construction traffic and equipment needed to build the proposals contained in the application would not be suitable in terms of size and weight for the existing highway and could cause severe damage to the carriageway and unsupported banks of both Lowdales Beck and Highdales Beck. There is also no indication contained in the application what the two additional residential units would be used for, and any intensification of the use of this very narrow highway with very few passing places is not supported by the local highway authority. A more modest renovation of the property could be supported subject to the submission and approval of the amended design.

Amended plans: The application still appears to be an intensification of use of the site, upgrading and extending the existing farmhouse, converting the barns into two more dwellings and a new large storage barn.

The changes do not alleviate the original concerns regarding the narrow access roads from Hackness to Newgate Farm and the lack of available space for existing passing places or the possibility to add new passing places. Particular concern is expressed with the access during the development period with large vehicles delivering materials needing to access the site and the effect this would have on the other properties along that route. It is appreciated that that this is an existing house and it would be beneficial to renovate it and bring it back into use, however the proposed revised details are for a more intensive development of the site. The revisions have not reduced the development to a satisfactory level. Original recommendation for refusal unchanged.

Environment Agency –

Environmental Health Officer – No objections

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Forestry Commission – No objections; refer to Standing Advice on Ancient Woodland.

Ramblers Association – No objections

Police (Traffic) –

Historic England – Having taken into account all the representations made and completed an assessment of the building, the Secretary of State for Digital, Culture, Media and Sport has decided not to add Newgate Farm to the List of Buildings of Special Architectural or Historic Interest.

Site Notice/Advertisement Expiry Date – 20 November 2019

Others – Mrs C Dickinson, Pond Cottage, Silpho – Wishes to object to the proposed works (along with those track works proposed under NYM/2020/0832/FL) on the grounds that the farm can be viewed from the PROW and that this corner of the National Park is being spoilt.



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Background

Newgate Farm comprises an early nineteenth century farmstead in a remote location to the north-west of Hackness village at the end of the road to Low Dales and High Dales. It occupies a valley floor position with the land to the north, east and west rising up and the land to the south gently sloping away. The main farmhouse is constructed of coursed sandstone under a slate roof with stone water tabling and kneelers and chimney stacks to the gables along with a two storey lean-to extension to the rear. It sits on a stone plinth with steps up to the front door and presents a formal symmetrical front elevation with a central front door with fanlight over. The outbuildings consist of a range of stone buildings following an L-shaped plan form around the former farm yard. There has been little alteration to the plan form of the farmstead since 1850 apart from the demolition of an outbuilding in the south east corner of the farm yard.

Planning permission is sought for alterations and extensions to the main farmhouse comprising a single storey glazed side extension, replacement of the existing two storey rear lean-to and construction of a glazed link to the single storey outbuildings to the rear which will be converted into store rooms. The large two storey barn in the northwest corner of the former farmyard is proposed to be converted into two residential annexes to be used by family members of the proposed occupier of the main farmhouse. The outbuilding to the south of this will be converted into domestic garaging and storage with access from the west so that the former farmyard can form a walled courtyard garden. To the west of the existing buildings is proposed a new agricultural building measuring 16 metres by 6 metres to be constructed with a dwarf stone wall, vertical timber boarding and a profile sheeted roof. The proposals also include the extension of the curtilage about the buildings, the diversion of the adjacent watercourse underground and a package treatment plant for waste water to be discharged to a soakaway.

The application has been amended since originally submitted with the omission of the proposed lake to the south of the buildings and significant alterations to the proposed extension to the farmhouse and the conversion of the outbuildings following concerns expressed by Officers.

Main Issues**Policy**

The policies of the adopted Local Plan relevant to this application are considered to be Strategic Policy A (Achieving National Park Purposes and Sustainable development), Strategic Policy C (Quality and Design and Development), CO12 (Conversion of Existing Buildings in Open Countryside), CO17 (Householder Development) and BL5 (Agricultural Development).

Principle of Development

The alterations and extensions to the farmhouse are supported in principle by Policy CO17 which requires that the scale, height, form, position and design of the new development do

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not detract from the character and form of the original dwelling or its setting in the landscape, which is discussed in more detail below.

With regard to the conversion of the single storey outbuildings into domestic storage and the two storey barn into residential annexe accommodation, this is supported in principle by Policy CO12 as the buildings are of architectural and historic interest and make a positive contribution to the landscape of the National Park such that they should be retained and reused. The buildings are structurally sound and capable of conversion and all lie within an existing group that have a close physical and visual relationship to each other with an existing residential unit as required by Policy CO12. The proposed annexe accommodation will be ancillary to the main dwelling, occupied by members of the family of the occupiers of the main farmhouse and will be conditioned as such. It is anticipated that the likely increase in activity about the site as a result of the conversion of the outbuildings into two units of annexe accommodation will be negligible.

The proposed agricultural building has been designed for the purposes of agriculture and the agent has confirmed a functional need for the building and that the scale is commensurate with that need as required by Policy BL5. As to a working farm, the estate is some 424 acres, and clearly there is need to have a wide range plant and machinery to service the land. The size of the barn has been designed to accommodate the required vehicles and plant and the space between barn and existing stone buildings designed to facilitate adequate turning for vehicles and trailers.

Design

The Building Conservation Officer has recently appraised the scheme at the request of Members and comments that site has retained historical and architectural integrity and makes a very strong positive contribution to the historical landscape but offers general support for the proposals.

