

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0126

Development description: demolition of pole barn and lean-to agricultural building, conversion of agricultural outbuildings into three holiday letting units with associated parking together with landscaping works

Site address: Prospect House Farm, Hay Lane, Scalby,

Parish: Newby and Scalby

Case officer: Mrs Jill Bastow

Applicant: Mr & Mrs Joe & Kimberley Marshall
Prospect House Farm, Hay Lane, Scalby, Scarborough, YO13 0BH,

Agent: MWCF Ltd
15 The Lane, Mickleby, Whitby, TS13 5LU, England

Director of Planning's Recommendation

Approval subject to the following

Condition(s)

Condition number	Condition code	Condition text												
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.												
2	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1"><thead><tr><th>Document Description</th><th>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed Layout</td><td>PHF-TBC-300 A</td><td>24 May 2023</td></tr><tr><td>Proposed Elevations</td><td>PHF-TBC-301 A</td><td>24 May 2023</td></tr><tr><td>Proposed Site Plan</td><td>PHF-TBC-400 A</td><td>24 May 2023</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Proposed Layout	PHF-TBC-300 A	24 May 2023	Proposed Elevations	PHF-TBC-301 A	24 May 2023	Proposed Site Plan	PHF-TBC-400 A	24 May 2023
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Proposed Site Plan	PHF-TBC-400 A	24 May 2023												

		Proposed Landscaping PHF-TBC-500 A 24 May 2023
3	UOR12	The holiday letting units hereby approved shall not be used for residential purposes other than holiday letting purposes. 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	MC08	<p>No development shall commence until an investigation and assessment of the risks posed by any contamination present on the proposed development site, undertaken by a competent person has been submitted to and approved in writing by the Local Planning Authority. This report should include an appropriate survey of the nature and extent of any contamination affecting the site and an assessment of the potential risks to human health, property, controlled waters and ecological systems. Reports should be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the Investigation of Potentially Contaminated Sites.</p> <p>If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The site shall be remediated in accordance with the approved measures and timescale and the dwelling units hereby approved shall not be first occupied until a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.</p> <p>If, during development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.</p>
5	MHC-03	The development must not be brought into use until the access to the site at Prospect House Farm has been set out and constructed in accordance with the 'Specification for Housing

		<p>and Industrial Estate Roads and Private Street Works” published by the Local Highway Authority and the following requirements:</p> <ul style="list-style-type: none"> • The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E9A. • 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. • The final surfacing of any private access within 1 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway. <p>All works must accord with the approved details.</p>
6	AC20	<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 Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.</p>
7	BCMT04	<p>No work shall commence on the reroofing of the development hereby permitted until details of the type of slate and clay pantiles, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof slate and clay pantiles used shall accord with the approved details and shall be maintained in that condition in perpetuity.</p>
8	BCMT05A	<p>Any pointing in the development hereby permitted 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). Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1½ times the width of the joint or until sound mortar is reached. Power tools including drills, grinders must not be used. The pointing shall thereafter be so maintained in that condition in perpetuity.</p>

9	MC00	No work shall commence on any dismantling of walls identified for rebuilding in the structural survey for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
10	BCMT09	No work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
11	GPMT11	All new external doors, door frames, window frames and glazing bars shall be of timber construction and no other materials shall be used.
12	GPMT12	No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained in that condition in perpetuity.
13	GPMT14	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.

14	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
15	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
16	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.
17	MC02	The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures set out in the submitted Barn Owl and Bat Survey reports by Wold Ecology Ltd dated June 2023.
18	MC03	A copy of the required European Protected Species Licence, including all appendices and supplementary documents, shall be provided to the Local Planning Authority prior to any works covered under the licence commencing.
19	LD25	Prior to the development being brought into use full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary treatment works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity.
20	LD26	Prior to the development being brought into use full details of the hard surfacing to be utilised on the site shall be submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard surfacing works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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	RSN UOR11	The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with Policy CO12.
4	RSN MISC07	To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with ENV7 of the North York Moors Local Plan.
5	RSN MHC-03	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.
6	RSN AC01	In accordance with Policy ENV4 which seeks to protect dark night skies.
7	RSN BCMT01	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.
8	RSN BCMT01	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.

9	RSN BCMT01	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	RSN BCMT02	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	RSN BCMT02	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.
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		and that the special qualities of the National Park are safeguarded.
16	RSN BCMT02	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.
17	RSN MISC06	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.
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19	RSN LD01	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.
20	RSN LD03	In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF06	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	MC INF09	Please note that the public bridleway adjacent to the site must be kept free from obstruction and open for use at all times before, during and after any works.

