

# North York Moors National Park Authority

## Plans list item 3, Planning Committee report 14 October 2021

**Application reference number:** NYM/2019/0686/FL

**Development description:** removal of modern agricultural buildings, conversion of redundant agricultural buildings to 1 no. principal residence dwelling with annexe and associated parking, turning area, amenity space and landscaping works

**Site address:** Centre Farm, Battersby

**Parish:** Ingleby Greenhow

**Case officer:** Mrs Hilary Saunders

**Applicant:** The Snilesworth Trust c/o Agent

**Agent:** Edwardson Associates fao: Thorfinn Caithness, 10 Paddock House, Middle Street South, Drifffield, East Yorkshire , YO25 6PT

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text																								
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><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Plan - proposed</td><td>101 Rev B</td><td>16/07/2020</td></tr><tr><td>Floorplans, &amp; sections - proposed</td><td>102 Rev B</td><td>16/07/2020</td></tr><tr><td>Roof plan &amp; sections details</td><td>103 Rev B</td><td>16/07/2020</td></tr><tr><td>Elevations as proposed</td><td>104 Rev B</td><td>16/07/2020</td></tr><tr><td>Site elevations as proposed</td><td>105 Rev B</td><td>16/07/2020</td></tr><tr><td>Conservation roof light details</td><td>107 Rev B</td><td>16/07/2020</td></tr><tr><td>Glazed vent details</td><td>108 Rev A</td><td>16/07/2020</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 Received	Site Plan - proposed	101 Rev B	16/07/2020	Floorplans, & sections - proposed	102 Rev B	16/07/2020	Roof plan & sections details	103 Rev B	16/07/2020	Elevations as proposed	104 Rev B	16/07/2020	Site elevations as proposed	105 Rev B	16/07/2020	Conservation roof light details	107 Rev B	16/07/2020	Glazed vent details	108 Rev A	16/07/2020
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3	MISC00	The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
4	MISC00	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.
5	MISC00	The annex accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling hereby approved 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.
6	MISC00	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.
7	MISC00	This permission has been granted in accordance with the details specified in the survey prepared by Dudley Consulting (Hull) Ltd received on 3 October 2019. 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.
8	MISC00	The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm 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.
9	MISC00	No work shall commence on the installation of any windows or doors (incl. stable doors/shutters) in the development hereby approved until detailed plans showing the constructional details and external appearance of all external windows, doors and frames (including glazing) 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. All windows/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	MISC00	The roof of the development hereby permitted shall be clad with traditional, handmade natural red clay pantiles the details of which shall be submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11	MISC00	For those buildings where the roof is proposed to be raised in order to expose the timber roof structure internally, all existing water tabling shall be carefully removed and reused. If new water tabling is required these should be reclaimed stone to match those of the existing.
12	MISC00	No work shall commence on the laying of any external surfaces in the development hereby approved until a sample of the materials to be used in the construction of new external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and

		cills, cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.
13	MISC00	Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1 ½ times the width of the joint or until sound mortar is reached. Power tools such a drills should not be used.
14	MISC00	All pointing in the development hereby permitted shall accord with a specification which has been approved in writing by the Local Planning Authority. The mortar mix proposed should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand) and include the method of application and finish. A sample area may also be required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
15	MISC00	No work shall commence on the installation of any external fixtures to the building to which this permission/consent relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior fittings including but not limited to lighting, meter boxes, alarm fittings, security cameras, cabling, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
16	MISC00	No work shall commence to lay hard or soft landscaping for the development hereby permitted until full details of any such landscaping such as paths, walls, driveways etc have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The landscaping works shall then be implemented in accordance with the approved details. The landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
17	MISC00	The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9 of the Bat, Breeding Bird and Barn Owl report prepared by MAB Ecology dated June 2019 and submitted on 3 October 2020.

