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Your Ref:

Our Ref:

T/APP/W9500/A/96/269529/P8

Date:

5 NOV 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR P SPINDLER
APPLICATION NO: NYM4/029/0377B/PA

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the North Yorkshire Moors National Park Committee to refuse planning permission in respect of an application for the change of use and partial rebuild of redundant agricultural buildings to form three holiday cottages in association with Stoupe Farm on land at Stoupe Brow Farm, Stoupe Bank, Ravenscar, Scarborough. I have considered the written representations made by you and by the National Park Committee and also those made by interested persons. I have also considered those representations made directly to the National Park Committee which have been forwarded to me.

2. From my inspection of the site and its surroundings on 14 October 1996 and from my examination of the written representations I consider that there are 2 main issues for me to determine in this appeal. The first is the effect of the proposed conversions on the character and appearance of the area, having regard to its location within the North York Moors National Park; and the second is the adequacy of the access arrangements to serve the development.

3. The statutory development plan consists of the North Yorkshire County Structure Plan (1990) and the North York Moors Local Plan (1992) [NYMLP]. In line with national advice both contain general policies which give priority to the conservation of the landscape in the National Park. The NYMLP has specific policies governing the provision of both new housing in the countryside (H5) and new chalets or holiday flats (TR1 and TR9). There are also policies setting out the approach to the conversion of redundant non-residential buildings to a permanent or seasonal residential use (BC12).

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and for the conversion of redundant buildings to self-catering tourist accommodation (TR10).

4. In addition, my attention has been drawn to the relevant sections of Planning Policy Guidance (PPG) No 7 : The Countryside and the Rural Economy, and particularly to Annex D dealing with the re-use and adaptation of rural buildings.

5. Stoupe Brow Farm lies in an area of open pasture land between the coastline of low sea cliffs to the east and steeply rising moorland to the west. The Cleveland Way runs through this stretch of Heritage Coast. The property is no longer a working farm and the farmhouse, enlarged by the conversion of an attached barn some 4 years ago, is occupied by your client on a holiday/weekend basis. The 3 barns the subject of this appeal stand as a group a short distance to the south of the farmhouse and have not been used for agricultural purposes for some considerable time. The legal access to the property is via a steep, predominantly unsurfaced access track to a narrow, unclassified public highway (WY404R). At present this track is not in a usable condition for vehicular traffic, and access is gained along a disused railway track which also links to the WY404R.

6. You contend that the scheme is in accord with national guidance in PPG 7 since the project will restore the character of the original buildings with minimal new openings and, taking the package as a whole, the buildings are not so derelict as to require complete or substantial reconstruction. Thus, you argue that policies relating to new development are not relevant to this appeal, while policy BC12 on building conversions is out of step with national guidance as it requires buildings to be of architectural or historic interest to qualify for conversion. Additionally, you strongly emphasise that restoration of rural buildings even if they involve some rebuild is a better option, both visually and economically, than underuse and increasing dereliction.

7. Although policy BC12 in parts does not follow the advice in PPG 7, I note that the NYMLP was adopted several months after the publication of PPG 7 in January 1992. But, in any event, I do not consider those discrepancies to be a crucial issue in this case since the scheme does not meet some of the other criteria in that policy. The project is not located in a hamlet or other compact group of buildings where one of them is in permanent residential use, while it is proposed to create 3 dwellings rather than the one or two which would normally be permitted under criterion (3) of the policy. But, more importantly, from what I saw and from my assessment of the Structural Engineer's report, I do not agree with your overall conclusion about the condition of the buildings.

8. The barn referred to as Cottage No 1 has only a gable wall, a side wall and one dividing wall still standing and you accept that this will require substantial rebuilding. But, I consider this is also true of Barn C (Cottage 2): the

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engineer's report indicates that its roof would have to be replaced, at least two thirds of the front elevation would have to be rebuilt as well as the upper part of one gable, and the top courses of stone over a door opening would also require rebuilding. The third barn is in sound condition since it was rebuilt without planning permission some years ago. That reconstruction involved some heightening of the barn and the submitted plans show that only minor building works, such as the replacement of blockwork by natural stone, would be undertaken. While I accept that there are clearly elements of building retention and repair in the scheme, the engineer's report concluded that 'the units have suffered from past dereliction and neglect and a lot of rebuilding work is considered necessary' and, looking at the group as a whole, I have formed the opinion that substantial reconstruction would be involved. Thus, I find that the project does not fall within the scope of policy BC12, and so also does not accord with policy TR10 of the adopted Local Plan. Nor, in my judgment, does it fall within the scope of the advice of Annex D in PPG 7.

