

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Glaisdale	App Num. NYM/2011/0587/FL
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Proposal: Conversion of domestic building to holistic/natural therapy studio together with access and parking alterations

Location: Hill Top Barn, Stonegate, Lealholm

Applicant: Mrs Rachel Bentley, Brooklands, Glaisdale, Whitby, North Yorkshire, YO21 2PX

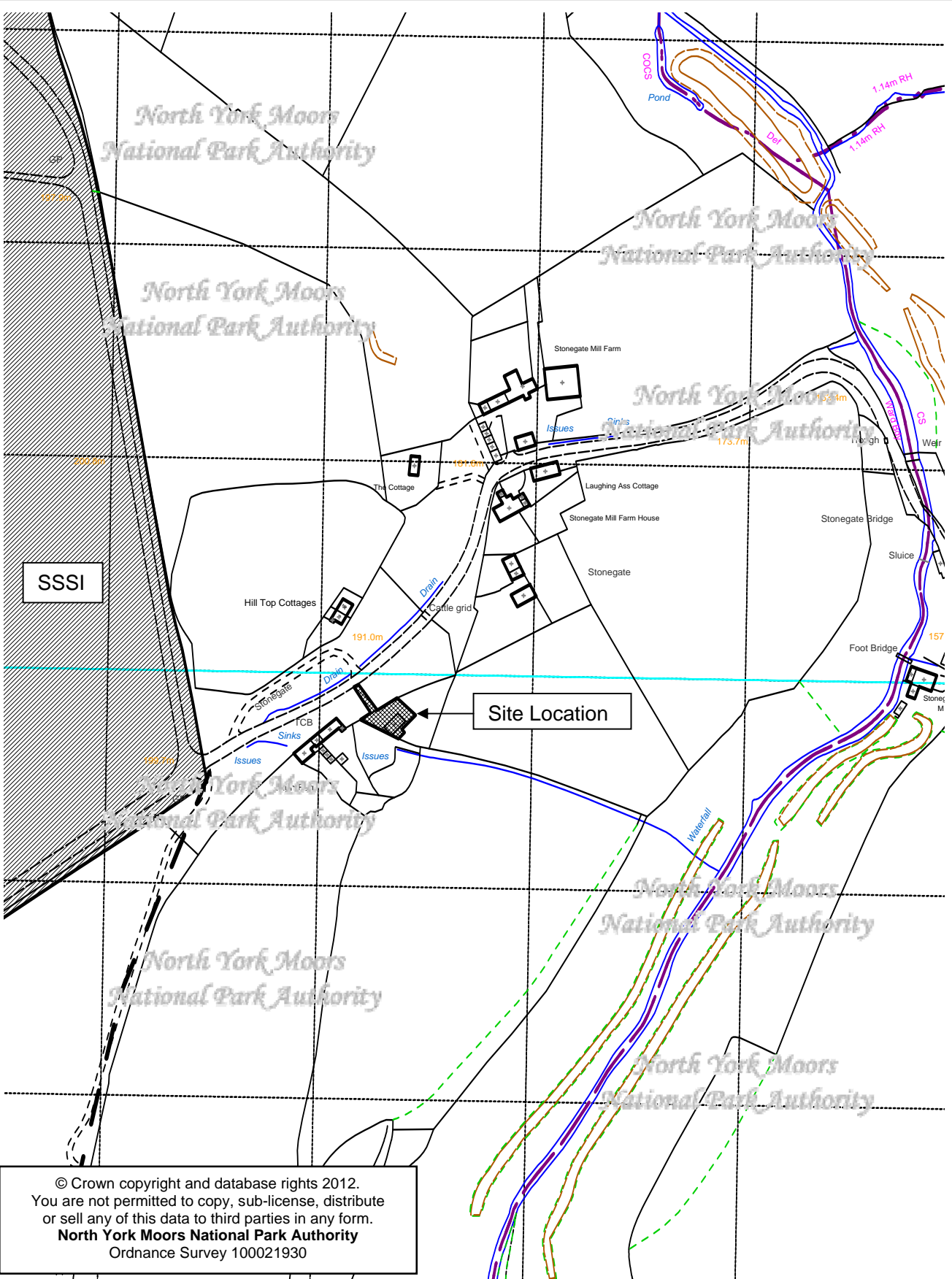
Date for Decision: 01 March 2012

Grid Ref: NZ 477509 509026

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL03 Standard three year commencement date
2. AP07 Strict accordance with plans/specifications or minor variation
3. RU00 The premises shall not be used other than as a holistic/natural therapy studio or for any other purpose unless a separate grant of planning permission is required from the Local Planning Authority.
4. GA00 The holistic/natural therapy studio hereby permitted shall not be open to customers outside the hours of 09.00am to 17.00pm Mondays to Saturdays and shall not be open to customers on Sundays or Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
5. GA07 External lighting - submit details
6. MT30 Doors - details of construction to be submitted
7. MT61 Windows and doors - submit details of colour/finish
8. HC06 Discharge of Surface Water
9. HC00 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The existing access shall be improved by:
 1. a granite sett kerb to standard detail B4 of the North Yorkshire County Councils Specification across the front of the access and allowing water flow into the adjacent ditch.
 2. Details shall have been approved and constructed to provide a means of preventing loose material washing onto the public highway or into the adjacent ditch.
 - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6W for the 1st metre from the carriageway edge.
 - (iii) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 1 metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.



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Scale: 1:2500



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Conditions (continued)

10. LS11 Details of access surfacing to be submitted

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
3. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.
4. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
5. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A and NYM Development Policy 13.
- 6 & 7. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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. In accordance with NYM Development Policy 23 and in the interests of highway safety.
9. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.

Consultations

Parish - No objection.

Highways - Conditional approval.

Environmental Health Officer -

Yorkshire Water -

Natural England -

Forestry Commission -

CL163 Protection Group -

Site Notice Expiry Date - 10 February 2012.

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Others - Dr David Boland and Mrs Julia Boland, Stonegate Mill Farmhouse, Lealholm - Our objections:

1. Conversion to a natural therapy centre is inappropriate for the location of the property within this peaceful and isolated community. Whilst some kind of agricultural or related use could be beneficial in the area, the proposed application neither aligns well with Park themes nor the priority of the local community. A more appropriate and effective location would be in an urban high street where such developments are needed.
