

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0593/CLLB

Development description: certificate of lawfulness for re-roofing works to Grade II Listed stable, wood store and tractor shed together with replacement lintel to stable

Site address: Mount Misery Farm, Hackness

Parish: Hackness

Case officer: Miss Kelsey Blain

Applicant: Forestry England

fao: Mr Alan Eves, Outgang Road, Pickering, YO18 7EL

Agent: Forestry England

fao: Mr Andrew Warrior, Outgang, Pickering, YO18 7EL

Director of Planning's Recommendation

That the Certificate of Lawfulness of Proposed works is approved.

The Planning (Listed Buildings) Certificates of Lawfulness of Proposed Works)
Regulations 2014.

Certificate of Lawfulness of Proposed Works

The North York Moors National Park Authority hereby certify that on 16 July 2021 the works described in the First Schedule to this Certificate in respect of the Listed Building specified in the Second Schedule to this Certificate and edged red on the attached plan, are lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas Act 1990) as the works do not affect the character of the Listed Building as a building of special architectural or historic interest.

First Schedule: Certificate of Lawfulness for Proposed Works to a Listed Building comprising of the re-roofing of the stable, wood store and tractor shed together with the installation of a replacement lintel to stable.

Second Schedule: Mount Misery Farm, Hackness

Notes

1. This Certificate is issued solely for the purpose of Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. It certifies that the development specified in the First Schedule taking place to the Listed Building specified in the Second Schedule are lawful on the specified date and thus, is not liable to enforcement action under Section 38 of the above Act on that date.
3. This Certificate applies only to the extent of the works described in the First Schedule above and to the Listed Building specified in the Second Schedule above and identified on the plan. Any works that are materially different from those described or which relate to other Listed Buildings may render the Owner or Occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the proviso in Section 26H(5)(a) of the Act, which states that the lawfulness of works for which a Certificate is issued are to be conclusively presumed to be lawful provided they are carried out within 10 years beginning with the date of the issue of the Certificate.

Background

Mount Misery Farm consists of a late Eighteenth Century Farmhouse and a number of outbuildings of various dates, located to the west of Hackness. The farmhouse is Grade II listed and constructed of dressed sandstone under a pantile roof with brick chimney stacks. The property is of modest proportions and of a traditional style with single glazed 12 pane Yorkshire sliding sashes to the principle elevation. The property has remained largely unaltered except for the insertion of 2 no. modern windows and a small dormer on the rear elevation. A number of small outbuildings lie to the north of the farmhouse, including stone and pantile structures as well as more modern timber structures.

The roof structures of the outbuildings have been shown to be in a considerably poor state of repair. This proposal seeks to re-roof the outbuildings on a predominantly like for like basis and replace the lintel within the stable on a like for like basis.

Main issues

A Certificate of Lawfulness of Proposed Works to a Listed Building formed part of the Enterprise and Regulatory Reform Act 2013 which made amendments to the Planning (Listed Buildings and Conservation Areas) Act 1990. This change allows for listed building owners to apply for a Certificate of Lawfulness of Proposed Works for works which do not affect the character of the listed building as a building of special architectural or historic interest as opposed to submitting a Listed Building Consent (LBC). These provisions came into force on 6th April 2014.

The certificate system only applies to proposed works. It is not possible to apply for a certificate after the works have been carried out. When a certificate is issued, works must be carried out within ten years.

No consultation or publicity is required in the legislation. Local planning authorities may choose to consult Historic England or specialist conservation bodies or to publicise an application.

A Certificate of Lawfulness of Proposed Works provides formal confirmation that proposed works of alterations or extension (but not demolition) of a Listed Building do not require Listed Building Consent because they do not affect the character of the Listed Building as a building of special architectural or historic interest (Section 26 H of The Planning (Listed Building and Conservation Area) (Act 1990).

When considering this application the main consideration is whether the proposed works would affect the special character of the Listed Building as a building of special architectural interest.

The proposals will involve the repair of the outbuildings' roof structures through the replacement of a number of rotten timbers, the installation of a new wall plate and the re-covering of the roofs in matching materials. A replacement lintel would also be installed in the stable. The Authority's Building Conservation team have confirmed that they do not feel the proposal will affect the special interest of the listed building and therefore support the application.

The proposals would utilise matching materials and protect the fabric of the buildings from future harm and would therefore meet the requirements of Strategic Policy I by conserving the form of the Listed Buildings and also Policy ENV11 which seeks to ensure that proposals conserve the special character and appearance of the heritage asset.

In terms of the NPPF it is also considered to comply with Section 16 and in particular paragraphs 192 and 193 which seek to ensure that new developments sustain the significance of the Listed Building and require that great weight be given to the conservation of the asset.

In conclusion, the proposed works would not require Listed Building Consent because the work would not affect or harm the character of the Listed Building as a building of special architectural or historic interest (The Planning (Listed Buildings and Conservation Areas) Act 1990)

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and as the proposed works will repair the buildings and all new materials will match the existing as closely as possible, the works are not considered to affect the special architectural and historic interest of this Listed Building.