

# North York Moors National Park Authority

Parish: Hackness

App No. NYM/2020/0067/FL

**Proposal:** conversion of barn to form holiday letting cottage

**Location:** Willow Cottage, Low Dales, Hackness

**Applicant:** Mr Stuart Wharton, Willow Cottage, Low Dales, Hackness, YO13 0JU

**Agent:** Victoria Wharton Architectural Design, 7 Red Scar Lane, Scarborough, YO12 5RH

**Date for Decision:** 25 March 2020

**Extended to:** 16 October 2020

## Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 **Standard Three Year Commencement Date**  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN01 **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
Location Plan	N/A	29 January 2020
Site Plan	Drg No. 01	29 January 2020
Proposed Ground & First Floor Plan	Drg No. 05	15 October 2020
Proposed Elevations	Drg No. 07	15 October 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RSUO11 **Use as Holiday Accommodation Only - Outside Villages**  
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. RSUO14 **Holiday Unit Not Sold or Leased Separately - Outside Villages (inserts)**  
The holiday unit hereby permitted shall form and remain part of the curtilage of the existing dwelling known as **Willow Cottage** 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.

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5. GACS07 **External Lighting - Submit Details**  
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.
6. CDLB05A **Conversions - Extent of Rebuilding/Repair Work (inserts)**  
This permission has been granted in accordance with the details specified in the survey prepared by Maughan Associates (ref. MA20/06) received on 29 January 2020. 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.
7. MISC00 The development shall be carried out in accordance with the flood risk assessment submitted 3 February 2020, including:  
a) Finished floor levels of the development shall be set no lower than 400mm above the existing ground levels of the site.  
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
8. MATS04 **Stonework and Roofing Tiles to Match**  
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. MATS30 **Doors - Details of Construction to be Submitted**  
No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors 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.
10. MATS40 **Detailed Plans of Window Frames Required**  
No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window 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 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.

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11. MATS47 **Window Frames in Reveals - Specify Set Back (insert)**  
The external face of the frame to all new windows shall be set in a reveal of a minimum of **50mm** from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. MATS54 **Trickle Vents Shall Not be incorporated into Windows**  
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.
13. MATS63 **Window/Door Frames to be Painted Wood - Colour to be Agreed**  
All new window frames, glazing bars and external door frames shall be of timber construction, painted in a colour to be approved by the Local Planning Authority. The work shall not be carried out otherwise in accordance with the approved details within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. MATS55 **Rooflight Details to be Submitted**  
No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights 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.
15. MATS72 **Black Coloured Rainwater Goods**  
The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. MISC02 **Bat Survey Submitted**  
The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 7 (pages 29 - 33) of the submitted Bat Survey prepared by Curtis Ecology (ref.: CE0716) dated 17 August 2020.
17. MISC00  
No work shall commence to clear the site in preparation for the development hereby permitted until a copy of the Natural England European Protected Species Licence covering approved mitigation has been submitted to the National Park Authority.
18. DRGE03 **Foul Drainage Disposal Details**  
No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of foul water drainage **(including the details of the capacity and specification of the existing arrangements if they are to be used)** have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.

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**Informatives**

1. INF00 The applicants attention is drawn to the detailed advice provided by the Environment Agency in respect of flooding issues which is set out in the attached letter ref. RA/2020/141239/01-L01, dated 18 March 2020. Particular attention is drawn to the sections relating to Flood Resilience, Flood Evacuation Plan and the EA Floor Warning Service.
2. INF00 The cottage is proposed to be served by a private water supply. However, the applicants attention is drawn to the fact that the private water supply to the holiday let will be deemed to be a commercial supply and will therefore be subject to annual testing as per the Private Water Supply (England) Regulations 2016, and a five yearly risk assessment, the costs of sampling etc. will be borne by them. For further advice regarding this please contact the Environmental Health team at Scarborough Borough Council or [stephanie.baines@scarborough.gov.uk](mailto:stephanie.baines@scarborough.gov.uk) telephone: 01723 232530
3. MISCINF01 **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.

**Reasons for Conditions**

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN00 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.
3. RSUO00 The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
4. RSUO00 The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan.

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5. GACS00 In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
6. CDLB00 In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
7. MISC00 In order to comply with the provisions of Policy ENV5 of the North York Moors Local Plan which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.
- 8 to 15. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and 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.
- 16 & 17. MISC00 In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.
18. DRGE00 To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.

