

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2023/0088

**Development description:** change of use and amalgamation of two holiday cottages to form one local occupancy dwelling along with external alterations together with change of use of agricultural land to domestic curtilage

**Site address:** Warnbeck Farm, Dunsley Lane, Dunsley,

**Parish:** Newholm-Cum-Dunsley

**Case officer:** Miss Megan O'Mara

**Applicant:** Mr and Mrs L Armstrong, Warnbeck Farm, Dunsley Lane, Dunsley, Whitby, North Yorkshire, YO21 3TP

**Agent:** Cheryl Ward Planning, 24 Westfield Mews, Kirkbymoorside, York, YO62 6BA, United Kingdom

## 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	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:].</p> <table><thead><tr><th>Document Description</th><th>Document/Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Revised Location Plan</td><td>N/A</td><td>21 September 2023</td></tr><tr><td>Amended Elevations</td><td>ERM/LA/001</td><td>11 September 2023</td></tr><tr><td>Floor Plans</td><td>ERM/LA/001</td><td>11 September 2023</td></tr></tbody></table>	Document Description	Document/Drawing No.	Date Received	Revised Location Plan	N/A	21 September 2023	Amended Elevations	ERM/LA/001	11 September 2023	Floor Plans	ERM/LA/001	11 September 2023
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Floor Plans	ERM/LA/001	11 September 2023												
3	PDR01	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 F 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.
4	UOR13 PT 1	<p>The occupation of the dwelling hereby permitted shall be limited to:</p> <ul style="list-style-type: none"> <li>i. a qualifying person; and</li> <li>ii. a wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person.</li> </ul> <p>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 Moors Local Plan, namely that he/she is:</p> <ol style="list-style-type: none"> <li>1. Currently resident in the National Park, having been resident in the Park for at least the previous three years; or</li> <li>2. Currently in employment in the National Park; or</li> <li>3. Having an essential need to live close to relative(s) who are currently living in the National Park; or</li> <li>4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or</li> <li>5. Former residents whose case for needing to return to the National Park is accepted by the Authority.</li> </ol> <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>
	UOR13 PT2	<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; Eberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood;</p>

		Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.
	UOR13 PT 3	<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)). In the event that this happens, 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 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>
5	GPMT03	All new external materials used in the development hereby permitted shall match that of the existing building including the colour and texture and finish and where these include stone and/or brick, the method of coursing and pointing in the local tradition.
6	MC00	No work shall commence on the installation of any replacement or new windows and doors (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all units 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 and doors 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.
7	GPMT19	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.
8	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.
9	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in.
10	AC20	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.
11	MC00	The extended domestic curtilage is to be bounded by native hedging and shall be maintained as such in perpetuity. Any fencing will require a separate grant of planning permission.

#### 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 PD01	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 and Policy CO17 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 and to maintain a suitable mix of housing types within the National Park.
4	RSN UOR16	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.
5	RSN GPMT01	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.
6	RSN GPMT01	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.
7	RSN GPMT02	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	RSN GPMT02	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	RSN GPMT02	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	RSN AC01	In accordance with Policy ENV4 which seeks to protect dark night skies.

11	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.
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**Informative(s)**

Informative number	Informative code	Informative text
1	MC INF02	The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the <a href="#">ground stability website</a>

## Consultation responses

Parish

No objection

Environmental Health

No objection

Third party responses

No responses

Publicity expiry

Advertisement/site notice expiry date: 29 March 2023



This photo shows the development site as existing.



## Background

Warnbeck Farm comprises a traditional farmhouse and converted outbuildings. Planning permission was granted in 1987 for the conversion of the former agricultural buildings to form two holiday cottages. The scheme was implemented however the buildings have lost some of their original agricultural character due to unsympathetic alterations, such as the installation of white uPVC windows resulting in a slightly domestic appearance.

This application seeks planning permission to amalgamate the two holiday cottages to form one local occupancy dwelling. The scheme also includes some minor alterations to the fenestration, together with an extension of the domestic curtilage into the adjacent field.

## Main issues

### Local Plan

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.

Strategic Policy M relates to Housing within the National Park. To help meet the needs of local communities a minimum of 551 new homes (29 per year) will be completed over the period of this Plan. The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings. All proposals should be of a high quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.

Policy CO10 relates specifically to Housing in Open Countryside. This policy states that in order to maintain the quality of the National Park landscape, housing development in Open Countryside will only be permitted in the circumstances that there is an essential need for a dwelling in the proposed location to support established farming, forestry or other essential land management activities. Development could also be permitted where an existing dwelling is to be replaced in accordance with Policy CO14, Replacement Dwellings or where a rural building is of architectural or historic interest and is converted in accordance with Policy CO12, Conversion of Existing Buildings in Open Countryside. Dwellings that are not of a high quality or that have a harmful impact on the landscape will not be permitted.

Policy CO12 relates specifically to the conversion of existing buildings in the open countryside. The policy states that development will only be permitted where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park. The building must be structurally sound and capable of conversion without substantial rebuilding and the building must be appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings. The development must be of high-quality design that reflects the form and character of the building and provides for essential functional requirements without unacceptable harm to the fabric of the building or its setting. The design should retain existing external features which contribute significantly to the character of the building including original openings and roofing materials.

Policy CO19 of the Local Plan relates specifically to the extension to domestic curtilages. The policy states that development will only be permitted where the change to domestic use would not have an adverse impact on the local landscape character. The land to be incorporated into the domestic curtilage should not form part of a Community Space or a valuable local habitat or heritage asset and the change to domestic use should not cause unacceptable harm to the amenities of neighbouring occupiers by reason of noise, disturbance or other adverse impact.

## Discussion

This application seeks planning permission to combine two holiday cottages to form one dwelling. The holiday cottages are converted former agricultural outbuildings within the open countryside, as such, the change of use of the holiday accommodation to a dwelling will be assessed against Policy CO10. The application originally sought permission for a principal residence dwelling, however in order that the development accords with the Authority's adopted policies, the scheme was amended to propose a local occupancy dwelling. A principal residence dwelling within the open countryside would not be permitted under Policy CO10. In its amended form, it is therefore considered acceptable to amalgamate the two holiday cottages into one local occupancy dwelling.

The scheme also includes various alterations to the fenestration. It was originally proposed that a large, glazed gable would be introduced, together with a Juliet balcony. The applicants were advised that these alterations would be detrimental to the character of the host building and as such they were omitted from the scheme. The plans were subsequently amended to show minor alterations to existing openings which are considered to be appropriate.

The application also seeks permission to extend the domestic curtilage slightly into the adjacent field. This was originally to accommodate the erection of a large domestic outbuilding; however the applicants were advised that the erection of such a building would be harmful to the character of the host building and surrounding setting and was therefore omitted from the application. It is not considered that the modest extension of the domestic curtilage would be harmful to the surrounding landscape.

In view of the above, the application is recommended for approval.

#### **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 Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including revised occupancy restriction, fenestration details and omission of domestic outbuilding, so as to deliver sustainable development.