

**Item Number:** 10  
**Application No:** 18/00115/FUL  
**Parish:** Cropton Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Claire Klima  
**Proposal:** Change of use and alteration of agricultural buildings to form 2 no. one bedroom holiday cottages and 1 no. two bedroom holiday cottage with parking spaces and amenity areas  
**Location:** Prospect Farm Back Lane Cropton Pickering YO18 8HJ  
**Registration Date:** 24 August 2018  
**8/13 Wk Expiry Date:** 19 October 2018  
**Overall Expiry Date:** 29 March 2019  
**Case Officer:** Alan Goforth **Ext:** Ext 43332

#### CONSULTATIONS:

<b>Parish Council</b>	No objection
<b>Highways North Yorkshire</b>	Recommend condition
<b>Public Rights Of Way</b>	Recommend informative
<b>Yorkshire Water Land Use Planning</b>	No response received
<b>Sustainable Places Team (Environment Agency)</b>	No response received
<b>Countryside Officer</b>	Conditions

**Neighbour responses:** Mr Robert Aconley, Mrs Karen Fletcher, Elsa Owlett

---

#### SITE:

Prospect Farm is situated on the southern side of the village situated off Back Lane. The site comprises a group of traditional farm buildings together with a detached, stone built farmhouse that fronts Back Lane. The outbuildings (former cow shed, stables and barn) which are part single and two storey are arranged around a fold yard to the rear of the main dwelling. The site amounts to 0.18 hectares and is within the open countryside and an Area of High Landscape Value.

The detached residential property ('Sharee') is to the north and Cropton Garage to the south. Public footpath number 25.26/7/1 runs west-east along Fairy Lane (track) to the south of the farm buildings.

#### HISTORY:

07/00662/FUL- Change of use and alteration of agricultural buildings to form 2 no. two bedroom holiday cottages and 1 no. one bedroom holiday cottage with parking spaces and amenity areas together with erection of single storey linking extension to existing dwelling and erection of detached double garage. APPROVED 19.11.2007. Permission not implemented and expired 18.11.2010.

#### PROPOSAL:

Planning permission is sought for the change of use and alteration of agricultural buildings to form 2 no. one bedroom holiday cottages and 1 no. two bedroom holiday cottage with parking spaces and amenity areas.

The application was initially for the change of use and alteration of agricultural buildings to form 2 no. two bedroom holiday cottages and 1 no. one bedroom holiday cottage. However, following changes to the layout of cottage number 1, the application was amended to reduce the extent of holiday accommodation to 2 no. one bedroom holiday cottages and 1 no. two bedroom holiday cottage.

## **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

### Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

## **APPRAISAL:**

The main considerations in the determination of this application are considered to be:

- i) Principle of the development;
- ii) Design, appearance and landscape impact;
- iii) Impact on local amenity;
- iv) Highways impact and PRowS;
- v) Impact on protected species;
- vi) Restricted occupation; and
- vii) Other matters.

### Principle of the development

The site is within the open countryside, however, the principle of the development aligns with policies SP1, SP8 and SP9 as the conversion of the outbuildings for three holiday cottages represents farm diversification supporting the rural economy and involves the re-use of traditional, redundant rural buildings contributing to the range and choice of tourist accommodation available in the District.

A representation received from the occupant of Quarry Cottage, Back Lane states that Cropton is well served by holiday accommodation and the occupant feels that there is no need for any further accommodation. The proposed conversion is relatively modest in scale and would contribute to the local economy through supporting tourism in the District. It is considered that a refusal could not be substantiated on the basis of lack of demand for holiday cottages. This is because this is essentially a commercial decision which the applicant will have considered prior to submitting the application.

It is also material to the consideration of this application that permission has previously been granted for conversion of outbuildings to form holiday cottages (ref. 07/00662/FUL). However, the permission was not implemented and the applicant seeks an alternative, reduced scheme.

## Design, appearance and landscape impact

The outbuildings are currently in a part dilapidated condition but the structural survey that accompanies the application confirms that the buildings are in sound condition. The walls of the existing outbuildings are predominately constructed from coursed limestone rubble (part brick on east elevation) with a natural clay pantile roof covering. There would be no changes to the external dimensions of the outbuildings. With the exception of cottage number 1 on the southern side of the courtyard, all accommodation is on the ground floor.

The external alterations to allow for the conversion of the outbuildings would generally make use of existing window and door openings in the barns and the dimensions and style would respect the character of the building and be in keeping with the local vernacular. There would be no changes to the eastern elevation that faces out to the open countryside. In addition the northern side of the outbuildings which faces towards the neighbouring property (Sharee) would be unchanged with former doorways remaining blocked. Part of the north facing elevation of cottage 1 is currently open sided and the wall would be rebuilt with matching stonework to allow for the creation of a kitchen/dining area at ground floor level. The majority of the works relate to the inward elevations that face onto the enclosed courtyard and this minimises the impact on the locally valued landscape in compliance with Policy SP13.

Externally the building retains its agricultural character sympathetic to the local context. In the outward, south facing elevation where existing door ways are to be altered to windows they have been designed to appear as a non-opening stable doors with the top half glazed with a fixed panel below. The first floor openings on the south elevation would remain blocked. Three conservation roof lights on the inward facing roof pitch would provide natural light to the first floor en-suite bedroom of the cottage on the southern side of the courtyard (cottage number 1). In addition cast iron rainwater goods would be retained throughout and the entrances to the cottages would have new treated hardwood doors.

