

## North York Moors National Park Authority

<b>Scarborough Borough Council (South)</b> <b>Parish: Cloughton</b>	<b>App No. NYM/2016/0349/FL</b>
<b>Proposal: conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works</b>	
<b>Location: Rock Haven, Newlands Road, Cloughton</b>	
<b>Applicant: M &amp; P Armstrong, Rock Haven, Newlands Road, Cloughton, Scarborough, North Yorkshire, YO13 0AR</b>	
<b>Agent: Alan Campbell Architects, 7 Cliff Bridge Terrace, Scarborough, YO11 2HA</b>	
<b>Date for Decision: 07 July 2016</b>	<b>Grid Ref: SE 501123 495315</b>

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations
3. RSU011 Use as Holiday Accommodation Only - Outside Villages
4. RSU014 Holiday Unit Not Sold or Leased Separately - Outside Villages
5. GACS07 External Lighting - Submit Details
6. GAC00 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. MATS03 Stonework to Match
8. MATS60 Windows and Doors - Timber
9. MATS00 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.
10. HWAY00 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. DRGE12 Foul Drainage to Private Treatment Plant
12. HWAY07 Private Access/Verge Crossings: Construction Requirements
13. HWAY10 Visibility Splays
14. HWAY14 Details of the Access, Turning And Parking (Amended)