9. In the light of my conclusions in the previous paragraph it seems to me that overall the scheme is tantamount to new development and should be judged against the appropriate policies in the development plan. There is no doubt in my mind that on the facts of this case the project would contravene those policies (H5 and TR9). While you argue that visually the countryside would benefit from the restoration of these buildings, it seems to me that the use of this group of barns as holiday cottages, standing distinctly apart from the former farmhouse, would significantly increase the extent of residential activity in this attractive part of the National Park. Although the 2 small patio areas are contained within the existing footprint of the barns, their use would be clearly domestic while the parking of cars, albeit informally, would also be detrimental to the character and appearance of the rural landscape in my opinion. Despite the presence of some trees the site is clearly visible from both the Cleveland Way and Ravenscar and these adverse changes would be noticeable to people visiting the area.

10. I accept that the farm building linked to the farmhouse was also in a somewhat similar condition to Barn C in the appeal scheme prior to its renovation, but that single small building adjoined the farmhouse and its conversion was to extend that existing residential accommodation. Thus, in my view that scheme is not comparable to the appeal proposal. You also refer to an improvement project at a National Trust property in the locality. However, from the submitted photograph that farmstead comprises a much more closely knit cluster of buildings than the appeal scheme where the barns stand clearly separate from the former farmhouse.

11. In arriving at my conclusion on this first issue I have borne in mind your contention that in a National Park restoration in visual terms is better than continuing

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dereliction. However, the restored barn (A) was presumably rebuilt and repaired to provide additional storage space for the former farmhouse and it would continue to provide such facilities. For the other 2 structures there remains the option of demolishing them. However I accept that a more likely scenario is that they would remain unused and continue to become more derelict but, while this weighs in the scheme's favour, it is not so compelling as to persuade me that permission should be granted in this case.

12. To conclude then on this first issue, after careful consideration I am in no doubt that the proposed conversions would have a materially harmful effect on the character and appearance of this tranquil and attractive area of Heritage Coast in the North York Moors National Park and be contrary to the relevant statutory development plan policies.

13. Turning to the second issue, you accept that it must be judged on the basis of the lawful access which your client would be prepared to improve and use. However, the highway authority are concerned that the width and gradients of roads leading to the proposed holiday cottages are too narrow and steep to cater for the additional traffic. In addition, it contends that the junction of the track and the WY404R has inadequate width and radius to accommodate this increased traffic without detriment to the safety and convenience of the existing users of the county road.

14. I saw that the access track and the unclassified road were both very narrow, while much of the access track's gradient was about 1 in 4. However, this is, as you point out, the legal access for the property and when it was a working farm it would generate more traffic, including some cumbersome agricultural vehicles, than the present holiday use of the farmhouse. You accept that the 3 conversions would mainly be used by car owners. As the proposed cottages would only have 1 bedroom each I consider it unlikely that there would be more than one car per cottage with each let. Although the highway authority have made some allowance for holiday lets in their calculation of average vehicular movements per day, I consider that their figure of 6 movements per day would tend to be a maximum rather than an average figure. Despite this, the combined usage from the farmhouse and the appeal proposal would in my judgment still constitute some intensification of traffic using these roads compared with that generated by the former farm. But the effect of this intensification is mitigated by the fact that the cottages would probably not be successfully let all year round.

15. In judging the impact of this extra traffic, I saw that the WY404R, although narrow and with steep gradients in places, was very lightly trafficked while the actual junction of the appeal access with this county road was tarmacked and had a width of some 10 m narrowing to 3 m over the first 15 m of the track. In the light of these factors I do not consider

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that the relatively small increase in the actual number of vehicles using the junction and the single lane county highway would materially increase the risk of accidents to other road users.

16. As regards the private access track, I note that your client would accept conditions requiring improvements to the surface and drainage of the existing track. As it is very narrow and steep there would be some inconvenience to users if 2 vehicles travelling in opposite directions should meet although, given the likely pattern of movements generated by holiday cottages, I do not consider that this would happen very often. Indeed, in my opinion some of the tourists renting the barns might prefer to use the disused railway track for access, although this would be a slightly longer route. I note the opposition of the district and parish councils to such use since the track is popular with walkers and horseriders. But, I understand that the disused railway track is owned by the district council so it could take steps to prevent the track's use by motor vehicles. After careful consideration, and while recognising that the proposed access arrangements are not ideal, in the circumstances of this case I have come to the conclusion that they are adequate to cater for the additional traffic likely to be generated by the appeal proposals, and would not materially add to the risk of accidents on the roads leading to the appeal site. However, my favourable finding on this matter does not outweigh my conclusions on the first issue which are decisive.

17. I have taken into account all other matters raised in the written representations, including the arguments on precedent and the views expressed by the National Trust, but none of them are so compelling as to alter the balance of my conclusions on the main issues.

18. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

J. D. Peart

J D PEART BA(Hons) BEd MPhil MRTPI
Inspector

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