

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0481

Development description: conversion of outbuilding to a local occupancy dwelling with associated amenity spaces, landscaping, package treatment plant and parking

Site address: Snowdon Nab, Egton Grange

Parish: Egton

Case officer: Mrs Hilary Saunders

Applicant: The Mulgrave Estate

fao: Mr Robert Childerhouse, The Estate Office, Mulgrave Castle , Lythe, Whitby, YO21 3RL

Agent: John Long Planning Ltd

45 The Street, Surlingham, Norwich, Norfolk, NR14 7AJ,

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	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 occupation of the dwelling hereby permitted shall be limited to: i. a qualifying person; and ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person. For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York

		<p>Moors Local Plan, namely that he/she is:</p> <ol style="list-style-type: none"> 1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or 2. Currently in employment in the National Park; or 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or 5. Former residents whose case for needing to return to the National Park is accepted by the Authority. <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 1 to 5 above.</p> <p>Note A: For the purpose 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 purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:</p> <p>Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.</p> <p>Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)).</p> <p>The local occupancy restriction shall however be replaced by a principal residence restriction as follows:-</p> <p>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</p>
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		<p>the main occupant as a second home.</p> <p>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.</p>
4	WPDR01	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	GACS00	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 (lighting will only be considered acceptable if it is of a style and luminance which minimises glare and light pollution with all bulbs shielded to prevent upward and minimise horizontal light spill).The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity. Any replacement lighting will adhere to the same specification.
6	GACS14	The full height window in the north elevation (utility/bootroom and bathroom) of the development hereby approved shall not be glazed other than with obscure glass and shall be maintained in that condition in perpetuity.
7	CDLB05A	This permission has been granted in accordance with the details specified in the survey prepared by Ian Langford MRICS received on 24 January 2022. 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	MATS04	All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
9	MATS42	All new window frames, glazing bars, window louvres, doors and door frames shall be of timber construction and painted within 6 months of the development being first brought into use and shall be maintained in

		that condition in perpetuity.
10	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.
11	MATS47	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.
12	MATS52	The lintels and cills of all new windows hereby approved, together with any replacement lintels and cills, shall be of natural or reclaimed stone to match the existing in terms of dimension, tooling, shape, colour and texture and shall be maintained in that condition in perpetuity.
13	MATS70	The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14	MATS72	The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15	HWAY00	<p>The development must not be brought into use until the access to the site has 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>The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E70 and the following requirements.</p> <p>i) Any gates or barriers must not be able to swing over the existing highway.</p> <p>All works must accord with the approved details.</p>
16	LNDS01	Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of native hedgerow and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and

		planting densities for any new areas of planting. The approved details 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.
17	MISC02	The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9 of the submitted Bat Survey dated June 2022.

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 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.
4	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.
5	GACS00	In order to comply with the provisions of Strategic Policy A and ENV4 of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.
6	GACS00	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.

7	CDLB00	In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
8&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 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.
10-14.	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.
15	HWAY00	In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
16	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.
17	MISC00	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Consultation responses

Parish

No objections

Highways

No objections subject to conditions

Natural England

11/7/2022 - As submitted, the application could have potential significant effects on Arncliffe and Park Hole Woods SAC/SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats regulations assessment (HRA)
- Confirmation of PTPs discharge method (direct to watercourse or drainage field)

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

21/11/2022 – No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Arncliffe and Park Hole Woods Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI), North York Moors Special Area of Conservation (SAC), North York Moors Special Protection Area (SPA) and has no objection.

Environmental Health

No objections

Third party responses

Name

Mr John Lawson, Snowdon Nab, Egton Grange, Whitby -Planning permission was previously turned down on these buildings because of insufficient water supply, we would like to know what the plans are for a new supply. We would like to see the position of the proposed sewage treatment unit and its proximity to our residence. Also, the proposed development is within 2 meters of our residence so we would like to see what provision is been made to ensure our privacy.

The lane to Snowdon Nab is in severe disrepair, building works and additional homes will ensure further rapid deterioration, we would like to understand how this will be addressed.

Publicity expiry

Site notice expiry date - 25 July 2022

View of buildings from lane to be converted and adjacent dwelling (in separate ownership)



Rear elevation of barn, viewed from field



Background

The barn to which this application relates is located off Smiths Lane, Snowdon Nab, which is situated approx. 2-3km to the west of Egton Bridge, in the open countryside.

There is an existing residential property to the north (former farmhouse) of the barn and to the east, south and west is farmland.

The barn is an unlisted traditional stone outbuilding, and it is proposed to convert this into a single storey, three bed local occupancy dwelling, incorporating land to the side and front (facing onto the lane) into domestic curtilage and parking. The small two storey element would provide a garage at ground floor and domestic workshop above. The field to the rear would not be encroached upon.

It is proposed to utilize all existing openings, with timber doors pinned back on the proposed full height glazed windows and obscure glazed windows on the gable ends facing towards the neighboring property.

Main issues

Local Plan

Strategic Policy C- Design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and

density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse

impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Policy CO12 - 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 scheme has been amended to propose a local occupancy dwelling rather than a principal residence dwelling in accordance with Policy.

Good use is made of existing openings, with simple fenestration details and concerns regarding overlooking have been addressed through the addition of a condition requiring obscure glazing on the gable end. Furthermore the issues raised by Natural England regarding the impact of foul drainage have been addressed through a Habitats Regulations Assessment undertaken by the Authority's Ecologist and the neighbours' concerns have also been addressed through discussions with the agent and neighbouring residents.

It is considered that this limited extent of alteration would result in this good quality building retaining its character and would not be detrimental to the character of the original building or the locality and would be in accordance with Policy CO12.

A structural and ecological survey have been submitted and no objections have been received and it is considered that the details of the scheme would be in accordance with Strategic Policies C and J and Policy CO12 of the NYM Local Plan. Consequently, approval is recommended.

Pre-commencement conditions

N/A

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

Approval (Amendments Requested and Received)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the type of occupancy restriction, so as to deliver sustainable development.