



The Planning Inspectorate

14

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Mrs A Harrison
N Yorks Moors N P Authority
The National Park Officer
The Old Vicarage
Bondgate
Helmsley
YORK, YO6 5BP

Your Ref:
NYM4/033/0204C/LA

Our Ref:
APP/W9500/E/00/1038183

19 July 2000

Dear Madam

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEAL BY MR & MRS J B MCNEIL
SITE AT LONG LEASE FARM, HAWSKER LANE, HAWSKER, WHITBY, N
YORKSHIRE, YO22 4LA**

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

The Complaints Officer
The Planning Inspectorate
Room 14/04
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Phone No. 0117 987 8927

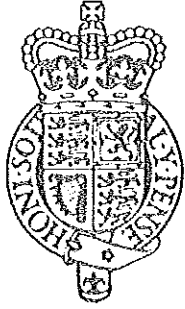
Fax No. 0117 987 6219.

Yours faithfully

R S L y h

Y.P. Mr T Mather
211B

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Rec'd	20 JUL 2000
AKS	
Asd	



Appeal Decision

Inquiry held on 13 June 2000

by **Ken Barton** BArch DipTP ARIBA MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
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Date 14 JUL 2000

Appeal Ref: APP/W9500/E/00/1038183

Long Lease Farm, Hawsker Lane, Hawsker, Whitby, North Yorkshire

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr & Mrs J B McNeil against the decision of North York Moors National Park Authority.
- The application (ref:NYM4/033/0204C/LB), dated 20 October 1999, was refused by the Authority by notice dated 13 December 1999.
- The works proposed are the removal of an existing staircase and erection of a spiral staircase.

Summary of Decision: The appeal is dismissed.

Procedural Matters

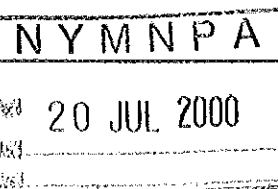
1. The full description of proposed works as indicated on the application form were for the:-
"Removal of existing staircase, and construction and erection of proposed spiral staircase, using existing materials where possible, with new materials profiled to match. Risers and goings to be dimensions as in original structure. Natural crank of staircase to be reversed. Staircase and surrounding joinery to be paint finished as existing, and to incorporate an outward opening plank finished door at ground floor level as indicated. - All as proposal Drawings of 18 August 1999."

Main Issues

2. I consider the main issue in determining the appeal in the light of relevant policy guidance is the likely effect of the proposals on the special architectural or historic interest of the listed building.

Planning Policy

3. Long Lease Farmhouse together with attached outbuildings is listed in Grade II. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant consent for works to a listed building special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. Provisions of the development plan referred to by the National Park Authority reflect this statutory requirement, the relevant provisions being Structure Plan Policy E4 and adopted Local Plan Policy BC7. These policies also reflect national planning policy guidance as set out in PPG15 and accord with the purposes of designation of the National Park, which includes conservation and enhancement of the cultural heritage. The deposit draft Local Plan has similar provisions.



Reasons

5. It was explained at the inquiry that when the Appellants purchased Long Lease Farm in 1996 it was in a somewhat neglected state and they commenced work to rectify defects and install modern amenities without first obtaining listed building consent that was required for some of the works. Works carried out without prior authorisation included the removal of a boxed winder staircase, which rose inside the front wall of the dwelling, and its replacement by the currently existing straight flight staircase, which rises alongside an internal wall set at right angles to the front wall. The new owners were prosecuted for carrying out works without consent. An application for approval was refused, enforcement action was taken and appeals against the refusal of listed building consent and the enforcement action, to the extent that it concerns the staircase as currently installed, were dismissed.
6. Since the previous decisions, a sketch plan has been identified in the records of the District Valuer showing a straight flight staircase within the dwelling rising up alongside the front wall. The Appellants argued that this indicated that the boxed winder staircase had been installed at a comparatively recent date, perhaps having been moved from some other part of the building group or from an entirely different building. The National Park Authority disputed this, pointing out that there could be other explanations for the sketch plan, such as an indication of possible alterations that were never implemented. Having regard to the nature of the sketch plan and the other relevant matters that were drawn to my attention, including features within the fabric of the building, I take the same view as the Authority. Parts of the boxed winder staircase which are currently in storage indicate that the staircase was of considerable age and, taking account of the evidence given at the inquiry regarding its characteristics and condition, the likelihood is in my opinion that it had been installed in the appeal building, in the position it occupied at the time of acquisition by the Appellants, for very many years.
7. In any event, whatever the date of its provision, specific reference is made to the boxed winder stair in the listing description and I consider it would have made a significant contribution to the character of the farmhouse as it was prior to the recent unauthorised works. I agree with the National Park Authority and the 2 previous Inspectors and consider that removal of the boxed winder staircase and installation of the existing straight flight staircase, together with the associated works to partitions and openings, has been very detrimental to the fabric, character and special interest of the listed building. From the evidence I am not convinced that this was justified by the condition of the boxed winder staircase or by the need to install modern amenities, which I consider could have been satisfactorily achieved in a less harmful manner.
8. The Appellants now accept that the straight flight staircase should not have been installed without prior consent and seek to rectify the situation. They maintain that the replacement staircase now proposed would be only slightly different to the former boxed winder staircase. It seems to me, however, that there would be significant differences. Apart from the reversed crank of the staircase and other features of the design, it would be placed in the same position as the current straight flight stair, which is very different to that of the former boxed winder staircase. Within the spaces that have now been created I consider the proposed staircase would seem very uncomfortable and out of place. This would be the case especially within the enlarged hallway at ground floor level, in my opinion, but also at first floor level where I consider the alterations to the partitioning around the bathroom and the relationship of this to the head of the stair would be seen as awkward and contrived.

