

**North York Moors National Park Authority**

<b>Scarborough Borough Council (South) Parish: Cloughton</b>	<b>App Num. NYM/2013/0279/FL</b>
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**Proposal:** Conversion of and alterations to stable/studio building including the addition of glazed corridor to form residential annexe accommodation together with formation of access and utilising of existing turning area in front of the building

**Location:** Stable block at Rockhaven, Newlands Road, Cloughton

**Applicant:** Mr M & Mrs P Armstrong, Rockhaven, Newlands Road, Cloughton, Scarborough, North Yorkshire, YO13 0AR

**Agent:** Anton Lang Planning Services Ltd, 64 Lansdowne Gardens, Jesmond Vale, Newcastle upon Tyne, NE2 1HH

**Date for Decision:** 31 July 2013

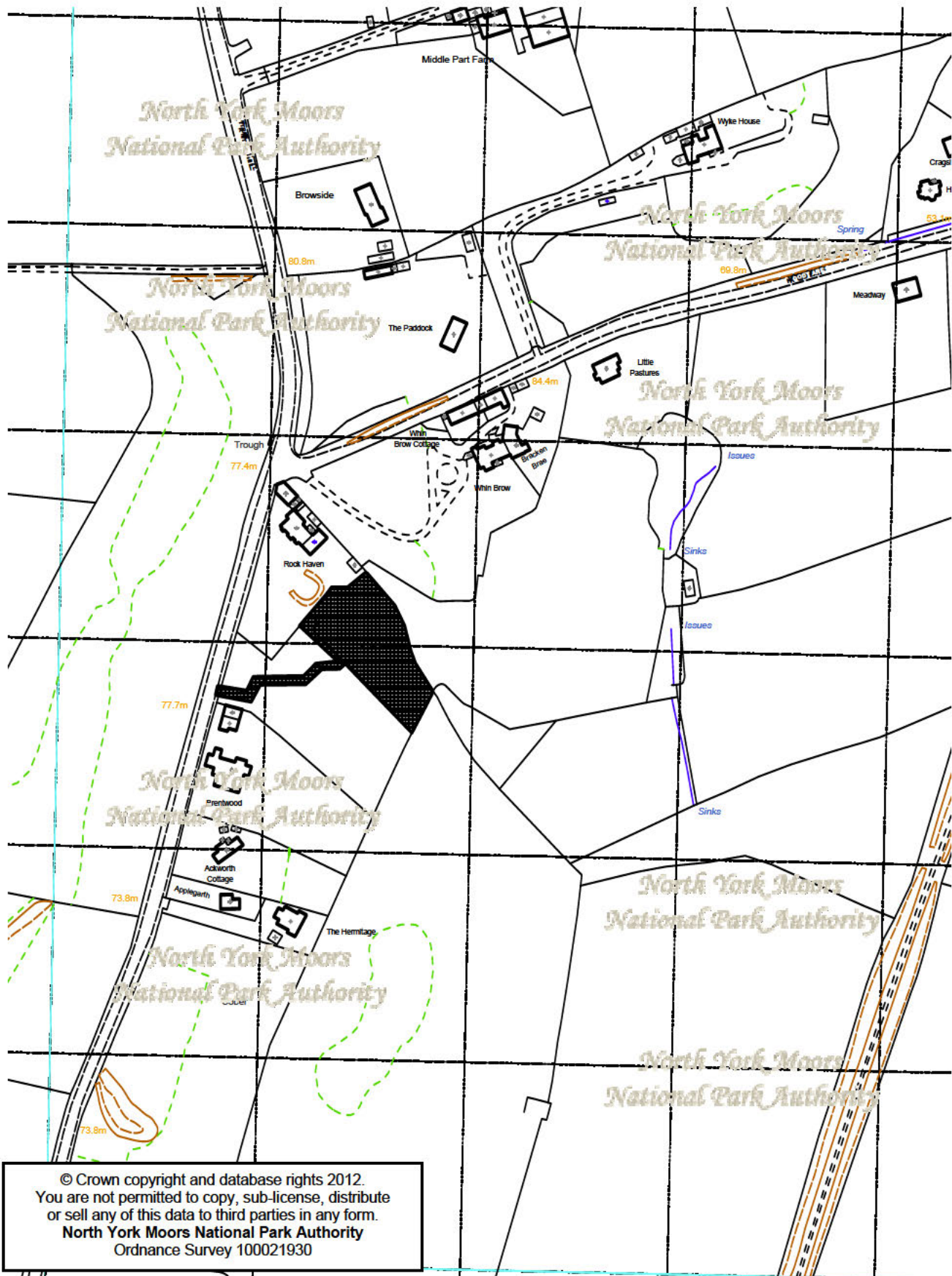
**Grid Ref:** SE 501148 495303

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**Director of Planning's Recommendation**