2. Taking into account the sparse population available for therapy treatment in the immediate environs, it is inevitable that a commercially successful outcome for the proposed venture will need to revolve around substantial comings and goings of clients from outside of the immediately vicinity – this significantly altering the character of this rural hamlet.
3. Vehicular access to and departure from the property will not be easy with the link road from the highway being in the form of a narrow, single track – this being unsuitable for use by a light car in all but the best of weather conditions.
4. There will be an environmental price to pay for local residents because;
 - a) The hamlet does not have street lighting and in winter there will be an absolute safety requirement for provision of external lighting on the garage/stable unit to enable clients to access the property. This lighting will create a considerable nuisance value to other residents and may offer a dangerous distraction to passing motorists.
 - b) The layout and configuration of the garage/stable imposes constraints on what new parking arrangements might be possible and there will be a need for manoeuvring of vehicles on site and this, combined with associated slamming of car doors, can be expected to give rise to a substantial noise problem for other residents.
 - c) Increased traffic flows through the hamlet will also increase noise pollution.
5. The garage/stable unit is remote from potential users of natural therapies and will involve the majority of clients in journeys of consideration length. Compared with alternative locations, for example within centres of population adjacent to the Park, it will give rise to transport inefficiencies (i.e. avoidable single person car journeys) and unnecessary carbon emissions.
6. Access to the property will need to be across Court Leet land which is likely to impose restrictions on just what arrangements may be made. It is from a road where the traffic is fast-moving (60mph limit) and where the junction will be in the middle of an (approximately) 100 metre stretch, on a steep hill, between a blind corner and the blind, brow of a hill. There have been collisions on this stretch in the past and give the introduction of a frequent flow of traffic through the new junction onto the main road (possibly with drivers unused to these local conditions) there will be potential for greatly increased road accidents.
7. The original garage/stable unit was environmentally harmonious because the surrounding land was used for grazing of the occupying pony. This land has been left to grow wild in recent times and there is no indication as to how this aspect will be addressed within the proposed new use.
8. Following rejection of a previous planning application for a holiday cottage, there is concern that the present application (this time, we believe by the owner's wife) could form part of a path eventually leading to domestic use. We stress that the property is of recent build, for a specific purpose and does not represent a building that has become redundant over a period of many years – rather, it has become available as the result of deliberate subdivision of an existing larger holding by the present owner. In the circumstances, we are concerned that Park rules governing change of use of new buildings should be considered fully.
9. It is difficult to assess fully, the intended scale, scope and impact of the proposed natural therapies centre from the information available to us.
10. We are not aware whether due consideration has been given to the alternative prospect of opening the centre in one of the several urban conurbations adjacent to the Park where there will exist the obvious advantage.