18	MISC00	Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority.
19	MISC00	No building shall be inhabited to which this permission/consent relates until the building recording and analysis which has been carried out has been archived in accordance with the details in the approved Written Scheme of Investigation.
20	MISC00	There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
21	MISC00	There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of the main road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
22	MISC00	Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: a) improvements to the surface of the access
23	MISC00	No part of the development shall be brought into use until the approved vehicle access, approved under condition number 22 are available for use unless otherwise approved in writing by the Local Planning Authority.

		Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
24	MISC00	No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. CAJO 2019.03 drawing no: 101 B .Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
25	MISC00	There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
26	MISC00	Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: <ul style="list-style-type: none"> <li>a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway</li> <li>b) on-site materials storage area capable of accommodating all materials required for the operation of the site.</li> <li>c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.</li> </ul>

## Informative(s)

Informative number	Informative code	Informative text
1	MISCINF06	Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.
2	INF00	In relation to conditions above relating to visibility splays, an explanation of the terms used above is available from the Highway Authority.
3	INF00	The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at <a href="http://www.northyorks.gov.uk">www.northyorks.gov.uk</a>

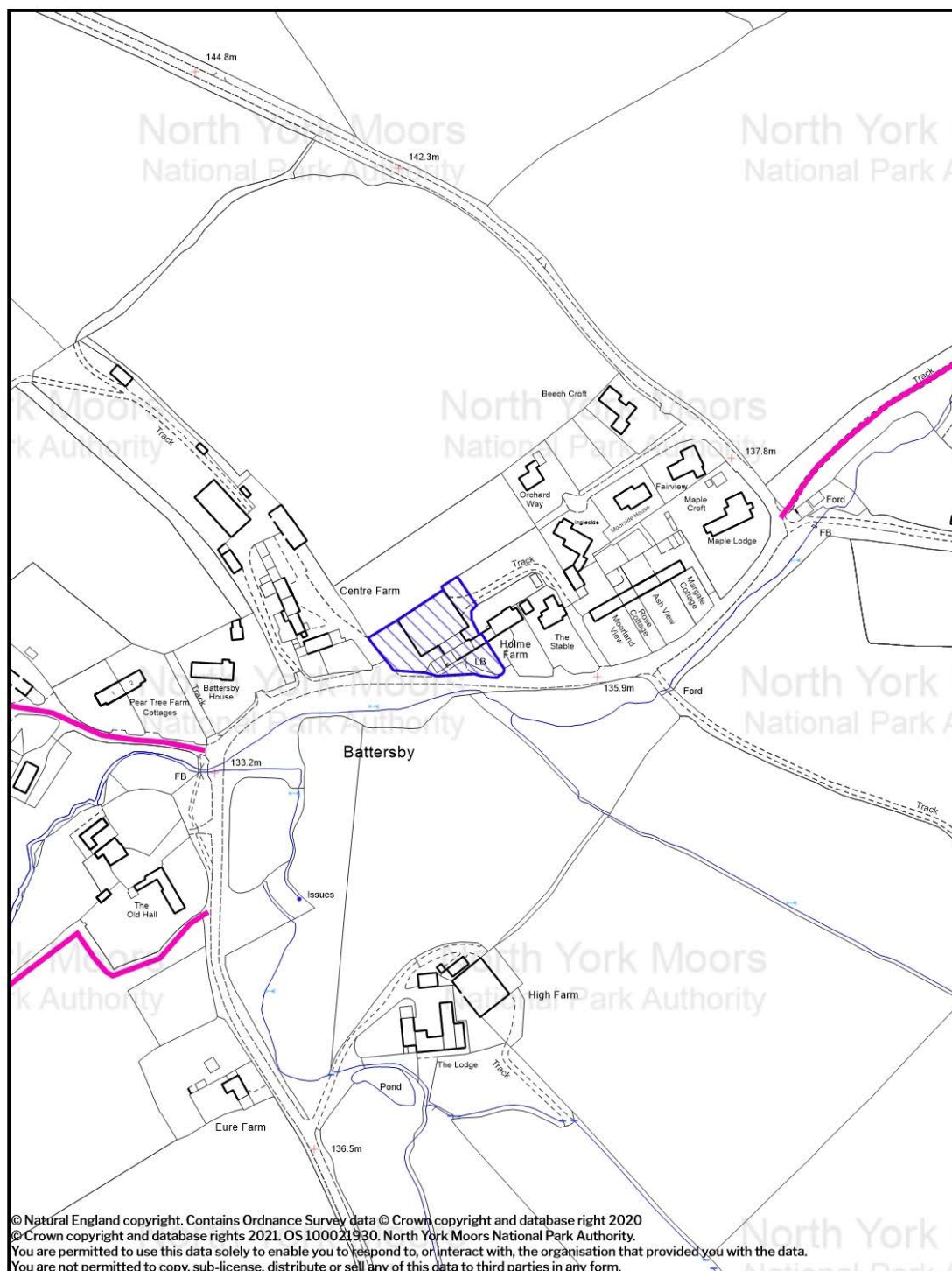
## Map showing application site



**North York Moors  
National Park**

Application Number: NYM/2019/0686/FL

Scale: 1:2500



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**Photo showing range of farm buildings to be converted**



**Building to be converted in the context of the main house**



## **Consultation responses**

**Parish** – 18 November 2019 – Object subject to the resolution of the following issue.

Water supply to the plots both during the development process and after is causing concern. 