

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0242

Development description: closing off of existing access and creation of new vehicular access together with change of use of and alterations to stable building to dual use as either residential annexe accommodation or holiday letting accommodation

Site address: Providence Heath, Whitby Road, Cloughton

Parish: Cloughton

Case officer: Mrs Jill Bastow

Applicant: Mr Ian Burnett
Providence Heath, Whitby Road, Cloughton, Scarborough, YO13 0DX

Agent: Mick Paxton Architects Ltd
Studio 302, Woodend Creative Centre, The Crescent, Scarborough, YO11 2PW

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
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Document title

1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	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.
3	RSU000	The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes or as an annexe to be used only by members of the family of the occupier of the main dwelling known as Providence Heath. The accommodation hereby approved shall remain ancillary to the main dwelling and shall form and remain as part of a single planning unit with Providence Heath unless otherwise agreed in writing by the Local Planning Authority. 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	HWAY00	<p>The development hereby approved shall not be brought into use until the access to the site at Providence Heath, Whitby Road, Cloughton been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:</p> <p>i. The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E9A.</p> <p>ii. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.</p> <p>iii. The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.</p> <p>All works must accord with the approved details.</p>
5	MATS60	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.
6	MATS61	No work shall commence to paint or stain external joinery in the development hereby approved until a scheme for the painting or staining of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, stable doors and any

		other exterior joinery fixtures. The works shall be carried out in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	MATS40	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.
8	MATS46	The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MATS54	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.
10	MATS30	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.
11	MATS00	The external face of the frame to all new doors shall be set as deep in the reveal as possible 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	LNDS00	All hard and soft landscape works comprised in the approved details as shown on drawing reference Proposed New Entrance to Providence Heath shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise

		agreed in writing by 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	RSU000	In order that the development complies with Strategic Policy M, Policy UE4 and Policy CO12 of the North York Moors Local Plan.
4	HWAY00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5	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.
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 the appearance of the development is 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.
8	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.
9	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.
10	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.
11	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.
12	LNDS00	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

Informative(s)

Informative number	Informative code	Informative text
1	HWAYINF03	<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:</p> <p>https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf</p> <p>The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>

Consultation responses

Parish

No objection

Highways

No objection but recommends conditions. The application proposes to create a new vehicular access to the property on the A171 Whitby Road, Cloughton, close the existing access and to convert an existing stable building into residential accommodation. The existing access, although wide, does not have the required visibility to allow traffic to exit safely onto the busy, de-restriction section of Whitby Road, the proposed new access will be able to provide significantly more visibility, reducing the risk to both users of the highway and the new access. The required visibility would be 215 metres along each edge of the carriageway measured from a point 2.4 metres into the access. The existing stone wall, which is in poor condition may require to be moved slightly, or the height reduced to achieve the required distance to the south. The existing access must be permanently closed and the highway reinstated to prevent any further use.

Forestry Commission

No comment

Environmental Health

No objection

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date: 20 July 2022



Location of existing access to be closed off with stone wall and grass verge



Location of proposed access with new post and rail fence and native hedge planting to field boundary



The existing store and stable building proposed for conversion and its relationship to the main dwelling

Background

Providence Heath is located on the east side of the A171 some 5 km to the northwest of Cloughton and 0.7 km east of The Falcon Inn. It is served by a private access from the A171 which currently has poor visibility to the west. The main dwelling is a grade II listed building constructed in hammered sandstone under a pantile roof with brick chimney stacks and stone water tabling and kneelers. Immediately to the rear (north) of the main dwelling lies a detached store and stable building constructed of sandstone under a pantile roof. Planning permission was granted for this structure in 2003, as a post July 1984 structure it is not classed as a curtilage LB and thus does not need LBC.

Planning permission is now sought for the conversion of the detached outbuilding into a holiday letting unit and/or residential annexe to be occupied in association with the main dwelling. The proposed plans provide for a modest two bedroom unit with an open plan kitchen/dining/living area and retain the western end of the building for storage. The scheme reuses all the existing openings and proposes no new doors, windows or rooflights.

Main issues

Local Plan Policies

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy ENV11 relates to development affecting the built heritage of the National Park. It requires new development to conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting.

Policy UE4 relates specifically to new holiday accommodation within residential curtilages. The policy states that development will only be permitted where it makes use of an existing building which is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. It must not detract from the character or appearance of the locality and must be of an appropriate scale. There must be no unacceptable harm in terms of noise and activity on the amenity of the neighbourhood.

Policy CO18 relates specifically to residential annexes. The policy states that development will only be permitted where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use. All proposals should also meet the requirements of Policy CO17, Householder Development.

Policy CO2 relates to the highway requirements for new development. It requires highway detailing, road improvements and street furniture to be sensitive to the character, heritage, built form and materials of the area. The works should be the minimum required to achieve a safe access.

Discussion

In terms of the overall design of the development it is considered that the proposals are in line with the Authority's adopted policies and design guidance. The alterations to the building are minor and do not have a harmful impact on the character or form of the building nor on the setting of the adjacent listed building.

Policy UE4 states that development can only be supported where the existing building is of architectural or historic interest and makes a positive contribution to the character of the surrounding area. It is acknowledged that this stable building is a relatively new structure (planning permission having been granted in 2003) and therefore is not of any historical merit, however it is of good quality construction and architecturally complements the surrounding area and as such its conversion to annexe/holiday accommodation is considered to meet the thrust of Policy UE4. The policy also requires that the proposed development does not have an unacceptable harm in terms of noise and activity on the amenity of local residents. The dwelling and associated buildings are relatively isolated and so it is highly unlikely that the use of the building as an annexe/holiday let would have a detrimental impact on any neighbouring properties.

In terms of the annex element of the development, Policy CO18 states that proposals will only be permitted where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use. The building is clearly ancillary to the main dwelling and is located immediately to the rear (north) of the main dwelling, within the domestic curtilage.

The proposed alterations to the vehicular access from the A171 are supported by the Highways Authority and are the minimum necessary to ensure a much safer access to the property as required by Policy CO2. The plans include sensitive hard and soft landscaping proposals to ensure the new access has minimal impact on the character of the area and the wider landscape.

In view of the above, it is considered that the proposal meets the requirements of the Local Plan and approval is recommended.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.