
Appeal Decision

Site visit made on 13 March 2017

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th March 2017



Appeal Ref: APP/W9500/W/16/3166289

Rock Haven, Newlands Road, Cloughton, Scarborough, North Yorkshire YO13 0AR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M & P Armstrong against the decision of North York Moors National Park.
 - The application Ref NYM/2016/0349/FL, dated 30 April 2016, was refused by notice dated 22 September 2016.
 - The development proposed is change of use of existing stables plus alterations to form 2 No holiday units.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing stables plus alterations to form 2 No holiday units at Rock Haven, Newlands Road, Cloughton, Scarborough, North Yorkshire YO13 0AR in accordance with the terms of the application, Ref NYM/2016/0349/FL, dated 30 April 2016, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matter

2. The Council has confirmed that the plans which it based its determination of the application on are: Drawing number 1446/10A site and location plans; drawing number 1446/18 ground floor plan as proposed-alternative scheme B; drawing number 1446/19 first floor plan as proposed-alternative scheme B; drawing Number 1446/20 elevations as proposed-alternative scheme B; and drawing number 1446/21 'south' elevation (shutters open and shutters closed) dated April 16 (date stamped 2 September 2016). The appellants have clarified that the latter plan should in fact refer to the east not the south elevation. The appellants have requested that the original plans also be considered. For the avoidance of doubt, I have considered the appeal on the basis of the revised plans referred to above. My reasoning for this approach is set out below.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building, the area and the National Park.
-

Reasons

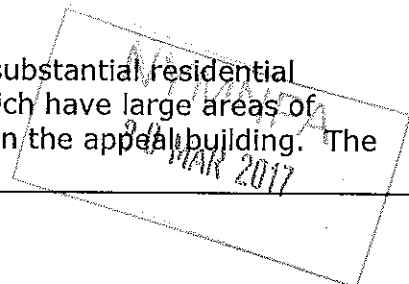
4. Rock Haven is a substantial traditional property set in extensive grounds lying to the north of Cloughton on Newlands Road. The proposal is to convert and externally alter a stable building that lies in the vicinity of the host property for use as two holiday cottages. The appeal building is currently divided into a double garage and stables with a studio above. The use is now redundant due to the ailing health of the appellants.
5. Planning permission was refused in 2013 for the conversion of the building to residential annexe accommodation, set within its own curtilage and with a separate access. The proposal was subsequently dismissed at appeal¹.
6. Development Policy 14 of the Council's Core Strategy and Development Policies (CSDP) 2008 states that the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable development. New tourism development and the expansion or diversification of existing tourism businesses will be supported where: the proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park or in a way that conserves and enhances the special qualities; the development can be satisfactorily access from the road network or by other sustainable modes of transport, including public transport, walking, cycling or horse riding; it will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents; and it will make use of an existing building.
7. The Council considers that the principle of the change of use to holiday accommodation is in accordance with Development Policy 14 due to its location in close proximity to a number of bridleways, footpaths and the Cinder Track as visitors would have opportunities to increase their awareness, understanding and enjoyment of the National Park. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
8. However, the Council considers that the proposal would not comply with Development Policy 3 of the CSDP which seeks to ensure that in order to maintain and enhance the distinctive character of the National Park development will be permitted where it meets a range of criteria.
9. The appeal site is situated approximately 1km north of the village of Cloughton, in the open countryside. The dwelling of Rock Haven has no immediate neighbours other than a detached residential annexe/flat located at first floor in the adjacent 2 storey garage building. There is loose ribbon development along Hood Lane to the north east and along Newlands Road to the south. The grounds at Rock Haven have been landscaped to create a formal garden in the immediate vicinity of the site. A belt of mature and dense woodland splits the formal garden from the informal pasture to the east. Rock Haven is a substantial and imposing building when viewed from Newlands Road.
10. The appeal building is situated to the south east of Rock Haven. The west elevation is very simple with timber boarding and no window openings, only a small roof light. The north elevation has no window openings and the south elevation has a large window below the eaves. The east elevation has timber

¹ Appeal reference: App/W9500/A/13/2204868

30 MAR 2017

garage doors and stable doors and small windows. A large triangular shaped window sits below the eaves and serves the studio. The appeal building is set at a slightly lower level than the host property and hence it is the roof which is mainly visible above the stone wall when viewed from the road. It is proposed to retain the existing footprint of the appeal building but to extend the existing canopied area over the stables and tack room with a glazed veranda area.

