

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Newholm-Cum-Dunsley	App Num. NYM/2012/0285/FL
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Proposal: Conversion of barns to form 1 no. local occupancy dwelling and 4 no. holiday letting cottages together with new storage building

Location: Bannial Flat Farm, Guisborough Road, Whitby

Applicant: Mr Paul Swales, The Grannary, Bannial Flat Farm, Guisborough Road, Whitby, North Yorkshire, YO21 1SQ

Agent: BHD Partnership, Airy Hill Manor, Waterstead Lane, Whitby, North Yorkshire, YO21 1QB

Date for Decision: 03 August 2012

Grid Ref: NZ 486878 510126

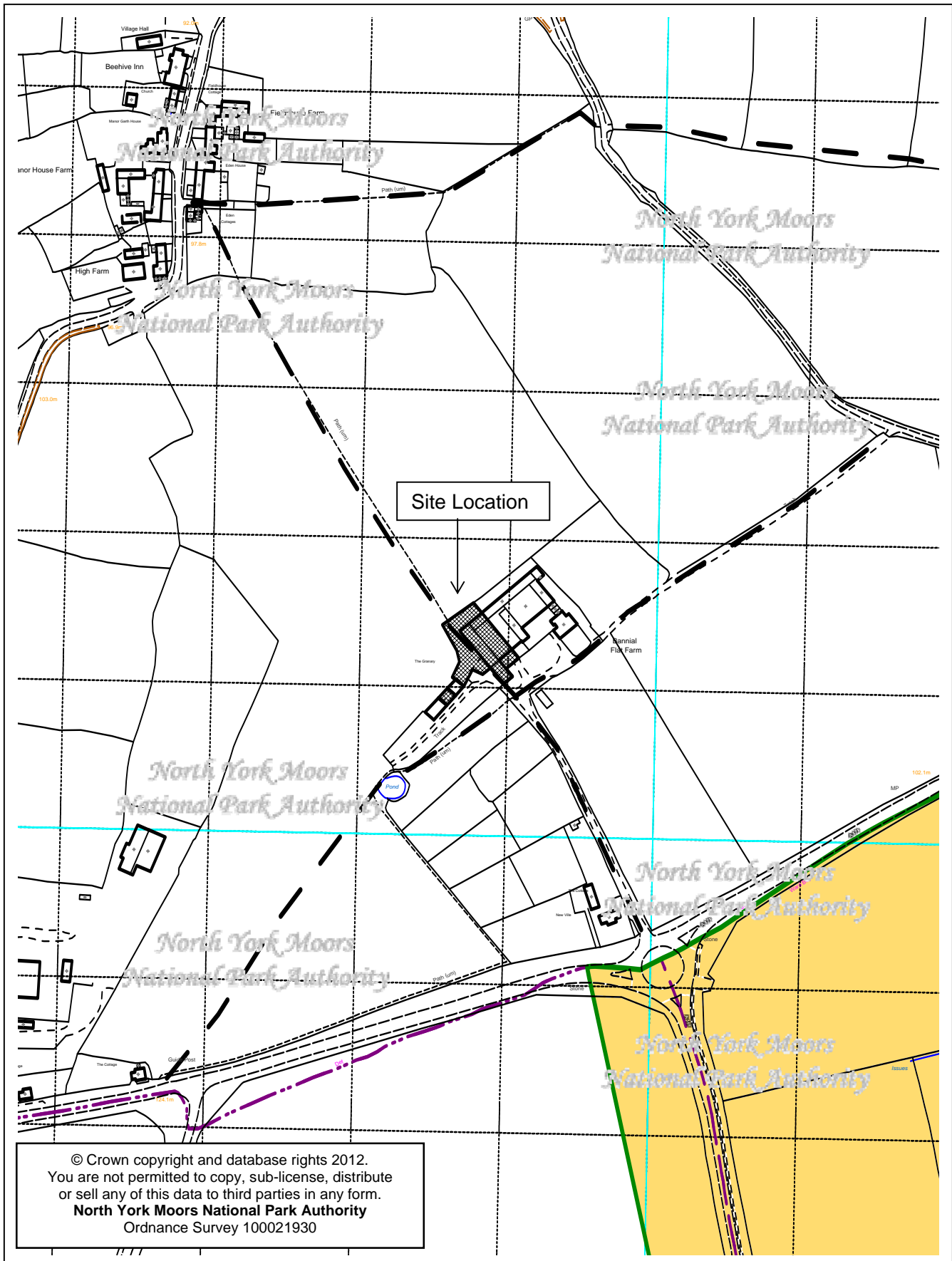
Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. WPDR01 Withdrawal of all PD Parts 1 & 2 and 40 Classes A to I
4. WPDR14 Withdrawal of PD Part 43 – Non-Domestic Renewable Energy
5. RSUO00 The occupancy of the units hereby permitted within the red line of this application shall at no point exceed one full time (local occupancy dwelling) and four holiday cottages.
6. RSUO00 The occupation of the northern most unit of conversion 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 satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

