

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: Harwood Dale

Application No. NYM/2016/0315/FL

Proposal: extensions and alterations to outbuilding to form residential annexe

Location: Burgate Farm, Harwood Dale

Decision Date: 10 August 2016

Consultations

Parish - No objection.

Amended Plans -

Highways - No objection.

Amended Plans - No objection.

Environmental Health Officer; Housing - No objection.

Amended Plans -

Environmental Health Officer; Environmental Regulation - No objection.

Amended Plans -

Environment Agency -

Site Notice Expiry Date - 22 July 2016.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.												
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>27 April 2016</td> </tr> <tr> <td>Proposed Plans and Elevations</td> <td>2016080502</td> <td>11 August 2016</td> </tr> <tr> <td>Proposed Plans and Sections</td> <td>2016030301</td> <td>11 August 2016</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location Plan	N/A	27 April 2016	Proposed Plans and Elevations	2016080502	11 August 2016	Proposed Plans and Sections	2016030301	11 August 2016
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Location Plan	N/A	27 April 2016												
Proposed Plans and Elevations	2016080502	11 August 2016												
Proposed Plans and Sections	2016030301	11 August 2016												
3.	WPDR01	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 C 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.	RSUO09	The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Burgate Farm and shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for members of the family of the occupier of the main dwelling.												

[Signature]
15th Nov. 2016

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5.	CDLB05A	This permission has been granted in accordance with the details specified in the survey prepared by Richard Agar Associates Limited received on 15 June 2016 . More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
6.	MATS04	All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
7.	MATS60	All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8.	MATS30	No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9.	MATS40	No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames 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 frames 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.
10.	MATS47	The external face of the frame to all new windows shall be set in a reveal of a minimum of 50mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11.	MATS56	The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
12.	MATS70	The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13.	MATS72	The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14.	MISC01	No work shall commence to clear the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any bats at the site have been submitted to and approved in writing by the Local Planning Authority. The programme shall include a survey of the buildings to determine the extent of any bat presence and a written scheme of mitigation measures. The work shall not be carried out otherwise than in accordance with the details so approved.

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Informative

1.	<p>MISC INF 01 - BATS</p> <p>All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>
2.	<p>The applicant's attention is drawn to Condition 3 of planning approval NYM4/026/0004E/PA which restricts the existing annexe attached to the farmhouse to occupation by members of the family or occupier of the main dwelling only. Any occupation by a farm worker or use as holiday accommodation will require a separate grant of permission from the Local Planning Authority.</p>

Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	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.	WDPR01	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.
4.	RSUO09	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.
5.	CDLB02	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 8.
6.	MATS01	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.
7 to 13.	MATS02	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.
14.	MISC02	In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.

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Background

Burgate Farm is a working dairy farm, located in a valley bottom approximately one kilometre east of Harwood Dale village. It is barely visible from the road and is accessed via single track lane which passes through two other farms/properties before terminating at Burgate Farm. The main farm comprises a traditional stone under slate farmhouse with a range of traditional stone under pantile agricultural buildings forming a courtyard with an extensive range of modern farm buildings (including milking parlour) beyond.

Planning permission has previously been granted (and implemented) for the conversion of a single storey range of traditional outbuildings attached to the main farmhouse to a family annexe. The bulk of other recent planning applications at the site relate to agricultural buildings and works.

This application seeks full planning permission for extensions and alterations to the westernmost outbuilding to allow its conversion to an additional unit of residential accommodation. As originally submitted, the application proposed a front extension to form conservatory, together with rear extensions (covering a gap between the building and existing timber stable building in the yard), to provide a utility area.


Amendments have been sought to provide a less intensive scheme and the amended plans show the omission of the conservatory together with a reduced number of rooflights and a revised window arrangement which makes better use of the existing openings.

Main Issues

The relevant policies of the NYM Core Strategy and Development Policies Document to consider with this application are Development Policy 8 (Conversion of unlisted Rural Buildings) and Core Policy J (Housing) together with the advice contained within Part 4 of the Authority's adopted Design Guide.

Core Policy CPJ of the Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages, as well as other measures including supporting the development of local needs housing within the main built up area of the local service villages and other villages, and restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 8 of the Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an 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, where the building is of architectural or historical importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas. In the case of long-term/permanent residential uses, the occupancy of the accommodation is restricted to a person satisfying the local needs criteria set out in Core Policy J and the tenure will be restricted to letting only and the unit will not be sold off separately from the main dwelling.



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Part 4 of the Authority's adopted Design Guide (The Re-use of Traditional Rural Buildings) identifies that the pattern of openings is a direct product of the historic function of the building and given that many buildings were used as a means of storage or shelter openings were generally kept to a minimum. Design guidelines recommend that the insertion of new openings in otherwise blank elevations (or where there is no evidence of previous openings) should be avoided.

The main issues are considered to be whether the proposed conversion is of a sensitive design and the proposed use is in accordance with the adopted planning policies.

Principal of Development

The conversion of traditional buildings for residential purposes is generally supported where the building is within an existing group, is of architectural or historical importance and is structurally sound. Significant extensions and alterations are resisted due to the harmful effect they often have on the character of the original building.