**Refusal** for the following reasons:

1. In the view of the National Park Authority the proposed development does not accord with Development Policy 19 of the NYM Local Development Framework which only permits new build annexe accommodation if it is in the form of an extension, physically attached to the host dwelling. The proposed annexe would be created through the conversion of a newly built stable and garage building and consequently, the development would effectively constitute a new build unit of accommodation, and along with the creation of a separate domestic curtilage and new vehicular access across an open field, would result in a harmful and urbanising form of development which would significantly alter the open aspect of this part of the National Park.
2. In the view of the National Park Authority this proposal, which effectively comprises a new independent dwelling set within its own curtilage and with its own separate vehicular access does not accord with the NYM Core Policy J of the Local Development Framework which specifies that new housing development located outside the main built up part of any village be restricted to agricultural workers dwellings only.
3. In the view of the National Park Authority, the proposal does not accord with Development Policy 8 of the NYM Local Development Framework which only permits the conversion of buildings to other uses, including residential annexes or local occupancy dwellings, where the building is of architectural or historic importance, and the development does not lead to changes to the buildings curtilage or the creation of a new vehicular access.
4. In the view of the National Park Authority the engineering works required to enable the proposed access to meet highway safety standards would have a significant impact on the rural character of the locality to the detrimental of the character of the area and would therefore be contrary to Development Policy 3 of the NYM Local Development Framework.



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**Application No:**  
 NYM/2013/0279/FL

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**Application No:** NYM/2013/0279/FL

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### **Consultations**

**Parish** - Object to the application which is effectively for a new house in the countryside without a proven essential need via farming or forestry. The proposal therefore does not accord with Core Policy J (Housing).

There are also concerns about the proposed access. It is accepted that it is intended to use an existing field gate onto the road, however this is extremely close to the brow of a hill where there are already issues with road safety, poor visibility and parked vehicles. If the applicant intends to keep use of the property to that of a residential annexe and everyone living at the property is a member of the extended family, then there should be no reason not to use the existing access to Rockhaven (which while not ideal, is considerably less risky than the one proposed).

Should your Officers be minded to approve the application, the Council asks for conditions on any consent so as to 1] prevent the property being used for holiday or commercial purposes of any sort, 2] ensure the building cannot be sold off separately, 3] ensure the building remains an annexe and does not become a planning unit in its own right and 4] ensure the property is only occupied by a person who fulfils the local needs criteria set out in Core Policy J.

**Highways** -

**Environmental Health Officer** -

**Advertisement Expiry Date** - 11 July 2013

### **Background**

Rockhaven is a substantial and attractive Edwardian style property set in extensive grounds lying to the north of Cloughton on Newlands Road. The site is situated approximately one mile from the centre of the village and has no immediate neighbours. The grounds at Rockhaven have been, in part, heavily landscaped to create a formal garden but a good mix of woodland and pasture still exist at the site. A belt of mature and dense woodland splits the formal garden (in front of the house) from the informal garden and pasture to the east.

In 2010, planning permission was granted at Committee for the erection of a double garage and stabling for two horses, together with associated tack and feed storage and first floor studio space for hobbies and crafts. Pre-application advice had been sought for that application and following Officer negotiations, the overall size was reduced and the balcony removed on account of its overly domestic character and appearance. The application as submitted originally included a large dormer on the east elevation and this was also negotiated out of the scheme before it was approved.

The Parish Council objected to that application on the basis that it was not close to the main house and the garage/studio element was considered to be excessive. They also expressed concerns that there would be a future application to convert the building into residential, office or holiday accommodation. The Parish's concerns appear to have come to fruition.