 - a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
 - b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
 - c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
 - d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or



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Condition 6 (continued)

- e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.
 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 a - e above.
 Note A: For the purposes 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.
 Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.
7. RSUO00 All units within the red line of the application site, other than the northern most local occupancy conversion, 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.
8. RSUO00 The holiday unit referred to in condition 7 shall form and remain part of the curtilage of the existing dwelling known as Granary, Bannial Flat Farm and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 7 above without a further grant of planning permission from the Local Planning Authority; until such a time as when the northern most local occupancy unit has been completed and occupied when this unit shall then become the 'main dwelling' that the units should not be sold or leased off from, or let off except as holiday accommodation in accordance with the terms of condition 7.
9. GACS07 External Lighting - Submit Details
10. CDLB05A Conversions - Extent of Rebuilding/Repair Work
11. MATS04 Stonework and Roofing Tiles to Match
12. MATS56 Conservation Rooflights Only
13. MATS60 Windows and Doors - Timber
14. MATS61 Windows and Doors - Submit Details of Colour/Finish
15. MATS70 Guttering Fixed by Gutter Spikes
16. MATS72 Black Coloured Rainwater Goods
17. MATS00 The external timber cladding and doors of the storage building hereby approved shall be stained dark brown and the roof sheeting shall be dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. LNDS02A Landscaping Scheme to be Implemented - Large Scale Development/General Development
19. MISC00 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Methods Statement and good working practices in the Appendix of the submitted Bat Survey dated 21 July 2012.

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Conditions (continued)

20. MISC00 The development hereby permitted shall not be brought into use until full details of the proposed means of generating energy on site from renewable sources to displace at least 10% of predicted CO₂ emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the first new unit of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.

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 that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 & 4. 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 NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
5. In order to comply with NYM Core Policy J 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 or holiday accommodation.
6. In order to comply with NYM Core Policy J 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.
7. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
8. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
9. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
10. 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 NYM Development Policy 5.
11. 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 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.
- 12 to 17. 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.
18. In order to comply with the provisions of NYM Development Policy 3 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.
19. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
20. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

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Consultations

Parish - No objection.

Highways - There are no highway objections to this planning application

Yorkshire Water - From information submitted, no comments are required from Yorkshire Water (Note that existing septic tank is being used for foul water drainage, with surface water to soakaway/s)

Environmental Health Officer - The route of escape from holiday cottages number two and three passes through the kitchen which is a high risk room in terms of fire safety. The ground floor of holiday cottages two and three should be amended so that the route of escape does not pass through a high risk room. The ground floor layout of holiday cottage number one is a sufficient layout.

Ramblers Association - We reject the application on the basis that no information is included regarding the public footpaths within the site.

Advertisement Expiry Date - 27 July 2012.

Others - Mrs Sandra Ford, The Cottages, Bannial Flats Farm - Although there has been previous authorisation for the conversion to form three holiday cottages within the buildings the current application seeks to increase this development to include a further permanent family sized dwelling. The original application was considered as a portion of the complete area of Bannial Flat Farm, whereas the new application has infrastructure of only a small portion of the farm area. Particularly in respect of access and parking, it does not seem feasible that sufficient ground area has been assigned for parking requirements of the full site. If insufficient space is assigned then I am concerned that vehicles may park on the shared narrow access driveway. In addition to this there is no inclusion or provision for traffic calming or passing facilities on the narrow access road from the A171 to the proposed development. Neighbours already have evidence of this as being a problem and this needs to be addressed prior to planning consent being granted. I have a right of way over the access and use it every day. I am concerned that increased or swift moving traffic may cause accidents. I am not against development of the Bannial Flat Barns, but do feel that the present amenities and quality of life for existing residents should also be given due consideration.

Background

Bannial Flat Farm comprises the original dwelling and a large 'E' shaped range of traditional agricultural outbuildings infilled with modern barns. Permission was previously granted for the conversion of part of the traditional agricultural building into an unrestricted dwelling in 1998 in line with policies operating at the time. These works were undertaken and this dwelling (now known as the Granary) along with the attached agricultural buildings have been sold off separately to the rest of the agricultural buildings and the original house. It is the Granary and associated barns to which this application relates. Also approved previously was a scheme for conversion of the barns to which this application relates into three holiday letting units although this was when all the steading was in a single ownership; this permission has since lapsed.