18 properties share a spring water supply owned and managed by the Snilesworth Estate whilst the remaining three properties are supplied by Northumbrian Water as the Snilesworth Estate declined the request to join the spring water supply. A more recent request by one of these properties to join the Snilesworth Estate spring water supply from Northumbrian Water has also been declined. Last year the Snilesworth Estate spring water supply was found to be contaminated and the hamlet was without drinking water for almost 12 months whilst they negotiated with the estate. The residents of the 18 properties contributed to the estate to supply and install a central filtration system and they fully realise how unpredictable the quality and quantity of these water courses can be. Whilst the villagers and Parish Council are in general pleased that the farm is to be re-generated and think the plans are sympathetic the facts are the farm house was lived in for over 25 years by one person. So the total of 10 bedrooms over three houses the potential is an increase of 19 persons using the current spring water system. The villagers are concerned that their existing water supply may be jeopardised.

12 February 2020 - In previous letter, there was concern about the lack of clarification in the planning application regarding the water supply to the plots during the development process and afterwards. Are you able to clarify will the water supply be from Snilesworth Estate Water or Northumbrian Water.

**Ward Member** – No comments received.

**Highways** - 5 November 2019 - No objection subject to conditions

**Northumbrian Water** - 22 October 2019 - In making our response to the Local Planning Authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development.

At this stage we would have no comments to make.

28 November 2019 - I understand why the Parish Council and some of the residents are concerned, but unfortunately this does not change our comments at planning. It would be the developer's responsibility to agree where their water supply comes from. If some properties in the village already have a connection to Northumbrian Water's network then I cannot see there being an issue with the developer getting a supply from us. However, the logistics and viability of a connection to Northumbrian Water's network would only be discovered once the developer submits an application for a water connection or discusses the proposal with our water team.

**Environmental Health Technical Support**, Hambleton District Council - 2 June 2020 - Regarding the Battersby Private Water Supply, I cannot comment on the sufficiency of the water supply, however I am not aware of the supply running low/dry in recent times.

Significant works have been carried out to the collection and distribution system in recent years to better protect the water supply from contamination. Most comments made by Mr Hoddinott would appear accurate in my opinion and the supply once served Centre Farm, which housed a range of livestock.

Have considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.

The applicant is proposing to install a new package treatment plant which will connect to the existing discharge point into a water course. Advice should be sought from the Environment Agency regarding this as this could require a permit.