#### Informatives

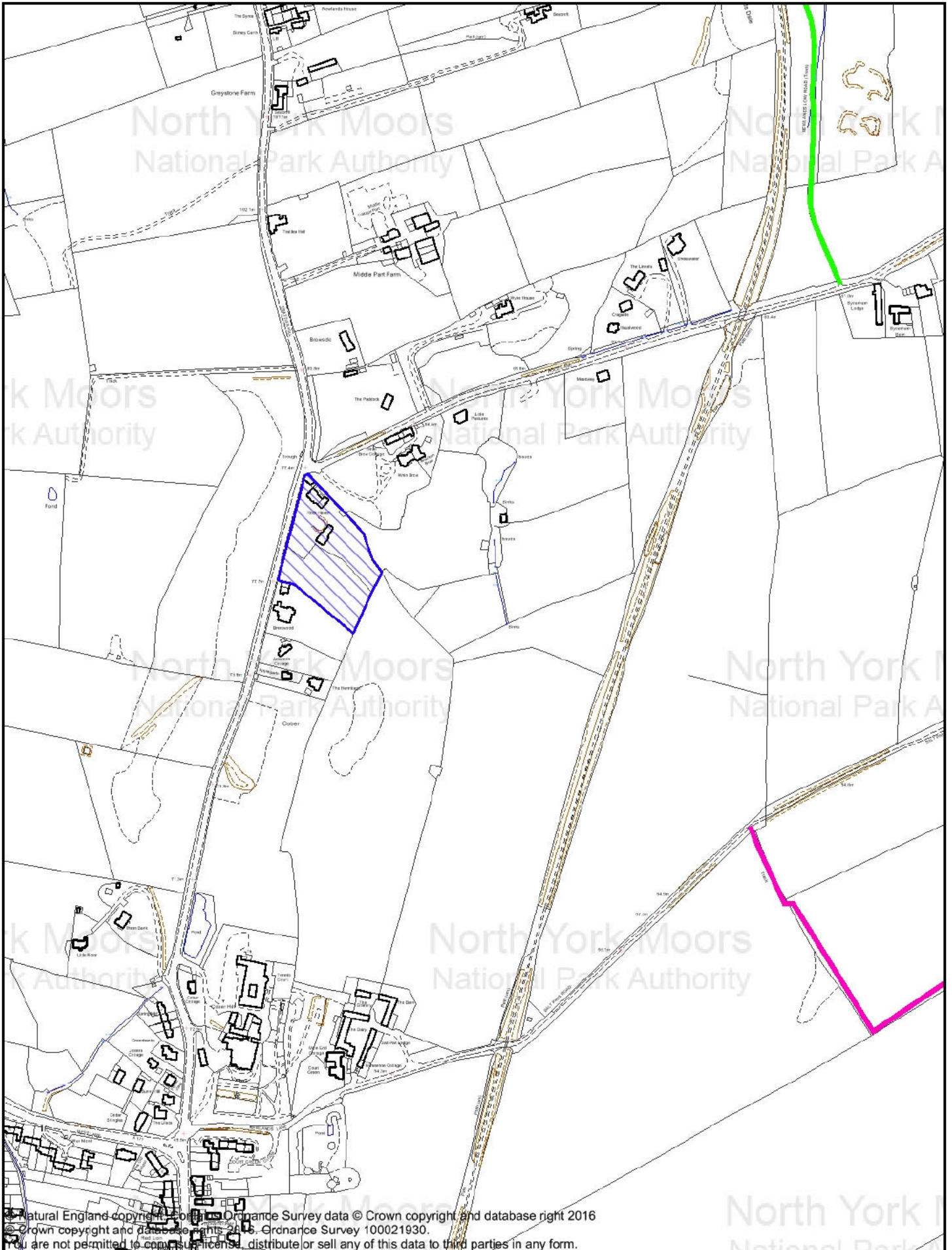
1. MISCINF01 Bats



North York Moors National Park  
 Authority  
 The Old Vicarage  
 Bondgate  
 Helmsley YO62 5BP  
 01439 772700

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Scale: 1:5000





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Informatives continued

2. MISCINF00 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. MISCINF00 The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

### Consultations

**Parish** – Object - Clearly the Parish Councils concerns that the original intention was to use this building for residential purposes were valid. The building is already highly visible from the Cinder Track and the addition of yet more glass will only serve to further this.

Do not understand why the applicants consider that the noise from holiday cottages wouldn't be a problem in such close proximity to their house, but that the use as stables by others would be problematic. Vehicle movements will all go past the main house in order to reach the only highway access and traffic will increase considerably.

**Highways** – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

As Rock Haven is outside the speed restriction for Cloughton village the design standard for the required visibility splay is 160metres by 2.0metres. There is an existing access to the main property whose available visibility to the north does not meet the current requirements falling some 40m short. Visibility to the south exceeds the required standard. Given that the current proposal is to convert the stable building into two holiday cottage properties which will intensify the use of this sub-standard access, the Highway Authority would therefore require modification to the existing access to improve the existing visibility. This would involve the lowering or setting back of the current gates and the wall to either side allowing vehicles to see and be seen when looking north. Setting the gates back from the highway boundary would also allow vehicles to pull off the carriageway whilst the gates are opened, improving the safety of all highway users.

**Environmental Health** - No objections

**Site Notice Expiry Date** - 14 June 2016

**Others** –

**Dr J A Brace, Whin Brow, Hood Lane, Cloughton** – Object. This building was built in 2010 following grant of permission for stables. The Parish Council objected at that time on many grounds. A further application was refused in 2013 to convert it into a residential annex and the Parish Council again objected. Those objections raised are still applicable. The proposal is contrary to Development Policy 8 as the building is not of architectural or historic importance and it is contrary to Core Policy J as the building is outside the built up limits of a village.

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Others continued

In terms of the local environment, the application forms give no details about the current capacity of the existing system or whether it has been enlarged or updated. If it has not been updated, it may not have the capacity to handle the effluent and will discharge foul water into the surrounding water courses.

In terms of traffic, the road is very fast and buses and coaches turn regularly. The entrance to Rock Haven is hidden by the brow of the hill and this is made worse by the gates being closed, so cars have to stop in the road to open them. Also, at the junction with Hood Lane, the footpath changes from east side to west side so pedestrians have to cross further exacerbating the traffic hazard. Inadequate parking is also proposed. If approved these traffic hazards will be exacerbated.

**Dr J A Brace, Whin Brow, Hood Lane, Cloughton** – Additional comments - The previous application was refused by the Planning Committee on the basis that there may be a long term need for this ancillary building to serve the host dwelling, and consequently, if converted there may be further demand for further buildings. The proposal was then dismissed at appeal because the Inspector considered that the proposed residential use would lead to increased pressure for structures, enclosures and domestic paraphernalia which would have a detrimental visual impact on the landscape. This would be worse with two dwellings proposed.

The Highway Authority have been critical regarding the intensification of the use and their proposed conditions are onerous and there are also concerns about adequate off-road parking. Visibility to the north is poor and there is already on-street parking sat the corner of Hood Lane.

The neighbours and the Parish Council object to the application and expressed concerns with the original application that there would be future applications to convert the stables into living accommodation.