11. The road facing elevation would remain unchanged, other than the insertion of a small window at ground floor level. Although the appeal building would be slightly more visible as a consequence of lowering the front wall, the west elevation fronting the road would, nevertheless, retain its simple, ancillary appearance. The proposal would, therefore, have a limited effect on views from Newlands Road compared to the existing situation.
12. It is only proposed to insert a small window at ground floor level on the south elevation and thus views from properties on Newlands Road to the south would remain largely unaltered. Although the veranda extension would be visible from the north, it would be seen against the backdrop of the side wall to the existing garage. In any event public views of the north elevation are limited.
13. The west elevation of the appeal building overlooks open fields beyond which lies the Cinder Path, a well-used public right of way. The western elevation of the appeal building would be more significantly altered with the addition of an extension and an increased number of window openings. The Council considers that the extent of glazing proposed would have a detrimental effect on the simple character of the building. Due to its domestic appearance and likely levels of reflection it also considers that the proposal would have a detrimental effect on the character of the locality, particularly when viewed from the Cinder Track.
14. However, the application was amended during the consideration of the proposal. The full height glazing to the gable window has been reduced with the use of timber clad dwarf walling and the replacement of the large glazed canopy area with a smaller glazed extension compared to an earlier version of the scheme. In addition, it is proposed to include timber shutters for the glazed extension to help conceal the glazing when the building was not in use. I acknowledge that the shutters would only have a limited effect as they would not be closed when the building was occupied. Nevertheless, I consider that the revised scheme has significantly reduced the amount of glazing compared to the earlier scheme and consequently has a greater degree of synergy with the surrounding environment than the originally proposed scheme. I have, therefore, determined the appeal on the basis of the revised plans.
15. The Cinder Track has an indigenous, tall hedgerow running along its western edge which restricts views of the building for a significant proportion of its length. There were gaps in the hedgerow, however, where long-range views of the appeal building were apparent. I noted that the existing window below the eaves is not particularly prominent in long range views. Although there would be an increase in the amount of glazing at ground floor level, I do not consider that this would significantly alter the character of the building when seen in long range views from the footpath.
16. Furthermore, I noted that there are a number of substantial residential properties situated scattered along Hood Lane which have large areas of glazing and are situated closer to the footpath than the appeal building. The



- proposal to include additional glazing would not, therefore, be out of character with the surrounding area.
17. Concerns are also raised regarding the works required to improve the visibility for the access which would involve reducing the height of the front boundary wall which the Council considers would have a detrimental effect on the street scene. Whilst the existing wall defining the more formal garden of Rock Haven, is tall, I noted that there is a much smaller wall to the south which defines the boundary of the informal paddock area with the road. Residential properties to the south also have shorter walls. Consequently, I do not consider that a shorter wall would be inconsistent with the character of the surrounding area.
18. Taking into account the limited alterations to the south, west and north elevations; the reduction to the glazing on the east elevation; the limited, long range views of the proposal from the footpath; and the presence of other domestic properties I do not consider that the proposal would significantly alter the character and appearance of the area when compared to the existing building.
19. Attention is drawn to a previous appeal which was dismissed on the grounds that it sat uncomfortably with national guidance and would be likely to seriously harm the character and appearance of the local area. The previous proposal differs significantly to the current proposal in that the building was proposed for a new independent dwelling set within its own curtilage and with its own separate access. It is not, therefore, directly comparable to the current appeal proposal.
20. The proposal is located within the North York Moors National Park. The two purposes of the National Parks, as revised in the Environment Act 1995 (the Act), are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. When these objectives are in conflict, the 'Sandford Principle' confirms that greater weight should be given to the conservation of the landscape.
21. The proposal would promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public. I have also concluded that the proposal would not significantly alter the character and appearance of the area compared to the existing building. Consequently, I am satisfied that the proposal would not conflict with the statutory purposes of National Park designation.
22. Furthermore, the proposal would utilise an existing building, be accessed from an existing road network, would not detract from the experience of visitors or the quality of life of local residents and would provide opportunities for visitors to increase their awareness and understanding and enjoyment of the special qualities of the National Park in a manner which would not undermine the special qualities of the Park. Consequently, the proposal would not conflict with Development Policy 14 or Development Policy 3.
23. I note concerns that the building could be used for separate residential units in the future; however, I have attached a condition requiring that the development is not used for residential purposes and a further condition ensuring that the development remains part of the curtilage of the host property in order to address this matter.

24. For the reasons stated above, I conclude that the proposal would not harm the character or appearance of the host property or the area. Nor would it conflict with the purposes of the National Park. The proposal would not, therefore, be contrary to Development Policies 3 and 14 of the CSDP.