This application proposes the conversion of the barns attached to the Granary into three holiday letting units and one local occupancy unit as well as the addition of a new domestic storage building. The applicant acknowledges that the creation of a new local occupancy unit in the open countryside through the conversion of an existing building is contrary to the requirements of the Local Development Framework which would only allow the creation of a local occupancy unit if it were to be rented, in association with an existing host dwelling. Therefore they have suggested that once the

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Background (continued)

local occupancy Unit is complete and ready to move into themselves, as owner occupiers, they would then forgo the unrestricted residential permission on the existing dwelling (the Granary) and would be happy to have this restricted to solely a holiday letting unit, thereby resulting in a total of one local occupancy dwelling (for sale not letting) and four holiday letting units on the site.

Negotiations have taken place to reduce density of the proposed scheme which has reduced the number of new openings proposed. The parking provision on the site has also been rearranged to impact less on the neighbouring property and the storage provision on the site has been clarified. Parking for the holiday cottages is now proposed within the existing yard area to the south west of the site and a new timber clad storage building measuring 12 metres by 7 metres is also proposed within this area to provide for the storage requirements on site once all the existing space has been converted.

Three options have been put forward as a means of addressing the Core Policy D requirement that 10% of the predicted CO₂ emissions from the development to be generated through an on-site renewable source.

A Bat Survey and Structural Survey also accompany the application.

Main Issues**Policy Considerations**

The site is outside any established village and the relevant policies in the Local Development Framework are Core Policy B, Development Policies 8 and 21 and Core Policy J. Development Policy 8 allows for the conversion of traditional rural buildings for various uses, including long term/permanent letting units for local occupancy, provided that there is an existing residential dwelling on the site to which the new uses can be linked. Core Policy J requires that the need for new local occupancy dwellings must be genuine and the Authority has generally asked for the proposed occupants to be identified as part of the application. Core Policy D is also relevant which seeks 10% of predicted carbon emissions from the proposed development to be offset by low carbon or renewable energy.

The proposal 'crosses over' Core Policy J and Development Policy 8 in seeking to 'relocate' the existing converted house to the other end of the range of buildings but with a local occupancy restriction and convert the remainder of the barns to holiday cottages. The existing house has no occupancy restriction of any kind and was effectively permitted as an open market dwelling in open countryside (NYM4/037/0035C/PA). The conversion of the remainder of the barns to holiday use is acceptable in principle under the terms of Development Policy 8 provided that the criteria relating to structural condition, value of the building and no excessive alterations/extensions are met. These matters are considered later in this report. Development Policy 21 states that replacement dwellings outside settlements will be the subject of a 'local occupancy' condition.

The scheme proposed would have been considered to accord with the requirements of Core Policy J provided that the new local occupancy dwelling was to be rented out as there is an existing dwelling on the site that it could be tied to. However the applicant would like to live in the proposed local occupancy unit as their full time dwelling and therefore this does not accord with the requirements of the policy.

The planning justification for controlling the tenure of local occupancy dwellings which arise from conversion of rural buildings is not set out in either the Authority's Core Strategy or the more recent Housing Supplementary Planning Document.

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Policy Consideration (continued)

It was however, the subject of discussion during the Public Local Inquiry into the Local Development Framework in response to a specific question posed by the Inspector : *“If residential letting is allowed, why not allow any form of affordable housing, or owner occupation for local occupancy? The fact that no new buildings would be created would limit harm to the statutory purposes?”*

There are two main reasons for restricting the tenure of such dwellings; firstly letting ensures a continuous form of income, which can represent an important form of farm diversification and secondly, to protect the amenities of the new dwelling and the existing host dwelling in cases where the converted buildings do not have a separate curtilage and are located in close proximity to the existing dwelling.

In this particular case, the relevance of these planning aims are arguably weak in that “The Granary” and the associated traditional buildings to which this application relates have already been sold off separately from Bannial Flat Farm and therefore the unit is not a commercial farm providing the main source of income for the applicant so these proposals do not represent a form of diversification. Secondly, both the existing and proposed unit of full time residential accommodation have their own amenity space about them; the proximity of them to each other would mean that they should be tied together, however there is more amenity space provided with the proposed dwelling than the existing one and therefore it is considered more appropriate to have the full time dwelling located in the new location. Officers have assessed the strength of the material considerations in this case and consider that they outweigh the limited conflict on this single matter with policy. As this report will go on to discuss, the proposed design of the scheme is considered to be appropriate and there is no conflict of amenity either within the proposed scheme or with the neighbouring properties; with the proposal of the applicant to change the use of the existing dwelling to a holiday cottage on completion of the new local occupancy letting unit there is no net gain in the number of full time residential units on the site, the only gain to the applicant being a larger unit with a better outlook towards the sea. On reflection of all the above points and the provisions of Development Policy 21 Officers feel that in this instance they can recommend approval to this proposal, however it is before Members as it is not considered to be fully in accordance with the Local Development Framework due to the tenure issues.