Holiday cottages in this area tend to be occupied for 11 months of the year not just the summer season so in effect there will be two dwellings rather than the one rejected on 2013. Whilst the Authority may be considered about the cost of defending an appeal, it would be gross dereliction of duty to approve the application for that reason.

I am confident that the Authority Members will reject this application as this would be inconsistent, controversial and open to challenge.

**Rosemary March, The Haycorns, Stillington Road, Sutton on the Forest** – Object. The building is very recently constructed and does not show any features which link it to the landscape, and the large amounts of glazed frontage proposed does not match the main house which is Victorian. This development will also be viewed by many walkers who use the Old Railway Line and will therefore spoil the countryside vista,

The original permission was for stables and storage and the 2013 refusal reinforced that it should not be used for domestic/holiday use.

Also have concerns about highway safety as many accidents have happened at this point, including two fatalities. The gateway to Rock Haven is blind and the solid gates restrict views further.

**Julia Read, Bracken Brae, Hood Lane, Cloughton** – Highway safety is an issue. I frequently walk past with my husband who is in a wheelchair, and often have to bypass the

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Others continued

pavement when walking by as cars are blocking it in front of the gates and often I can't get back onto the footpath until several hundred yards further down the road on the brow of the hill. The other side of the road is too dangerous. This is the only walk from my house where I can push my husband to the Cober Hill duck pond as everywhere else is too hilly.

**Ronald & Joan Greenfield, Little Pastures, Hood Lane** – Object. This is nothing but a ploy to get an extra dwelling in this beautiful part of the National Park. If permission is granted then a precedent will be set for anyone else wishing to get around the planning laws.

**Mr & Mrs Bleasdale, Trattles Hall, Newlands Lane, Cloughton** – Object as it is doubtful that the entrance/exit is adequate, due to the 60mph speed limit, high wall and access gates. and proximity to Hood Lane junction.

### **Background**

Rock Haven 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 Rock Haven 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 garage/stable development has now been completed.

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.

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 contains residential accommodation at first floor.

Planning permission was sought in 2013 for the conversion of the building to 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 open paddock land. This application was refused on the basis that it was contrary to Development Policy 19, Development Policy 8, Development Policy 3 and Core Policy J, because the proposed annexe would be created through the conversion of a new building along with the creation of a separate domestic curtilage and new vehicular access across an open field, resulting in a harmful and urbanising form of development, and effectively comprising a new independent dwelling. Also because the engineering works required enabling the proposed new access to meet highway safety standards would have a significant impact on the rural character of the locality.

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## Background continued

Following the refusal of this application the proposal was subsequently dismissed at appeal, for the reasons that the application was originally refused.

Permission is now sought to convert the garage and stables into two holiday units. It is proposed to retain the existing footprint but to extend the existing canopied area over the stables and tack room with a glazed veranda area.

The road facing elevation would remain unchanged, other than the insertion of a small window at ground floor and a ground floor window on the south facing gable end.

In terms of accommodation it is proposed to create two bedrooms, kitchen and dining room with studio/living area above in the existing garage/studio part of the building and to provide one bedroom and living/kitchen area with second bedroom above in the stable area.

The applicants agent has written in response to the objections received and makes the following comments:

- The access – the existing wall and gate are attractive features and need to be maintained and it is proposed to fit automatic controls so that they can be opened with a remote control thus avoiding vehicles parking on the main road. We are not aware of any accidents directly related to the access and feel that the gates themselves and any emerging vehicles are fairly prominent. Following the deferral in July, the owners have agreed to remove the gate and reduce the wall either side of the access of 900mm for a distance 15 metres to the south and to the existing building to the north. There is space to manoeuvre vehicles to go out forward and visitors tend to the more cautious exiting sites than locals.
- Environmental Health - We would comply with the normal highways regulations about the protection of the highway from mud and debris being tracked on to the main road and are happy to agree to the restrictions on working hours as proposed.
- Parish Council comments - We are dismayed and a bit concerned that the Parish Council should, once again, suggest that there were ulterior motives in the original planning application for stables. This objection was, apparently, initially provoked by the inclusion of a WC in the garage, which was entirely reasonable as the stables are at some distance from the main house. The building was originally built to a high standard as stables with the garage big enough for a horsebox as both Mr and Mrs Armstrong were extremely keen horse riders. The unfortunate fact that both of them were prevented by illness in taking part in their favourite activity should, in fact, be a matter for sympathy, not for the casting of aspersions. The suggestion that anyone would go to such extremes to then have to seek ways of making use of the buildings must be refuted.