As originally submitted, the applicant's agent did not enter a description of the proposed works but the title of the drawings did allude to the proposal as being 'owners' accommodation'. At validation stage, the Authority sought clarification of the proposed tenure (i.e. annexe to the main farmhouse, agricultural occupancy, local occupancy, open market etc.). The applicant's agent explained that it was intended that the proposed conversion would become the main residence of the applicant's to allow their son and expectant daughter-in-law to move into the main house (they currently live in a one bedroom annexe adjacent to the farmhouse).

Furthermore, significant alterations and extensions were proposed including a domestic conservatory extension to the front elevation, flat roof rear extensions together with numerous rooflights and glazed panels. The cumulative effect of the proposed extensions resulted in an unsympathetic scheme, contrary to the above policy requirements and amendments were sought. The revised plans show the omission of the conservatory, reduced number of rooflights and reconfiguration of the proposed flat roof extensions to catslide-style roofs.

During the determination of the planning application it was apparent that the building concerned has been subject to significant alterations and it was not until the closing stages of the application that Officers found that the building had been raised and a two storey gable feature had been constructed without the benefit of planning permission. It was further found that the Authority had previously advised that these alterations would not be supported due to the unacceptable change to the appearance and character of the building.

The fact the building had been altered in such an insensitive manner jeopardised the consideration of the building as being a traditional building with architectural merit. A request was made to ascertain the exact extent of the previous alterations together with clarification regarding the tenure. On the basis the creation of an open market dwelling in this location is contrary to policy and the main farmhouse already benefits from an annexe, Officers suggested that the best description would be for an agricultural workers dwelling given the circumstances and position of the building within the working farmyard.

The applicant's agent provided a written statement advising that in 2008, major building works were undertaken on the building due to it being in poor condition. He confirmed the building had become completely unusable in 2008, hence the extensive structural works to bring it back into use as a farm building which it has served for the last eight years.



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(However, at the time of the Officer site visit, the exact function of the building was not clear on the basis the majority of openings were boarded up, some of which had been for some time). The applicant's agent also confirmed that it was the intention to use the existing annexe for another farm worker and that the applicant's did not want to change the title of the proposal on the basis a restriction to 'agricultural workers dwelling' would seriously limit future use.

In a final exchange of communication, Officers advised that the existing annexe is restricted by condition to use by members of the family or occupier of the main dwelling only. Therefore, an application for the variation or removal of that condition would be required to allow occupation by a farm worker. It is considered necessary to include this as an informative to be included on any approval issued.

The applicant's agent was advised that an application to create an open market dwelling in this location would be contrary to the provisions of Core Policy J and the application would therefore be recommended for refusal. However, under Development Policy 8 and Core Policy J, the conversion of the building to a residential annexe to the main dwelling or for long-term local needs letting would be acceptable.

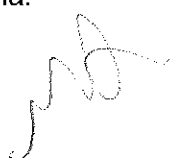
The applicant's agent has since provided written agreement that the applicant is content to amend the description to a residential annexe, tied in ownership to the holding. He has also written in support of the retention of the building, believing it to be of architectural importance due to its relationship with the rest of the yard. The applicant has advised that it is an example of the newer farms in Harwood Dale built in the late 1800s following the invention of modern tile drainage. They were built as estate farms with sandstone houses surrounded by stone courtyards; the application building forms the west component of the courtyard and on the basis this is one of only two remaining examples in Harwood Dale, they believe it is important to retain the building.

On balance, whilst the unauthorised works have undoubtedly changed the character of the building by introducing domestic features and proportions, its relationship and historical position in relation to the main farmhouse are desirable to maintain. Since the revision to its proposed use as a residential annexe rather than independent dwelling, the proposal is considered to be in broad compliance with Core Policy J and Development Policy 8.

Design and Materials

Where they are unavoidable, care should be given to the position, scale and proportions of new openings. Given the original functional use and simplicity of design, the insertion of six rooflights was considered excessive and given that the original roof was uncluttered, the number of new openings undermined the simple agricultural character of the building and the Authority's Design Guide acknowledges that a large number of rooflights can indicate the over-use of the internal space. The proposed conservatory was considered wholly unacceptable by reason of its size, design and position and officers sought its removal from the scheme. The final substantial amendment was to the design of the flat roof extensions at the rear, which now show catslide roofs.

In its amended form, Officers are satisfied that the proposed conversion is of a design which is compatible with the aforementioned policy criteria.



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In terms of annexe accommodation the proposal exceeds the typical specification and being a three bedroom unit with substantial living room, kitchen and dining room together with all ancillary facilities, the conversion would be tantamount to an independent unit of accommodation. However, the scale of accommodation is firstly dictated by the size of the host building, and in this case the original barn is of a substantial size. It will nevertheless be conditioned to remain part of the main dwelling, used as annexe accommodation only in accordance with the relevant planning policies.

Protected Species

An accompanying bat scoping survey has been submitted with the application which has been assessed by the Authority's Ecologist. Although the scoping survey was undertaken in April and carried a recommendation for a full emergence survey to be carried out during the summer months, a further survey has not been forthcoming during the determination process. The advice from the Ecologist is that a condition be added to any approval requiring an emergence survey to be submitted, prior to works commencing.

Summary and Recommendation

Confirmations of no objection has been received from the Parish Council, Highway Authority and Environmental Health Office. No other comments from third parties have been received. The amended proposal is considered to have satisfactorily addressed Officers earlier concerns in relation to design and tenure and therefore the revised plans are considered to be in accordance with Core Policy J and Development Policy 8 of the NYM Core Strategy and Development Policy Document. Approval is therefore recommended.

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.