3	INF MHI-C	<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 website [https://www.northyorks.gov.uk/road-adoption]. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
4	MC INFO0	<p>The applicant is advised that if the proposed use is not to be connected to mains water supply and a private water supply (such as a bore hole, spring or well) is proposed you must register with this local authority by visiting:</p> <p>https://www.northyorks.gov.uk/environment-and-neighbourhoods/private-water-supplies</p>
5	MC INFO0	<p>As a commercial operator of holiday lets, the applicant is advised that they do not qualify for the domestic waste collection. You must use the services of a waste collection provider and keep waste transfer notes of that supplier for a period of 2 years. Please visit:</p> <p>https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice</p>

Consultation responses

Parish

No objection

Highways

No objection but comments that the access is via a long single track private drive and the junction of the access onto Hay Brow Road is very acute and vehicles have difficulty positioning themselves perpendicular to the highway, restricting the practical available visibility. Under the previous approval (NYM/2022/0338) the vehicle access point was to be widened to allow vehicles to position themselves more perpendicular. The proposed new access alignment within the highway boundary must be constructed to the LHA specification prior to the commencement of any works which may be granted with this application. It would be advisable for a couple of passing places to be constructed along the length of the private drive to facilitate passing between the additional vehicular traffic and existing farm traffic. Consequently, conditions are recommended.

Environmental Health

No objection; recommend conditions.

National Amenity Societies and Theatre Trust

No comments received

Third party responses

No comments received

Publicity expiry

Advertisement/site notice expiry date: 21 June 2023

South elevation of range of stone barns to be converted with blockwork shed to west end to be demolished and parking provided



North (farmyard) elevation of range of stone barns to be converted with storage retained at ground floor



North (farmyard) elevation of range of stone barns to be converted



North (farmyard) elevation of range of stone barns to be converted with storage retained at ground floor



Background

Prospect House Farm lies some 2 km to the west of Scalby on the north side of Hay Lane. It is accessed via a long private drive of some 650 metres which runs parallel to Hay Lane but at a lower level below the wooded escarpment. In addition to the farmhouse, a grade II listed building, there is an extensive range of traditional stone farm buildings. A public bridleway passes along Carr Lane to the east of the farm which affords views of the farm and the woodland beyond.

Planning permission was granted in July 2022 for the siting of 2 no. glamping pods on the elevated land above the access track to the west of the main farmhouse and farm buildings at Prospect House Farm. Only one has so far been sited.

Planning permission is sought for the conversion of the two storey traditional stone farm buildings to the south of the farmhouse into 3 one-bedroom holiday letting units, whilst retaining some ground floor space for storage in association with the proposed use and also the farm.

There is a companion application for listed building consent.

Main issues

Local Plan

The relevant policies of the Local Plan against which to assess this application are considered to be Strategic Policy A - Achieving National Park Purposes and Sustainable Development; Strategic Policy C - Quality and Design of Development; Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity; Strategic Policy I - The Historic Environment; Policy ENV4 - Dark Night Skies; Policy ENV11 – Historic Settlements and Built Heritage; and Policy CO12 - Conversion of Existing Buildings in Open Countryside.

Discussion

The principle of the conversion of these curtilage listed buildings into short-term holiday letting accommodation is acceptable in principle under Policy CO12. The buildings are of architectural and historic interest and make a positive contribution to the landscape and special qualities of the National Park such that they are worthy of retention.

The buildings are structurally sound as demonstrated by a structural report and capable of conversion without the need for substantial rebuilding, significant alterations or any extension. Some repair of the stone arches is required along with repointing and reroofing works.

The scheme of conversion is considered to be of a high quality design that reflects the form and character of the buildings and retains existing external features which

contribute significantly to the character of the building including original openings with a limited number of new openings or rooflights proposed.

The Building Conservation Officer has made detailed comments on the proposals and the scheme has been amended to incorporate many of the suggestions, including the use of breathable insulation and the omission of the damp proof course. Joinery details and samples of the external materials are proposed as conditional requirements of any permission. The majority of the roofs have been replaced with modern materials and only a small area of historical lathe and plaster remains to unit 3. Whilst it would be desirable to retain this, as curtilage listed buildings, it is considered unreasonable to insist on the retention of existing timbers and reinstatement of the whole roof in lathe and plaster as the proposed works would not adversely affect either the health or the appearance of the buildings.

No change is proposed to the buildings' curtilage other than the removal of the modern lean-to sheds to the east and west elevations. At the eastern end the land will be stepped with the use of dry stone retaining walls and at the western end the land will be hard surfaced to provide visitor parking. A post and rail fence is proposed to the south to keep livestock away from the buildings. It is not considered that these alterations would adversely affect the character and appearance of the buildings or the surrounding landscape.

In conclusion it is considered that the proposed conversion of these curtilage listed buildings is of a high standard design that retains much of their character and appearance and preserves their setting in the wider landscape as required by the policies of the Local Plan. As such approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.