**Police – Traffic** – No comments received.

**The National Amenity Societies** – No comments received.

### **Consultation expiry**

15 November 2019

### **Third party responses**

**M & JD Dunn, Moorside House, Old Battersby, Great Ayton** – 21 January 2020 – Have concern regarding the water supply for this redevelopment. We have lived in one of the properties supplied by Northumbrian Water for 20 years and understand that our water pressure is adequate but not good so we have concerns that a further three dwellings will have a detrimental effect on our water pressure.

**Mr A & Mrs C Jacobs. Mrs D Kitching, Ingleside, Battersby** – Deeply concerned about water supply and trust that this will be taken fully into account bearing in mind current water pressure.

## **Background**

This application forms one of six concurrent applications for three different schemes at this site in the settlement of Battersby (classed as open countryside in the Local Plan). The three schemes relate to the renovation of the existing Grade II Listed Farmhouse and the conversion of the outbuildings at the side and rear to provide two further dwellings.

The three schemes are all subject to a full and Listed Building applications.

This application relates to the stone, brick and pantile traditional outbuildings located to the rear of the original frontage farmhouse. This building is listed in its own right and is attached to the frontage farmhouse and part of this range of outbuildings already have planning and Listed Building consent to be converted and incorporated into the original farmhouse.

This application seeks full planning permission for conversion works to this range of buildings to enable them to be brought back into use as a single three bedroom

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residential unit with an attached one bed annexe. The proposals also include the creation of a domestic curtilage to the side and rear along with off street parking and turning along with the removal of a large modern agricultural building at the rear.

It is also proposed to erect stone and post and rail fencing to sub-divide the rear space and install a new bio-treatment plant.

The agent has made the following comments in support of the application:-

Para. 79 of the NPPF seeks to support opportunities for housing development in more isolated and less accessible locations. Including where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. As this building is both listed and a redundant agricultural building we consider that the proposal accord with para. 79 of the NPPF.

In response to the policy requirement for a restriction to local occupancy we consider that this local needs approach must be balanced against the merits of other adopted policies such as those seeking to find new uses for built heritage assets to ensure their long term sustainability. In this particular case, and having regard to the fact that there will be significant costs associated with the re-use of the Grade II Listed Buildings we consider that a local occupancy restriction should not be applied.

Placing local needs conditions on Listed Buildings will make it more difficult for individuals to secure finance or obtain mortgages. The greatest weight should be to finding new lives for such buildings. The objectives of preserving the significance and heritage values of assets very often attracts greater levels of time, resource and financial investment and placing occupancy restrictions on these historic assets will limit and prevent real opportunities for these important buildings to be safeguarded.

The managing agent for the Estate, John Hoddinott (Carter Jonas) has provided the following clarification relating to the water supply:

A number of privately-owned properties in Battersby village are connected to a private water supply owned by the Snilesworth Trust (the applicants).

Following a failed water sampling test several years ago it was necessary to install a suitable water treatment plant on the outskirts of the village, to current regulations; the rest of the water catchment system having been inspected and passed fit for purpose.

Centre Farm, up to 2016, was a mixed arable/livestock farm enterprise. The farm buildings (currently the subject of the planning applications) housed both beef cattle and sheep, making use of the private water supply, which was always adequate to support such livestock numbers.

Given that the livestock would no longer be housed/accommodated here then the consumption of water will be considerably reduced, therefore putting no extra demands on the supply than have experienced previously.

Any concerns as to the possibility of the village's water supply being adversely affected are therefore, in my opinion unfounded".

## **Main Issues**

### **Local Plan**

**Policy ENV11** (Historic Settlements and Built Heritage) - This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm, proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

**Policy C012** (Conversion of Existing Buildings in Open Countryside) 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.

### **Material considerations**

The application buildings lie to the rear of Centre Farmhouse, the whole forming a linear range of traditional outbuildings.

The farm buildings are separately listed at Grade II and in terms of their historical background, the buildings lie in a linear north-south range behind Centre Farmhouse which consists of at least six distinct building phases.

