

North York Moors National Park Authority

Delegated decision report

Application number

NYM/2021/0022/FL

Development description

subdivision of and alterations to existing dwelling to create additional unit for local occupancy occupation or holiday letting purposes

Site address

Brook House Barn, Hawsker

Parish

Hawsker-Cum-Stainsacre

Case officer

Miss Helen Webster

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text												
1.	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>												
2.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>17 March 2021</td> </tr> <tr> <td>Elevations as proposed</td> <td>Rev A</td> <td>17 March 2021</td> </tr> <tr> <td>Plans as proposed</td> <td>Rev A</td> <td>17 March 2021</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 Received	Location Plan	N/A	17 March 2021	Elevations as proposed	Rev A	17 March 2021	Plans as proposed	Rev A	17 March 2021
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Location Plan	N/A	17 March 2021												
Elevations as proposed	Rev A	17 March 2021												
Plans as proposed	Rev A	17 March 2021												
3.	WPDR01	<p>Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>												
4.	RSU000	<p>The occupation of the accommodation units hereby permitted shall be limited to either:</p> <ul style="list-style-type: none"> i) a qualifying person; and ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person. iii) or for holiday letting purposes. 												

Document title

	<p>For the purpose of the above, a person is a qualifying person in relation to the accommodation if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:</p> <p>a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or</p> <p>b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or</p> <p>c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or</p> <p>d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or</p> <p>e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.</p> <p>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 a - e above.</p> <p>Note A: For the purposes 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.</p> <p>Note B: For the purposes 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 Ayton, East Harlsey, Eberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.</p>
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		Note C: 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.
5.	RSU000	The unit of accommodation hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Brook House Barn and shall not be sold or leased off from the main dwelling or let off except in accordance with the terms of condition 4 above without a further grant of planning permission from the Local Planning Authority.
6.	MATS60	Windows and Doors - Timber All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7.	MATS74	Flues to be Coloured Matt Black 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.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
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 Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3.	WPDR00	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.

4.	RSU000	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality and to provide facilities for visitors in line with Policy UE2 of the Local Plan.
5.	RSU000	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.
6.	MATS00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7.	MATS00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.

Informative(s)

Informative number	Informative code	Informative text
1.	INFO0	In accordance with the Environmental Health Officer's comments, the applicant is advised that the escape route from the upper floor bedrooms of the second unit is through a high risk room containing a kitchen. The bedrooms will therefore require an alternate means of escape. It is suggested that this secondary means of escape is provided by fitting an escape window in each of the bedrooms, providing the cill height is no more than 4.5 metres above ground level. The applicant is further advised that any additional external alterations that may be required in order to fulfil the above and any other building regulations requirements will require a further grant of planning permission from the Local Planning Authority.
2.	INFO0	The access from the publicly maintained highway of Hawsker Lane is via a metalled bridleway. The current occupants of Brook House Farm and other properties will also be using the same access along the bridle way to have vehicular access from Hawsker Lane. With regards to the proposed additional dwelling, the applicant should ensure that the residents have the relevant rights of access along the public right of way.

3.	MISCINF01	<p>Bats</p> <p>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.</p>
4.	MISCINF00	<p>All habitable rooms (including bedrooms) need to have a minimum level of natural light and ventilation; this equates to a window area of more than 10% of the floor area of which 50% should be openable.</p>

Consultation responses

Parish

Requested additional information

No objection

Highways

No objection subject to residents having the relevant rights of access along the public right of way.

Environmental Health

Concern in respect of means of fire escape and levels of natural light and ventilation. Subject to the above points being address, no objections to the proposal. Further advice provided in relation to means of escape.

Third party responses

None to report.

Publicity expiry

Site notice expiry date: 26 February 2021



Background

Brook House Barn is a converted agricultural barn of traditional stone and pantile construction unit located approximately 3 kilometres north-west of the settlement of Hawsker, south of Whitby. The property is accessed via a shared track which is also a designated public bridleway leading from Hawsker Lane. The access serves a number of other properties, farmsteads and the former Whitby lighthouse and fog horn station. Brook House Barn is the second property reached and although it is situated immediately next door to a property known as Haggitt Howe cottage, it shares its name with the neighbouring farm Brook House Farm, approximately 200m to the west.

The landscape character in this part of the National Park is mainly open agricultural (pasture) with clear views to the coast and nearby Whitby. The site is set back from the road and nestles in undulating land, and is not visible from Hawsker Lane.

Planning permission was refused in February 1990 for the conversion of the building into two dwellings on account of the extent of new openings, dormer windows and rooflights proposed. The application was considered harmful to the traditional character of the property. However, a revised scheme for a single dwelling with a much improved and sensitive design was approved in June 1990 and was subsequently implemented.

The current application seeks full planning permission for the sub-division of the property (including internal alterations) to create an addition dwelling. As originally submitted, the scheme proposed a unit of market housing with external alterations including additional rooflights, an additional ground floor window and a porch extension to provide each property with a covered entrance.

Amended plans have since been received to address Officer concerns in relation to occupancy and design matters. The proposal now comprises the sub-division of the property to provide a unit of either local needs letting or holiday accommodation with a reduced scheme of alteration limited to a new door opening and one new rooflight. The porch extension, second rooflight and new ground floor window opening have been removed from the scheme. Internally, the floor level of the property will be lowered (where not previously carried out) to make the remainder of the upper floor level usable.

Main issues

The relevant NYM Local Plan policies to consider with this application are Strategic Policy M (Housing), Strategic Policy J (Tourism and Recreation) and Policy CO12 (Conversion of Existing Buildings in Open Countryside).

SPM seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development on suitable small sites in listed settlements. The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings. Local needs housing on suitable small sites will be permitted in Smaller Villages.

SPJ 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 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.

The scheme has been amended in order to ensure that the simple character and scale of the host building is maintained. It is considered that this limited extent of alteration and continued use of the access and parking as existing (i.e. no hard boundaries) would not be detrimental to the character of the original building or the locality and would be in accordance with Policy CO12.

The proposed uses as local occupancy unit and holiday accommodation are supported by the current planning policies and the Environmental Health Officer (EHO) has offered no objection in principle. However, the EHO has provided comments in relation to means of escape and natural light/ventilation which are expected to be subject to separate consideration through Building Regulations approval. The applicant's agent has advised that he considered it possible to address the concerns through minor modification of the internal layout and consequently, it is not considered to be matters sufficient to refuse planning permission. The EHO advice has been included as informatives to this recommendation.

The Parish Council and Highway Authority have no objection and no other representations have been received. The application is therefore considered to be acceptable in terms of design and use and approval is recommended subject to the conditions above.

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.