The promised scheme of alterations and extensions to the original farmhouse has been significantly amended since originally submitted such that it is now considered that although of a modern, contemporary design, the form and design detailing complements and reflects that of the host dwelling.

With regard to the replacement of the rear extension, the Building Conservation Officer comments that it is regrettable to lose a layer of historical value which is typical for this type of central plan farmhouse, and in harmony with the building, particularly as very little additional space is achieved. The agent has declined to amend the plans and it is felt that it would be unreasonable to refuse the application given that the proposed extension occupies a similar footprint to that which exists at present and is sensitively and traditionally designed to complement the host dwelling.

No objection is raised to linking the farmhouse to the outbuildings to the rear and the use of a light weight glazed structure will help maintain the readability of the site and maintain a visual break between the farm house and the buildings which is felt important to retain. It is considered that architecturally the glazed link is clearer than a pitched roof stone structure

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as suggested by the Building Conservation Officer, as it does not compete with the original farmhouse or the outbuildings.

The design of the side extension seeks to utilise traditional materials and profiles in a contemporary manner which the Building Conservation Officer comments would not be harmful. The side extension, although occupying a sizeable footprint, is well set back from the front facade of the farmhouse and will appear as subservient to the host property. The rhythm of the glazed panels to the front elevation is also considered to reflect the rhythm of the fenestration to the front elevation of the farmhouse. The roof lantern although bold, because it is nestled against the main property is discrete.

It is felt that the rooflight to the front roof slope would be detrimental to the character of the sold roofscape however the agent has elected to retain this as it provides light and ventilation to the proposed attic bedroom. This is permitted development in any case and as such the Authority cannot insist upon its omission.

With regard to the conversion of the outbuildings into residential annexe accommodation and domestic storage and garaging, the buildings are structurally sound and capable of conversion into the intended use without significant alterations or extension. The amended scheme is of a high quality design which retains existing external features which contribute to the functional form and traditional character of the buildings, including original openings, and new openings and alterations have been kept to a minimum. The Building Conservation Officer considers that the revised plans are a vast improvement than the original proposals and offers no objection.

The Building Conservation Officer does consider the partial loss of the garden wall to east to be regrettable as it is evident from the earliest mapping and has potential to predate the farm. It is always been the northern boundary of domestic curtilage associated with the farmhouse, separating it clearly from the agricultural space. However the agent has amended the scheme to retain the substantial stone boundary wall to the east and the curved garden wall adjoining the outbuildings to the north and incorporate these into the landscaping proposals for the site. However it is accepted that to facilitate the side extension part of the garden wall has to be removed.

However the main source of concern for the Building Conservation Officer is the domesticating landscaping which is considered to be the most harmful element of these proposals. The landscaping of the former farm yard is felt to compromise the integrity of the space and the separation of domestic and agricultural, and overall undermines the significance of the site. Whilst many elements of the proposed design are completely compatible with the existing buildings, the Building Conservation Officer considers that the landscape treatment will pollute the character of the place and the strong positive contribution the site makes to the agricultural historic landscape of the North York Moors. This was a concern that Officers raised initially but it was concluded that as the current farmyard and the outbuildings were no longer suitable for agricultural use and with the proposal for a purpose-built modern agricultural building to the west of the complex, the relocation of the farmyard to the west was an important part of the proposals and the former farmyard would become part of the domestic outdoor living space. As such this element remains unchanged.

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Highway Safety

With regard to the objection from the Highways Authority, whilst the creation of two units of annexe accommodation may increase domestic vehicle movements to and from the property, regard has to be had to the fact that until recently the farmhouse and outbuildings been used as a commercial shoot location, which generated considerable traffic activity, typically around 12 4x4's in total. This activity has now ceased and as such the access road and drive will be used solely for family/farm use as required. In view of this it is felt unreasonable to refuse the application for the reasons given by the Highway Authority, that the roads leading to the site are unsuitable for the traffic which would be likely to be generated by this proposal and that the public highway leading to the site is of insufficient width to accommodate the increase in heavy traffic, without serious damage to the carriageway and verges of the highway and loss in amenity value, given that the proposal is likely to reduce the level of traffic to and from the site.

Other Matters

It is noted that the Parish Council have no objection to the renovation and extension of the farmhouse but express concern that the conversion of the outbuildings into garaging, stores, bot and gun rooms along with two units of accommodation suggest the development of a commercial shoot operation. In response the agent wishes to reiterate that the house and converted outbuildings will be for the applicant's sole use for multi-generational living and will not be used as commercial residential accommodation for shooting parties. Should Members be minded to approve the application then a condition is recommended to restrict the occupation of the annexe accommodation to family members only. However the agent does wish to make Members aware that the land associated with Newgate Farm does benefit from shooting rights.

Conclusion

Newgate Farm has been little altered since its construction and sits quietly in this remoted landscape setting. However change is inevitable to bring the farmhouse up to modern day standards and to bring the redundant outbuildings into use. The proposals have been amended significantly since originally submitted and it is now considered that the scheme of conversion along with alterations and extensions to the main farmhouse will ensure that Newgate Farm will continue to sit comfortably in its surroundings in accordance with the relevant policies of the adopted Local Plan.

Pre-commencement Conditions

Condition 15 is pre-commencement condition and has been agreed in writing with the applicant/agent.

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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.