The circumstances of the proposed occupants are somewhat unusual in that it will be another four years before they ‘meet’ the local occupancy restriction, however they have stated that they plan to do one holiday cottage conversion per year and then finally the local occupancy unit and by the time the local occupancy unit is complete they will have lived within the National Park long enough to satisfy the policy requirements.

Design Aspects

At present the range of buildings to be converted have a very industrial appearance, being two full stories in height, but benefitting from very few openings. Those openings which are present are quite small in comparison to the scale of the building, giving a solid to void ratio which is a strong characteristic of the existing building. On closer inspection there are a number of additional openings which have been stoned up in the past. This application proposes to reopen all of the former openings, but additional openings have been reduced to the very minimum by reducing the number of bedrooms proposed in the holiday cottages. Most new openings and rooflights have been kept to the north eastern elevation.

Three options have been put forward as a means of addressing the Core Policy D requirement that 10% of the predicted CO₂ emissions from the development to be generated through an on-site renewable source.

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Design Aspects (continued)

The applicant's preferred choice is to use a ridge blade along the full length of the barn ridge running on a north west to south east axis, however as limited technical information is available at present with regard to this product they have also submitted solar panel details which confirm that the 10% requirement is easily achievable. The two solar panel options proposed either run full length along the south west elevation of the barns or covering the full south eastern roofslope of the new proposed storage building. The Authority's preference would be of either the ridge blade or the solar panels on the roof of the storage building. A condition is proposed which requires full details of the scheme to be imposed to ensure the target is met and the landscape impact of the source is acceptable.

The application as originally submitted did not provide any provision for storage on the site which is considered to be necessary as all of the barns are to be converted into accommodation. There are presently three large shipping containers on the site, which the applicant had not realised that consent would be required for and therefore they will now be removed from the site and a three bay timber clad storage building has been proposed as part of this application to cater for the storage needs on the site. This building comprises three separate internal sections, the first of which will be a multipurpose store area, the second is a log and fuel store and then the third area will be the bin store for the cottages and dwelling. This building is located to the west of the building to be converted within the footprint of a dutch barn which used to be on the site. Within this footprint is also where the parking for the holiday cottages is proposed. Additional planting is proposed along the north western elevation to provide a context for parked cars. Due to the low level of this part of the development and also the topography of the site both the new building and the parked cars will not be prominent in the landscape when viewed from the A171 to the south. These two elements are therefore considered to be an appropriate way to accommodate storage and parking on the site in line with the requirements of Development Policy 8.

Public Rights of Way

Two public footpaths cross just to the south east of the application site, and they run very close to the buildings proposed to be converted. The original plans and Design and Access Statement made no mention of the footpaths. Concerns over the lack of information were therefore received from the Ramblers Association and Public Rights of Way Officer.

The agent has since clarified that there are no plans to alter or impact upon the Public Rights of Way which cross the site and the applicant is aware of the proximity of the footpath to the existing buildings. They have met with the Public Rights of Way Officer and are aware of the process involved in applying for Temporary Closure Orders to divert the footpath slightly to accommodate scaffolding and construction work at the time. Further to the receipt of amended plans the Public Rights of Way Officer has no further concerns.

Bats

A Bat Scoping Survey and also an Emergence Survey have been submitted with the application. Although the building does not have high potential for bats internally a small number of bats were seen using crevices in the outer walls of the building. The crevices will be left so bat roosts will not be affected. The Method Statement and good working practises in the Appendix have been conditioned to ensure that this protected species is not adversely impacted upon as a result of the conversion works going ahead.

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Summary

The design of the scheme now proposed is considered to be appropriate to maintain the original character of these imposing and prominent host buildings. Provision has been made for storage and parking in line with the requirements of Development Policy 8 without having an adverse impact on the neighbouring property. Therefore the scheme is considered to be acceptable on design grounds. Officers have assessed the strength of the material considerations in this case with regard to the tenure requirements of Core Policy J and Development Policy 8 and consider that they outweigh the conflict on this single matter with policy. As such the final scheme for one Local Occupancy Dwelling and four holiday cottages is considered to be appropriate on this site and therefore approval is recommended.

Reason for Approval

Taking into account the material considerations in this instance the resultant scheme on this site for one Local Occupancy Dwelling and four holiday cottages is considered to accord with the principles of Core Policy J and the requirements of Development Policies 8, 14 and 21 and therefore the proposal is considered to be acceptable.