In addition to the host dwelling and newly built stable/garage building, there is also a two storey stone and slate building set immediately to the north-west of the house, which comprises garaging at ground floor and appears to contain residential accommodation at first floor.

The garage/stable development has now been completed and permission is now sought for the conversion of and alterations to the building to form residential annexe accommodation, set within its own curtilage and own separate access taken from an existing field gate and across a grass verge, at the southern end of the site, across the open paddock land.

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**Application No:** NYM/2013/0279/FL

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**Background (continued)**

In support of the application, the applicants' agent states that the stable element of the building is now redundant due to the owner's ill health and the applicants wish to pass the main dwelling onto their daughter and her family.

A pro-former letter of support has been prepared which comments that the scheme involves a now un-used existing structure and enables conversion to an individual property and will provide local housing and help address housing shortages. It goes on to state that Central Government has made it clear through 'Localism' that communities should decide what is appropriate in the locality and this development is appropriate. 19 copies have been sent in by the applicant's agent, signed by the following people:

Mr & Mrs North, 28 Ash Grove, Whitby  
M.H Said, Sandybed Lane, Scarborough  
Mrs J Gooch, 20 Lawrence Grove, Newby, Scarborough  
Anastasia Potter, Flat 8 Royal Crescent  
Gwendolin Campion, 11A Porrit Lane, Irton,  
Ann Coulson, 46 Cross Lane, Scarborough  
S Pollard, 8 Bielby Close, Scarborough  
Julie Fletcher, Reeds House, 90 Pasture Crescent, Heron's Reach, Filey  
F G White, Browside  
Pamela Venus, Whin Brow Cottage, Cloughton  
Archie Durakavic, The Flat, Rockhaven  
D Marsden, The Gate House  
P Hamilton, Applecart  
J Pullen, The Hermitage, Newlands Road  
S Oseland, Sycarham House  
Anne McGregory, 6 Rowan Fields, Crossgates, Scarborough  
Doreen Gridley, 21 Hackness Rd, Scarborough  
Angela Bridge, The Paddock, Hood Lane, Cloughton  
P Austin, 48 Holbeck Ave

A letter from the neighbouring property, stating no objection to the application has also been sent in by the applicant's agent from Brian Davidson, Brentwood, Newlands Road.

**Main Issues****Policy Context**

Rockhaven is located to the north of the village of Cloughton, but as it is well outside the main built up area, in policy terms is considered as open countryside. Core Policy J restricts new housing development in open countryside to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwellings or conversion of traditional rural buildings for residential letting for local needs.

Development Policy 19 says that proposals will be supported for annexe accommodation where the development is ancillary to the main dwelling in terms of its scale and specification, in the case of new build it is physically attached to the main dwelling and in all cases the annexe will remain under the control of the occupier of the main dwelling. The existing building is located in an isolated position away from the main house and the application plans show that access will not be shared with the main house but a separate access will be created further south. For these reasons the building is not considered to be a residential annexe but effectively a separate new dwelling.

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**Application No:** NYM/2013/0279/FL

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**Policy Context (continued)**

Development Policy 8 says that outside the settlements identified in the settlement hierarchy the conversion of traditional unlisted rural buildings for employment use, short term self catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy will be permitted where the building is of architectural and historic importance and makes a positive contribution to the landscape and character of the National Park. Planning permission for the building which the applicant is seeking to convert was granted in 2010 for garaging, stable block and a studio and has only recently been completed and therefore it is not considered to be a traditional building and so use for residential letting is contrary to Development Policy 8.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; and that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

Core Policy B of the Local Development Framework sets out the strategy to meet the needs of people in the National Park based upon improving the sustainability of local communities by improving and consolidating existing services and facilities and includes a settlement hierarchy of Local Service Centres, Service Villages, Local Service Villages, Other Villages and the Open Countryside. This Core Policy sets out that in the open countryside housing development will only be permitted if it is related to an essential need to live in the countryside, with the conversion of traditional buildings to support economic uses, and development to meet the needs of farming being one of the few exceptions where new development might be acceptable.

As the proposal is not to meet forestry, agricultural or other land management needs the principle of a new dwelling on this site is considered contrary to Core Policy J. Although the building is already in existence the creation of a new dwelling with the associated activity levels, paraphernalia and pressure for additional service buildings and domestic gardens in open countryside will undermine the spatial approach of the Core Strategy which seeks to locate new housing in sustainable locations rather than open countryside. The new dwelling will increase activity in a rural location and is therefore contrary to Core Policy B.