The southerly building is a cart lodge and is part of the separate permissions relating to the farmhouse. Identified in the list description as "northern byre", a former granary is ascribed to the mid to late 18th century; the cow shed byre to its south as being c.1800,

the horse engine house attached to its western elevation as mid-19th century (with modern milking pump shed attached to north). The milking shed to the north of the granary is not identified in the list description but is attached to it and therefore “part of” the Listed Building as defined by S1(5) of the Planning (Listed Buildings & Conservation Areas) Act 1990. It is evident that this building is of two or three phases, the southern end being the earliest and predating the 18th century granary which incorporates its southern gable wall. All parts of the range including the horse engine house are in situ by the 1853/6 OS map. The buildings are of high quality vernacular design and construction, having a number of distinctive or unusual features and surviving fixtures of architectural and historic interest. These include a curved truss roof structure, large number of irregular vents and a bird hole to the granary; a series of roof trusses of varying design including a superbly curved tie beam in the earliest part of the building, scissor and collared trusses in the milking shed; and an unusually genteel design to the gable of the horse engine house which incorporates a blind oculus window. Throughout the range, areas of historic flooring survive; examples of historic wrought ironmongery and characteristic joinery fixtures.

The proposed scheme as revised is sensitive and makes good use of the existing spatial arrangement and openings.

The proposed alterations to the outbuildings are designed sympathetically in relation to the character of the original dwelling and would retain the character and fabric of the listed outbuildings in accordance with Policy ENV11.

The Building Conservation Officer has been consulted and has no objection to the details of the scheme, particularly with the revisions to the design detailing as requested.

In terms of Policy CO12, Battersby is classed in the Local Plan as open countryside, and the proposed details of the conversion are considered to be in accordance with the criteria contained in this policy. However, it is proposed to attach a principal residence condition, rather than a local occupancy condition to the resultant dwelling, which isn't in accordance with Policy CO12.

The argument put forward is that due to the additional costs involved in the conversion of Listed Buildings, including the need for Historic Building Recording, greater care in materials and less intensive use of the space, the costs would render a local occupancy scheme unviable due to the impact on sales values.

In January of this year the Authority took advice from an in-house general viability officer at SBC who confirmed that the applicants comments on whether the difference from imposing a primary residence condition (estimated 5% reduction in market price compared to imposition of a local occupancy condition estimated at least 20% reduction in market price) were appropriate and commensurate with the additional costs involved with conversion of Listed Buildings. The officer did caveat the advice that this was a specialist area and that greater comfort could be secured by appointing a specialist viability consultant with Listed Buildings. For the last nine months the Authority has been trying to secure that additional level advice however due to the large

amounts of planning work in the system it has not proved possible to secure that specialist advice from consultants who are not already conflicted out having worked with larger NP land owners.

It is considered that those concerns, in addition to the benefits to the Listed Building of finding a new and continuous use that will ensure the buildings long-term upkeep, in conjunction with the fact that whilst classed as open countryside, this particular farm group is located within the centre of this hamlet and surrounded on both sides by residential properties, it is considered that in this particular case, the restriction to principal residence can be justified, and would ensure the occupants of the dwelling contribute to the vitality of the local community.

In terms of the issues raised with regards to water supply, Northumbrian Water and Environmental Health have both commented, which has clarified that Northumbrian Water could supply properties in the area. Furthermore, Environmental Health concur with the comments made by the land agent, that the previous use of the buildings to house cattle had a significant draw on the water supply, which will no longer be the case.

Consequently, it is considered that these issues have been satisfactorily addressed in relation to the material planning considerations relating to this proposal.

#### **Pre-commencement conditions**

Conditions 18 and 20-26 are pre-commencement conditions and have been agreed in writing with the applicant/agent

#### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Policy C10 which seeks to ensure that all new development will be of a high quality design and will conserve and enhance the built heritage.

#### **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 recommended changes to the proposed design detailing so as to deliver sustainable development.