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Mrs Pamela Anderson, The Cottage, Stonegate, Lealholm - I would be most grateful if you could make the Planning Committee aware of the following:

With regard to the application, I imagine that the present owners of this property were aware of its designation as a stable and garage when they split it off from the associated dwelling house several years ago, selling the latter on to a third party. Since that time the building seems to have been largely unused, incurring very little maintenance. It does not appear to have been used actively as a garage or a stable during the last ten years.

Although there is strong demand for both stables and garages within the local population, I am not aware that the owners have offered the building out for rental or sale on this basis. I think that this option ought to be fully explored before conversion into an alternative use is even considered on a relatively recent building, which was given planning consent against such a specific use.

The concept of a natural therapies centre here in Stonegate seems wholly inappropriate to the way of life and threatens substantial environmental and noise pollution as a result of the increased activity arising.

Background

This application is for conversion of a former domestic building to a holistic/natural therapy studio small rural business together with access and parking alterations at Hill Top Barn, Stonegate, Lealholm.

The application relates to a stone building under a pantile roof, built approximately 30 years ago and lies within the loose-knit hamlet of Stonegate, on the south east side of the road to Lealholm. The land falls sharply away from the road in a west to east direction but has been built up, with a concrete block retaining wall, to provide a level site. There is a gravelled parking area immediately in front of the building, enclosed by a timber post and rail fence, and a paddock to the rear, at a lower level, accessed via a number of steps. Access to the building is via a short track leading from the public highway in front of the building. The land over which the access passes is registered Court Leet land.

Planning permission was originally granted for the construction of the detached garage, stable and store on the site in August 1982 to serve an existing property known as 1 Hilltop Cottage on the opposite side of the road.

In December 2003 planning consent was refused to convert and extend the building into a one bedroom holiday cottage on grounds that by virtue of its modern construction the building was not considered to make a positive contribution to the character of the landscape of the National Park or to be of any architectural or historic merit, which would warrant its conversion under the extant planning policies. Furthermore, it was considered that the proposed alterations, extent of residential curtilage and loss of the requirements for significant alterations and extensions in order to accommodate the proposed use, and loss of secure garaging and domestic storage space for the existing dwelling which is likely to lead to pressure for further domestic buildings, will exacerbate the domestic intrusion of this simple functional building in the landscape to the detriment of the character and appearance of the National Park, contrary to Policy BE15 of the North York Moors Local Plan. If approved, this application could encourage further proposals for the conversion alteration and extension of modern rural buildings which would by reason of precedent, be more difficult to refuse, so leading to a serious decline in the landscape character of the National Park.