**The National Planning Policy Framework**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the Development Plan as the starting point for decision making other than in terms of five year land supply considerations. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Core Strategy and Development Policies document was adopted on 11 November 2008 under the provisions of the 2004 Act and is therefore up to date and should be the starting point for any decision making in the North York Moors National Park.

The Government's commitment to the protection of National Park's is clearly set out in the National Planning Policy Framework. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. This commitment has been publicly confirmed by the Prime Minister during the consultation on the draft National Planning Policy Framework and in the Authority's discussions with the Government's Chief Planning Officer during this time.

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**Application No:** NYM/2013/0279/FL

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The National Planning Policy Framework (continued)

Furthermore, the National Planning Policy Framework, in Footnote 9, also confirms that the Framework specifically indicates that development, including the 'presumption in favour of sustainable development' should be restricted within a National Park. It is clear that the National Planning Policy Framework expects a different approach to be taken in National Parks to both plan making and decision taking compared with other areas outside of designated National Parks.

**Material Considerations**

The original proposal for the building was for garaging, stabling and a studio, required to serve a substantial property with substantial grounds including paddocks. Consequently, it was considered reasonable when considering the previous application, that such size of ancillary building would be required to serve the needs of the host dwelling and its associated land despite local concerns a house was the ultimate aspiration. It is likely that even if the occupiers of the main dwelling change, the requirements for storage and possibly stabling will still remain. Consequently, if this space is converted to residential use it is likely that a further building will be required for garaging/stabling purposes, which may in turn have a negative impact on the character of this area.

**Personal Circumstances and Need**

The personal circumstances and health of the applicant's family are noted, however, these alone are not sufficient to set aside the strong policy objection in this case, especially given the proximity of the site to Cloughton where there may be alternative opportunities to meet their needs. Furthermore, there is a two storey brick building existing on site which is immediately adjacent the main house; the first floor of which has been converted at some time in the past into a residential flat which is used occasionally for short term lets or by friends and family during the summer months.

It is currently unoccupied. Either this existing accommodation could be used to provide annexe accommodation, or alternatively the ground floor garage space could be converted and incorporated into the existing accommodation to provide annexe accommodation. Such a proposal would be in accordance with adopted policy.

The applicants and applicant's agent have stated that this unit is neither suitable for permanent accommodation, nor is it intended, to be for permanent occupation. Therefore the case for the conversion requested under this application should not be affected. The applicants go on to state that it not attached in any way to Rockhaven and is independently accessed and they fail to see how their owning another property in the vicinity should affect this permission that they trust is going to be given. They state that there is no possibility of them living in that unit as it is too small and it is within approximately 2 yards of a very fast and noisy road, having bus and coaches reversing and turning around to the rear of the property every 30 mins as a minimum Monday to Saturday 7am to 7pm. It is therefore not a possibility for someone that is at home all the time.

However, it is considered that the existence of this building should be taken into account in the consideration of this proposal. As set out above, the current application is considered to be entirely contrary to policy and does also include a proposal for it to have its own independent access. Consequently, the fact that the adjacent building which is in the applicant's ownership also has a separate access is not relevant. Furthermore, in terms of the situation of the property adjacent to the main road which leads from Cloughton to Staintondale, there are innumerable houses across the country that abut a busy road, far busier than this one. This is not considered to be a reasonable argument against this building being suitable for use as permanent annexe accommodation. The property could be well insulated sound proofed and the internal layout set out so that sleeping accommodation and living room space be situated at the end of the building furthest away from the road.

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**Application No: NYM/2013/0279/FL**

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**Other Considerations**

When the Parish Council raised concerns regarding the original application, the applicant's agent responded to these comments and has stated:

- Its future use will and is expected to be enforced by robust conditions being placed on the approval, and is welcomed by our clients. The w.c. is to service the studio and stables and would normally be expected.

**Recommendation**

The proposal is considered to be contrary to the spatial strategy of the North York Moors National Park in particular with regard to Core Policies B, J and Development Policies 3, 8 and 19 and for these reasons refusal is recommended.

**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 concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.