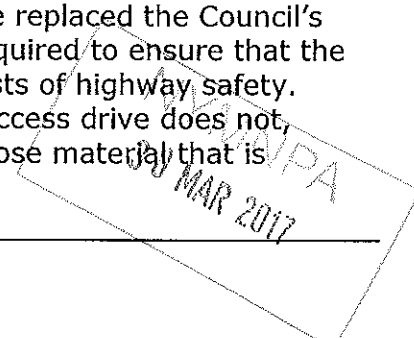
Other matters

25. Concerns have been raised regarding the intensified use of the existing access and highway safety. However, the appellant has proposed the removal of the existing gates and also the lowering of the wall in order to achieve the required visibility splay in accordance with the Local Highway Authority recommendations. I note that the Highways Authority state that the proposed amendments will improve the access to the property and that they are happy with the new layout. No concerns are raised by the Highways Authority or the Council regarding the ability to achieve those visibility splays on site. From everything which I have seen in submissions and on my site visit I have no reason to disagree.

26. Concerns have also been raised regarding the potential for light pollution arising from the windows of the proposal. However, given the presence of a number of properties along Newlands Road and Hood Lane, I do not consider that the proposal would have a significant effect compared to the existing properties.

Conditions

27. The Council has suggested conditions which I have imposed subject to amendments. In addition to the standard time limit (1) I have imposed a condition (2) specifying the relevant drawings as this provides certainty. I have amended the Council's suggested condition which seeks to ensure that the development is not used for residential purposes other than for holiday letting purposes in order to make sure that it is enforceable (3). This condition is necessary as residential development would not normally be allowed in this location in the context of national and development plan policy.
28. A condition (4) is necessary to ensure that the development remains part of the curtilage of the host property in order to ensure that it remains as a holiday let and in order to avoid any adverse effects to character and appearance arising from the creation of a separate curtilage.
29. Further conditions (5) (6) are imposed requiring details of external lighting and external paraphernalia to be submitted to and approved by the Local Planning Authority in the interests of character and appearance.
30. Conditions (7) (8) (9) require that all new stonework matches that of the existing building; that window frames, glazing bars, external doors and door frames shall be of timber construction; and that a minimum reveal of 20mm is provided in relation to the external glazing of the veranda extension. These conditions are required in the interests of character and appearance.
31. In light of the amended plan (1446/10A rev A) I have replaced the Council's suggested condition with a condition (10) which is required to ensure that the required visibility splay can be achieved in the interests of highway safety. Condition 11 requires that the final surfacing of the access drive does not, within 5 metres of the public highway, contain any loose material that is



capable of being dragged on to the highway also in the interests of highway safety.

32. A condition (12) is imposed requiring that a scheme of foul water drainage is submitted to and approved in writing by the Council in required to ensure satisfactory provision of foul water drainage for the development.
33. The Council has confirmed that in light of amended plan (1446/10A rev A) that the suggested conditions relating to visibility splays and details of the access, turning and parking are no longer necessary as these matters would be addressed under condition 10.

Conclusion

34. For the reasons stated and taking all other considerations into account the appeal is allowed subject to the conditions set out in the attached schedule.

Caroline Mulloy

Inspector



Schedule

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1446/10A site and location plans; Drawing number 1446/18 Ground floor plan as proposed-alternative scheme B; drawing number 1446/19 first floor plan as proposed-alternative scheme B; Drawing number 1446/20 elevations as proposed-alternative scheme B; drawing number 1446/21 south elevation as proposed-revised scheme.
- 3) The development hereby approved shall not be used for residential purposes other than for holiday letting purposes. The development shall not be occupied as a person's sole or main place of residence and shall not be let to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year. The owners/operators shall maintain an up-to-date register of the names (and addresses) of all occupiers of the development and shall make this information available at all reasonable times.
- 4) The development hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Rock Haven 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 3.
- 5) No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 6) No external paraphernalia shall be installed in the development hereby permitted until details of paraphernalia have been submitted to and approved in writing by the Local Planning Authority. The external paraphernalia shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 7) All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the local planning authority.
- 8) 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.
- 9) The external face of the glazing in the veranda extension shall be set back in a reveal of a minimum of 20mm from the front face of the adjacent window/door frame and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

30 MAR 2017

- 10) Before the use hereby approved is brought into use, the access gates should be removed and the wall either side of the access be reduced in accordance with the submitted details and thereafter so maintained.
- 11) The final surfacing of the private access hereby permitted shall not, within 5 metres of the public highway, contain any loose material that is capable of being drawn onto the existing public highway and the development shall not be brought into use until the access has been surfaced in accordance with these details. The access surface shall be maintained in that condition in perpetuity.
- 12) No work shall commence to clear the site in preparation for the development hereby permitted until a scheme for draining foul water from the development has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the treatment plant has been installed and is operational in accordance with the approved details.

NYMNP
30 MAR 2017