Planning permission is now sought to convert the building to another commercial use this time a holistic/natural therapy studio, the applicant being a holistic therapist and the owner of Hill Top Barn nearby.

The supporting information states that the building was originally constructed in a workshop fashion with commercial/business use intended. It is constructed in traditional coursed stonework with a clay pantile roof. No changes are proposed to the existing masonry openings however to allow additional light into the proposed consulting rooms the existing door openings will be fully glazed.

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Background (continued)

Internally the walls and roof will be fully insulated to reduce heat loss and comply with current building regulations.

The building is considered to be structurally sound and does not require significant alteration to accommodate the proposed use. It is intended that there will be two therapy rooms and a small reception area with a maximum of two therapists working at any one time, and clients would be booked on an individual basis therefore would be few cars at any one time.

The applicant states that:

There is ample room for private parking in front of the barn and that there are adequate access arrangements, the barn has its own access from the road and parking will be kept within the boundary. Direct access from the road needs improvement, which I am prepared to carry out and this will prevent any vehicular activity directly passing the occupant next door.

Therapies offered will all be natural and will be offered as an alternative to traditional medicine, such as Indian massage, hot stone therapy, as well as a range of sports injury related treatments. The nature of the business is in itself intended to be peaceful and tranquil therefore will not result in high levels of noise, pollution or vehicular activity.

There will be myself and one other business partner working there having one consulting room each. Clients will be booked on a 1:1 basis therefore there will be a maximum of four people at any one time. Each client consultation/session will last approximately two hours.

The hours of operation proposed are 9am to 5pm Monday to Saturday with no working on Sundays or Bank Holidays. Foul sewage is to be disposed of via the existing septic tank.

Included in the application submission are four letters of support from individual neighbouring residents.

Main Issues

Policy Criteria

Development Policy 10 of the NYM Local Development Framework permits the re-use of existing buildings in the open countryside for new employment and training facilities subject to the building being of sound construction and not requiring significant alterations or extensions to accommodate the proposed use and where there is sufficient land and storage space attached for the functional needs of the proposed use, including parking. Furthermore the building does not have an adverse impact on the character of the area and there are existing adequate access arrangements for the proposed use and level of activity.

Within the National Park there are numerous traditional and non-traditional buildings which are no longer required for their original purpose. Most traditional buildings find re-use in local occupancy residential/holiday letting use however some of the existing non traditional buildings may be suitable for re-use for new employment and for training purposes which can operate without adversely affecting the special qualities and tranquillity of the National Park.

For example many non-traditional rural buildings could be adapted for re-use in the IT industry, workshops, offices, research laboratories, education, training or other similar uses providing they will not result in high levels of noise generation, pollution or vehicular movements.

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Policy Criteria (continued)

The main issue in this instance is whether the conversion of the garage/stable building to a holistic/natural therapy studio is an appropriate use of the building in this particular location and whether it will have a detrimental impact to the character and form of the original building and its setting within the landscape and whether a small scale business venture together with associated activity levels will have a significant impact on the surrounding locality.

Site and Surroundings

The application site is located at one of the main gateway points to the North York Moors in the small hamlet known as Stonegate on the eastern edge of Lealholm moor. The building in question is situated with its own curtilage and paddock at the rear and no longer has ties with any residential property (formerly associated with No. 1 Hill Top Cottages despite being on the opposite side of the road).

Re-Use of Building

Whilst undoubtedly the building would be best used for what it was originally designed for i.e. a garage/stabling there is no planning evidence to suggest that it was ever constructed as a commercial/business venture as the Design and Access Statement suggests.

The building has been unused for several years now and there is no evidence to suggest that attempts have been made to sell on the building for its original intended use or that other premises in the locality or other nearby service centres such as Whitby or Sleights have been considered and discounted.

As it stands there has been one failed attempt to turn the building into a holiday cottage the main reason being that its modern construction precluded this under the policy operating at the time as it was not considered to make a positive contribution to the character of the landscape of the National Park or to be of any architectural or historic merit, which would warrant its conversion.