Under the circumstances I think it is perfectly understandable that the owners don't want an outside party using the stables when they can't. Regarding the appearance, we feel that the use of glass on the frontage is a way of retaining the overall appearance of the original buildings behind a transparent frontage.

From the point of view of traffic the occasional passing of a holiday visitor's car will be less intrusive than the more intensive activity that one would expect for a commercial stables operation.

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Background continued

- In terms of design, have removed a substantial amount of glazing but feel the footprint should be retained to create '5 star' levels of accommodation.

This application was deferred by Members at July's Planning Committee as Members considered the proposed design of the conversion was unacceptable. Officers have subsequently requested amended plans to seek improvements, specifically to ensure the building can be converted without the need for any extension and in a way that reflects more appropriately the existing character of the building and its previous use. It has also been requested that the amount of the proposed glazing be reduced to reduce the visual impact of the proposed changes to the building on the wider landscape.

Revised plans have been received which reduce the amount of glazing to the elevational treatment, and also proposes shutters over the glazing in the existing stable part of the building. The veranda extension has not been omitted, but has been reduced slightly in footprint.

### **Main Issues**

#### **Policy Context**

Rock Haven 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.

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; that the scale, height, massing and design are compatible with surrounding buildings; that the standards of design are high; 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.

Development Policy 8 says that outside the settlements identified in the settlement hierarchy the conversion of traditional unlisted rural buildings for short term self-catering holiday accommodation 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.

Development Policy 14 seeks to ensure that new tourism development will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; and where it will make use of existing buildings. New buildings are expected to demonstrate why the facility cannot be accommodated in the existing building.

#### **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 original application, that such size of ancillary building would be required to serve the needs of the host dwelling and its associated land.



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**Main Issues continued**

The subsequent application was to convert the building into a residential annexe and consequently this was considered under Development Policy 8, Development Policy 19 and Core Policy J of the NYM Local Development Plan and was considered to be unacceptable.

This current application seeks consent for holiday form of residential accommodation development associated with fostering the rural economy in the form of accommodation and hence Development Policy 19 and Core Policy J are not relevant policies, instead the proposal needs to be considered under Development Policy 3 and 14.

Development Policy 14 allows the re-use of existing buildings, without the requirement for them to be buildings of historical merit. This proposal is considered to meet all the requirements of Development Policy 14, as it is situated close to a number of bridleways, footpaths and the Cinder Track and therefore in a location where visitors have opportunities to increase their awareness, understanding and enjoyment of the special qualities of the National Park.

It is not considered that the levels of activity generated by this use would have a detrimental impact on the amenities of nearby residents compared to existing ancillary levels of use and separation distances to neighbours.

**Impact of Physical Alterations**

There are considered to be significant differences with this proposal to the previous residential refusal. No new access is proposed which was previously considered to have a significant detrimental impact on the character of the locality as it would have cut across open paddock land. Also no separate domestic curtilage is proposed.

The proposed extension is light weight and infills an existing canopied area without significantly altering the size or scale of the building. Whilst not a historical building, it is considered to be a building of good quality materials and design which does not detract from the character of the locality and is therefore in accordance with Development Policy 3. Some Members will recall the proposed conversion of a timber workshop at Orchard Farm, Goathland in 2013 to holiday letting accommodation which the Authority resisted but was subsequently allowed on appeal. In that case the Inspector found that retaining the building with a new use would not be visually harmful and the holiday use would not be likely to be so continuous or intensive to be harmful to the amenities of neighbours.

**Management Plan**

The proposed development helps to meet the National Park Management Plan target set out in Policy B3 & B4 which seek to promote overnight tourism and the variety and quality of accommodation, in and around the National Park.

**Conclusion**

Whilst the applicants have not reduced the floor area by omitting the front extension, the glazing has been reduced and Officers still consider the proposal to be in accordance with Development Policies 3 and 14 of the North York Moors Local Development Plan and approval is recommended.

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**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 confirmed to the applicant/agent that the development is likely to maintain the economic, social and environmental conditions of the area.