## Consultations

**Parish** - No objection.

**Highways** - No objection.

**Environment Agency** - Recommend conditions to mitigate concerns regarding flood risk.

**Environmental Health Officer** - No objection on housing grounds. Recommend informative regarding water supply.

**Natural England** - No objection.

**Site Notice Expiry Date** - 18 March 2020.

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Site photographs (taken from D&A statement).



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**Background**

Willow Cottage occupies a relatively isolated position in the locality known as Low Dales, approximately 1.5km to the north-west of Hackness. Willow Cottage is accessed via a long, single track road from the centre of Hackness Village, over which there is a substantial forge crossing. The property is the result of a barn conversion dating back to the 1990s and the site comprises the converted dwelling together with a range of repaired barns/outbuildings which are arranged in a three sided courtyard. The buildings were previously associated with the main farmhouse which is to the south east and separated from the buildings by the road. The main farmhouse is grade II listed and although the two sites have been in separate ownership for a number of years, the outbuildings are still afforded protection through their historical association with the house.

This application seeks full planning permission for the conversion of a small section of the two storey range of out buildings at willow cottage to form a modest one-bedroom holiday let. The proposal includes the provision of a kitchen and sitting room at first floor with sleeping accommodation at ground floor. The external alterations are minimal, comprising the installation of 1no. rooflight in the rear roofslope, an altered opening in the upper gable and the enlargement of a ground floor slit window in the front elevation to a larger window, which is reported to be required in order to meet building regulations means of escape.

**Policy Context**

Since the application was submitted, the NYM Core Strategy and Development Policies document has been superseded by the North York Moors Local Plan. The relevant NYM Local Plan Policies to consider with this application are Strategic Policy J (Tourism and Recreation) and Policies UE1 (Location of Tourism and Recreational Development) and CO12 (Conversion of Existing Buildings in Open Countryside) together with the advice contained within Part Four of the Authority's adopted Design Guide (The Re-Use of Traditional Rural Buildings).

Strategic Policy J is supportive of tourism and recreational development where it is consistent with the principles of sustainable tourism; it does not lead to unacceptable landscape harm; it provides and protects opportunities for all people to increase their awareness, understanding and enjoyment of the National Park, without detriment to the enjoyment of the Park's quality's by other users or residents; it is of an appropriate quality and scale; accommodation is only used for short-term stays; it does not compromise the enjoyment of existing facilities and Public Rights of Way; and, it does not lead to unacceptable harm in terms of noise and harm to the immediate neighbourhood.

In the open countryside, Policy UE1 only permits tourism and recreational based development where it involves a small-scale conversion of an existing building. New build accommodation will only be permitted in exceptional circumstances.

CO12 relates to the conversion of buildings in open countryside and is supportive of applications which relate to a building of architectural or historical interest which makes a positive contribution to the National Park and which is in an existing group of buildings with a close physical relationship. The policy requires buildings to be: structurally sound and capable of conversion without the need for substantial rebuilding; appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings;

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close to or have access to necessary infrastructure, services and facilities; the scheme must be of a high quality of design which is respectful to the form, character and retains existing features of the building; the proposed use does not lead to changes to the access or curtilage which would affect the character of the building or its setting; and finally, the proposed use must be compatible with the locality and neighbouring buildings. The policy further adds that the proposed use should be the optimum viable use consistent with the building's conservation and the requirements of Policy ENV11 (Historic Settlements and Built Heritage) must also be met.

The design guide recognises that the conversion of traditional rural buildings is guided on the one hand by the original structure and on the other, the requirements of the new use. A balance must be struck between facilitating the new use and maintaining the character of the building. In general it is considered that the building should be capable of accommodating the new use without the need for significant extensions or alterations to the original fabric of the building. Insensitive and inappropriate conversions are often characterised by extensions, excessive or regular window openings, introducing porches, conservatories and alterations to the roof.

**Main Issues**

The main issues to consider with this application are identified as whether the building is worthy of conversion and whether the proposed scheme is acceptable, following the adopted design principles and conservation-led approach. Consideration must also be given to the location of the building and whether it is in a position which is compatible with the Authority's tourism policies, where it would not lead to a potential increase in flood risk or be vulnerable to flooding itself, and whether the proposal would be acceptable in terms of ecological matters.

**Principle of Conversion for Tourism Use**

The site itself is well located in relation to footpaths, bridleways (which run through the site) and the coast. It is considered that the provision of holiday accommodation here is well located and would not lead to an unacceptable increase in users given its very small size. The proposal is therefore considered to be in accordance with the aims of Strategic Policy J.