The Authority considers that finding a new use for the building would be beneficial providing it does not have an adverse impact on the character of the area including the peace and tranquillity of the National Park or impact on nearby neighbouring residential amenity.

Increase in Activity

There is no doubt that the resultant change of use for a building that is currently underused will create an increase in activity in and around the site however this is considered to be no greater than if the building was used for its original intended purposes i.e. daily comings and goings of vehicles and tending to horses, either way there would still have been a good degree of activity and movement about the site including some lighting, a certain degree of noise and smells emitting from the building.

The scale of activity is not considered likely to have an unacceptable impact on the quality of life of local residents or the experience of visitors using the public highway at this gateway point to the moors.

The key to the acceptability of this low key business venture is likely to revolve around the scale of activity arising from the site, particularly car borne trips.

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Compatibility of Use and Neighbour Impact

The nearest neighbouring property is High Farm which lies adjacent to the application site to which there has been no objection raised. With respect to the impact on the remainder of residents within the small hamlet of Stonegate it is considered unlikely that the proposed use would result in undue harm over and above what nearby occupants could reasonably expect to enjoy by reason of noise, disturbance, smell or other adverse impact by reason of the opening hours involved and distance of separation.

Access, Parking and Court Leet Land

Concern has been expressed about the suitability of the access from the existing highway and whether the access drive and parking provision within the existing curtilage are adequate to cope with the required demand.

The local Highway Authority has not raised an objection but recommend that conditions are attached should permission be granted and they relate to the discharge of surface water drainage and the construction requirements of a private access and verge crossing. As such the Authority considers that these issues can be appropriately dealt with by way of condition.

The local Court Leet Protection Group have pointed out that the new works does not significantly change the amount of land affected however it is difficult to see from the plans exactly how much Common Land is involved. Although it appears there will be relatively little change, an informative would be added to explain the implication of Common Land status.

Officers are satisfied that the applicants low key business model with up to two clients and two staff at any one time the maximum capacity would generate minimal additional traffic using the proposed access.

Economic Venture

Given the scope of activities which can take place within Use Class D1 Officers consider it necessary to remove these uses from the development description and limit it simply to a holistic/natural therapy studio only, this use can be appropriately conditioned if the development is found to be acceptable.

With the conditions described above Officers consider that the conversion of the garage/stable to a natural health studio is a relatively small scale home working business venture and will be run by the applicant herself and as such this is not considered to be an un-neighbourly. In terms of sustainability of location, it is Officers views that business attracting significant numbers of visitors especially by car shall be located in settlements with public transport links. However, there is a role for small scale i.e. just above home working small businesses to be based in countryside locations to serve countryside communities. In this case the balance is relatively equal and Officers feel the determinative factor is the benefit to diversify the rural economy.

Planning Balance

A Bat Survey submitted with the application has been checked and it is noted that the survey was carried out in late November when bats would not have been active so an Emergence Survey could not have been carried out. However it is not considered that the development will affect bat populations as the building is in good condition and recently reroofed which gives very limited possibilities for a bat roost being present.

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Planning Balance (continued)

Officers have considered the proposal against the criteria of the Development Plan policies and in weighing up the proposal it is considered unlikely that the conversion of this non-traditional building to a holistic/natural therapy studio in this location together with the anticipated low level activity associated with the use will not overly dominate the site or local environment.

As such the development is unlikely to unduly impact on the levels of residential amenity enjoyed by adjacent occupiers.

With the conditions recommended which restrict the level of use of the building it is recommended that this application is approved as it is considered to accord with Development Policy 10 of the NYM Local Development Framework.

Reason for Approval

The use of the building as a holistic/natural therapy studio is considered appropriate subject to it operating within the parameters of the conditions imposed to control the level of activity on the site and impose minimal impact on nearby neighbouring residential amenity and therefore it is recommended for approval under Development Policy 10 of the NYM Local Development Framework.