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As'd	

9. Whilst some of the older fabric would be brought back into use and additional features such as butterfly hinges might be included, I consider the overall effect would be detrimental to the character and special architectural and historic interest of the listed building. As well as having damaging consequences for the fabric and character of the building when assessed against the situation that existed when the Appellants acquired the property, I also consider the proposal would be unsatisfactory when assessed against the current unauthorised situation.
10. I can understand the Appellants' wish to improve living conditions within the former farmhouse, but as I have indicated I consider this could be achieved with less harm to the character of the building than has already arisen and which would in my opinion be caused by the current proposals. I consider that approval of the proposals would be contrary to the aims of national and local policy which seek to safeguard listed buildings. My objections could not be overcome by any conditions that might reasonably be attached to an approval and my conclusion is that listed building consent should not be granted.
11. In forming this view I have had full regard to the need to provide a bathroom and to provide access to a bedroom at the south-east end of the dwelling following the Appellants' decision to remove a staircase at that end and combine 2 former separate dwellings. I have also had regard to other works that have been carried out by the Appellants at the premises and to the support for the appeal given by some members of the local community. None of these matters however offsets the considerations leading to my conclusion.

Overall Conclusion

12. For the reasons given above and having regard to all other matters raised, I consider that the appeal should not succeed.

Formal Decision

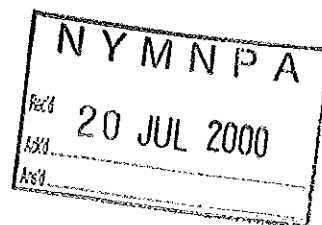
13. In exercise of the powers transferred to me, I dismiss the appeal.

Information

14. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

K. B. Smith

INSPECTOR



APPEARANCES

FOR THE APPELLANT:

Mr J B McNeil	Long Lease Farm, Hawsker Lane, Hawsker, Whitby
He called	
Mr B G Snoxell BA FRICS	Bell-Snoxell, Barclays Bank House, Baxtergate, Whitby
Mr T Harland	22 Selstone Crescent, Sleights, Whitby
Mr R Wood	6 Rosedale Close, Whitby

FOR THE LOCAL PLANNING AUTHORITY:

Mr G D Sharpe	Solicitor, Legal Services Department, North York Moors National Park Authority
He called	
Mr M Southerton MRTPI	Development Control Manager, North York Moors NPA

INTERESTED PERSONS:

Mr J McAndrew	Crosswinds, Stainsacre, Whitby
Mr H Scaife	Jesmond Cottage, Stainsacre, Whitby
Mr Hudson	131 Strensall Road, Earswick, York

DOCUMENTS

- Document 1 List of persons present at the Inquiry.
- Document 2 Letter of notification of the Inquiry and persons notified.
- Document 3 Proof of evidence given by Mr Snoxell and attached Appendices, including sketch plan of Long Lease Farm, descriptions of photographs, and statements of witnesses and other interested persons.
- Document 4 Statement of Mr K P McNeil dated 2 June 2000.
- Document 5 Statement of Mr G A Collinson MCIQB MASI dated 12 June 2000.
- Document 6 Fax, correspondence between Mr J B McNeil and the District Valuer's Office and sketch plan of farmhouse.
- Document 7 Proof of evidence given by Mr Southerton and attached Appendices 1-5.
- Document 8 Statement of Miss D A Whitton, N Yorks CC, dated 12 June 2000.
- Document 9 Letter from Mr J B McNeil to Miss Whitton dated 15 May 2000.

PLANS

- Plan A Long Lease Farm location and site plan.
- Plan B Existing part ground floor and part first floor plans, dated 18 August 1999.
- Plan C Proposed part ground floor and part first floor plans, dated 18 August 1999.
- Plan D Sketch ground and first floor plans put in by Mr J B McNeil.

PHOTOGRAPHS

- Photo 1 Long Lease Farm, 1996, Photos 1-22.
- Photo 2 Long Lease Farm, January 2000, exterior and ground floor, Photos 1-24.
- Photo 3 Long Lease Farm, January 2000, first floor, Photos 1-21.