The building is a traditional form, which although has been repaired over the years, still retains a substantial amount of character by virtue of the minimal alterations. The proposed conversion scheme is equally sensitive. The proposal seeks to utilise the existing openings as far as possible with no new extensions proposed.

The Authority's building conservation Officer has expressed disappointment in the loss of the ground floor slit window through its adaptation to a larger opening and requested that the rooflight is a small, cast iron rooflight. Although Officers concur and consider that it would generally be preferable for the slit window to be retained, the proposal is supported with advice from the agent explaining that the window must be of a size to allow means of escape. The proportions and design of the proposed enlargement have been informed by existing windows in the building and on balance, Officers are satisfied that this small alteration would not result in unacceptable harm to, or loss of character of the building.

The Agent has also confirmed that there are no features of historical or architectural merit within the building (the internal walls are modern blockwork and there are no traditional fittings such as hayracks).



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In addition, it is also confirmed that sufficient storage for the dwelling will remain. It is reported that the barn which is to be converted was used for stabling the applicant's daughter's pony and a den/play room above. The applicant's daughter left home 20 years ago and the pony recently passed away, so this space is now redundant.

**Highway Matters**

The Local Highway Authority has confirmed that although the access road to the application site is very narrow, the additional vehicle movements created by this proposal will be minimal and consequently, there are no objections on Highway grounds.

Officers are satisfied that sufficient car parking is available at the site to serve both the existing residential property and a modest unit of holiday accommodation, as proposed.

**Impact on Ecology**

The application has been lodged for a number of months, having been delayed due to the requirement for a full bat emergence survey. The scoping survey submitted identified the presence of bat droppings which is highly indicative of a roost, whilst the building itself shows high potential of bat use. The Authority's Ecologist advised that given the high suitability of the building, a minimum of two activity surveys will be required to characterise any bat roost covering both an emergence and re-entry surveys spaced at least 2 weeks apart (preferably more) between May and August. Additional surveys may be required in order to give confidence to roost characterisation but importantly, the application cannot be determined until a report detailing bat activity surveys and including appropriate mitigation/recommendations is submitted to the Authority for consideration.

Other matters were raised in the initial response from the Ecologist relating to nesting birds and the use of the existing septic tank i.e. clarification as to whether the existing tank drains to a soakaway or directly discharges into the watercourse together with confirmation of the approximate capacity of the existing unit.

Further information in relation to bat presence has now been submitted and considered by the Authority's Ecologist. Three activity surveys, conducted at appropriate times of year, have been conducted and the presence of a small maternity roost of brown long-eared bats, and day roosts of common pipistrelle and soprano pipistrelle bats have been detected. The report provided appropriate for the purpose and therefore sufficient information has been provided to enable the application to be determined. The Authority's Ecologist has confirmed that planning permission can be granted subject to conditions to prevent harm to protected species found on the site.

The applicant's agent has provided an amended plan showing the proposed drainage arrangements which confirm the holiday let will connect to the existing drainage and septic tank. However, details of the existing septic tank have not been included and it is therefore recommended that a condition is included requiring the submission of additional information relating to the capacity and method of soakaway/discharge of the septic tank be submitted.

**Flood Risk Concerns**

Originally, the Environment Agency expressed concern in respect of the position of the site in flood zones 2 and 3 and, in particular, the provision of the sleeping area on the ground floor. It was recommended that the bedroom accommodation was provided at first floor to alleviate any concerns in respect of flooding and the safety of occupants.

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However, the formal response from the Environment Agency, after consideration of the site specific Flood Risk Assessment, it was confirmed that subject to a condition requiring the development to be carried out in accordance with the FRA and for finished floor levels to be set no lower than 400mm **above** the existing ground levels of the site, approval could be granted. Additional information was set out in the letter and it is recommended that a full copy of the response is attached to the decision and an informative is added to raise awareness of the applicant.

**Summary**

The Parish Council, Highway Authority and Environmental Health Officer and Natural England have all returned a response of 'no objection' and no other third party representations have been received.

It is considered that the amended information and recommended conditions are sufficient in addressing the concerns of the Environment agency and the Authority's Ecologist. In view of the above it is considered that the use of the site for holiday accommodation is considered to be generally compatible with National Park policies and the scale of development proposed is not considered to be detrimental to either the special qualities of the National Park, nor the residential amenity of the neighbouring occupiers.

The conversion scheme is considered to be sensitive to the existing characteristics and qualities of the building and its setting. Subject to the recommended conditions above, the proposal is considered to be acceptable in respect of the flood matters raised by the Environment Agency and acceptable in terms of ecological and protected species matters. Approval is therefore recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information 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.

