

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0599/FL

Development description: change of use of land to domestic garden and erection of summerhouse

Site address: Calfthwaite Farmhouse, Calfthwaite Farm, Cloughton

Parish: Cloughton

Case officer: Mrs Helen Stephenson

Applicant: Mr Gary McQuade

Calfthwaite Farmhouse, Calfthwaite Farm, Cloughton, Scarborough , YO13 0AX

Agent: Amanda Brocklehurst Planning and Heritage

20 Adeline Gardens, Gosforth, Newcastle upon Tyne, NE34JQ

Director of Planning's Recommendation

Approval subject to the following: / Refusal for the following reason(s)

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.	PLAN02	<p>Strict Accordance With the Plans/Specifications or Minor Variations</p> <p>The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.</p>
3.	WPDR06	<p>Withdrawal of PD Part 1 Class E - Outbuildings Only</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes E (or any order revoking and re-enacting that Order), no erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>
4.	GACS07	<p>External Lighting - Submit Details</p> <p>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.</p>
5.	MISC00	<p>Piles of materials temporarily created during the construction phase should be stored on pallets or otherwise off the ground. Where this is not possible, piles of rubble, wood or other materials in situ by the end of October must not then be disturbed until March of the following year so that any hibernating newts are not harmed. Out with of this time, any piles of material (including stone, wood etc.) should be dismantled by hand to give any resting newts time to escape.</p>

6.	MISC00	Where vegetation clearance is required to enable construction to take place, this must be done in stages to ensure resting newts are able to escape the area. All coarse or large vegetation should first be cut down (by hand tools wherever possible) to a height of 30cm (1 foot) from the ground, cuttings removed and left undisturbed for at least 24 hours. Following this, or where grasses or light vegetation, the sward should then be cut down to a height of 10cm from the ground, and again left for at least 24 hours. Following this, vegetation can be cut to ground level or removed as required. This process will encourage any newts that may be present to leave the area and reduce the risk of accidental harm being caused.
----	--------	--

Reasons for conditions

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.	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.
5.	MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.

6.	MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
----	--------	--

Consultation responses

Parish

Insert

Third party responses

Name

None received.

Publicity expiry

Site notice expiry date – 08 September 2021.



Photograph of over the boundary fence of land proposed to be changed from agricultural land to domestic curtilage. The land in question is laid to grass but it is tall relatively unkempt. The farmhouse can be seen in the background with woodland to the north boundary.



Longer distance photograph of the same view above. The land runs parallel with the access lane and is screened slightly by immature trees/shrubs.

Background

Calfthwaite Farm is located approximately 400m from the Cloughton to Staintondale road and is accessed via an agricultural track which is also a designated public footpath. The property occupies a secluded location and set with a backdrop of mature woodland. The property is not visible from the public road.

This application seeks full planning permission for the change of use of a small parcel of land to the front of the property and extending slightly to the north side, from agricultural land to domestic curtilage. The land immediately abuts the existing domestic boundary to the west, the southern boundary is shared with the track/footpath and the northern boundary is shared with the woodland. At present the land comprises overgrown grassland and due to its relatively modest area and narrow triangular shape appears to have little commercial agricultural use.

In addition the proposed change of use, the applicant wishes to site a modest greenhouse on the land, close to the existing curtilage and only a few metres from the existing buildings.

Policy Context

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy G (Landscape), Development Policy CO19 (Extensions to Domestic Curtilages) and Policy CO17 (Householder Development).

SPG seeks to conserve and enhance the high quality landscape of the North York Moors. Great weight will be placed on landscape considerations in planning decisions and development which would have an unacceptable impact on the character, natural beauty and special qualities of the National Park will not be permitted.

Local Plan Policy CO19 is concerned with extensions to domestic curtilages and further advice is provided in section 3.8, Part 2 of the Authority's adopted Design Guide. CO19 is only supportive of extensions to domestic curtilages where: the change to domestic use will not have an adverse impact on the local landscape character; the proposed land does not form part of a Community Space, valuable local habitat or heritage asset; and the change to domestic use will not cause unacceptable harm to the amenities of neighbouring occupiers.

The Design Guide recognises that the change of use of land can result in an erosion of the quality of the landscape and in areas of open countryside the effect can be quite significant, particularly where domestic paraphernalia is introduced. Consideration should be given to existing development patterns and landscape features, the relationship of the land to the existing dwelling and how much land will be taken out of agricultural use.

Policy CO17 requires new development to be of an appropriate and subservient nature to the host property and respectful to neighbouring amenity. Having regard to new outbuildings; proposals must be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

Main issues

The main issues are considered to be whether the proposed extension to domestic curtilage is acceptable in wider landscape terms and if so, whether the proposed summerhouse is in an acceptable location and of a suitable design for the wider context.

The application follows a pre-application enquiry for the erection of a summerhouse at the far eastern point of the land and Officers advised at that time that planning permission would be required as the land was not part of the domestic curtilage. As part of the enquiry, Officers recommended that the proposed summerhouse was located in close proximity to existing buildings in order to ensure it had a suitable context.

As submitted, the application has been amended to follow the informal advice of Officers and the proposed summerhouse is to the west of the land and in very close proximity to the existing domestic curtilage and buildings, away from the adjacent public footpath. The summerhouse is relatively small and of a typically domestic design, hexagonal in shape. The proposed position ensures there is a good visual relationship with the original curtilage and existing buildings. For this reason, the proposed summerhouse is considered acceptable in the context of the host property which in turn results in minimal landscape impact.

With regard to the extension to the domestic curtilage, it is often the case that changing agricultural land to domestic is harmful to the character of the area. However, in this particular case it is considered that the harm will be negligible in heritage and landscape terms. The land has a close visual and functional relationship with the host property and its shape is dictated by existing landscape features (i.e. the track, the woodland and original curtilage boundary) which means that it reads as a natural extension of the farmhouse garden as opposed to an irregular incursion into open agricultural land. Permitted development rights for outbuildings will be withdrawn by way of condition on any decision notice.

The Authority's Ecologist has no objection in principle to the proposal but has provided specific advice in relation to the protection of newts which may be impacted as a result of the change from long grassland to mown curtilage. This advice and recommendations have been incorporated into the recommended conditions.

No other representations have been received and in view of the above, approval is 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.