There is a separate gated access to the farm house on the western side of the courtyard which would be unchanged. An opening in the south facing wall of the outbuilding would allow for separate access for occupants of the holiday cottages into a communal outdoor area off which would be single gates to the separate gardens. Parking for four vehicles would be provided off the track to the south.

The form of the buildings and the original elements that contribute to the character would be retained. It is considered that the use of existing openings and minimal external alterations represents a sympathetic approach which preserves the traditional appearance of the buildings and the limited changes to the outward facing elevations would protect the locally valued landscape in compliance with policies SP13, SP16 and SP20.

## Impact on local amenity

The farm is south of the village in a relatively detached location away from the majority of the residential properties in Cropton. The farm buildings are to the rear of the site, set back behind the farmhouse with limited views from the public highway to the west (Back Lane).

It is noted that the occupant of Quarry Cottage (which is 100m north of the application site on the western side of Back Lane) has raised concerns about the increased noise levels the accommodation would generate. The outdoor areas associated with the cottages are enclosed within a courtyard area and it is not anticipated that the use of those areas would not have a materially adverse effect on the amenity experienced by any residents in the locality.

It is considered that there would be appropriate space for the occupants of the three holiday cottages. Each cottage would have an associated external amenity space within the enclosed courtyard. The surrounding land is predominately in agricultural use and there would be no impact outside of the site in terms of disturbance, overlooking, loss of privacy or visual intrusion for other neighbouring land uses. It is considered that the proposed development would not conflict with the aims of Policy SP20 in relation to the protection of amenity.

A concern has been raised by the neighbour that the outbuildings could be contaminated as a result of the previous use for agricultural purposes. The applicant has confirmed that the outbuildings have not been used for agricultural purposes for over 10 years. However, the outbuildings have openings that are capable of having been used for the storage of materials, machinery, vehicles and associated fuels. The matter has been discussed with the Council's Environmental Health Specialist and, in light of the previous use of the buildings, it is considered prudent to include the standard planning conditions relating to land contamination in compliance with Policy SP17.

It is not anticipated that this proposed conversion would give rise to any unacceptable visual intrusion, pollution or disturbance and as a result there would not be an adverse impact upon local amenity in compliance with policies SP17 and SP20.

#### Highways impact and PRowS

Two local residents have raised concerns about the additional vehicles associated with the development using Back Lane.

The LHA acknowledge that the proposal involves the re-use of existing buildings within the farmyard area which is served by an existing private shared access off the unclassified highway, Back Lane. The LHA have confirmed that visibility is acceptable and state that "*although the local speed limit is posted at 40mph, actual observed speeds are considerably less than this limit. The development is modest in nature and traffic associated with it is not considered to have a significant detrimental effect on the public highway*". The LHA request the inclusion of a condition relation to the access, parking and turning areas being kept available for use at all times.

The traffic generated by the holiday cottages would be minimal and parking would be provided on Fairy Lane, clear of Back Lane. It is considered that an objection in terms of increased traffic generation could not be substantiated in the absence of a recommendation of the refusal from the Local Highway Authority.

There are no objections from the PRow team subject to the inclusion of an informative that requires that the adjacent PRow is kept clear and unobstructed. It is considered that the proposed development would not give rise to highway safety issues for vehicles or pedestrians and there would be no conflict between users in compliance with the relevant part of Policy SP20.

#### Impact on protected species

The application is accompanied by an Ecology report that identified bat roosts that would be disturbed by the proposed works. A Natural England EPS License is required before works commence on the buildings identified as having bat roosts. The survey recommends that bat boxes are installed on the external elevations of the converted outbuildings.

The neighbour raised concerns in relation to bats and the re-roofing work that has been undertaken to the roof of barn 2/cottage 2 on the eastern side of the courtyard. However, the bat report indicates that there was no bat activity in barn 2 and the Natural England licence is only required for barn 3 (cottage 1) on the southern side of the courtyard and, as a result, Wold Ecology Ltd were satisfied for the works to Barn 2 to proceed in summer 2018, outside of the hibernating season (Oct- March).

The results and recommendations of the bat report are considered to be satisfactory subject to the inclusion of relevant conditions and informatives in relation to protected species. This approach fulfils the Council's duty under the European Habitats Regulations regarding protected species and provides a net improvement in biodiversity via the provision of the mitigation proposed. It is considered therefore that there would be no net loss to biodiversity and the proposal is considered to be compliant with Policy SP14.

## Restricted occupation

Local Policy SP21(e) relates to Time-Limited Occupation and states “*New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: □ The accommodation is occupied for holiday purposes only; and not as a person’s sole, or main place of residence; and □ It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and □ The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request*”. The converted outbuildings would not be suitable for permanent residential use and in light of this a condition shall be imposed restricting the occupation of the holiday cottages to ensure compliance with policies SP8 and SP21.

## Other matters

During the course of the application the occupant of the neighbouring property (Sharee) has raised a number of queries in relation to the accuracy of the existing and proposed plans and it is considered that this matter has been addressed by the current set of application drawings which have been the subject of further public consultation and accompany this report.

The neighbour has also raised concerns that the kitchen extension to the farmhouse, which he believes was constructed in 2013, (after the expiry of permission ref. 07/00662/FUL) is a breach of planning control. The neighbour has also raised concerns about the chimney from the kitchen of the main farm house. Neither the kitchen extension nor the chimney from the farmhouse kitchen form part of the application under consideration and any previously alleged breach of planning control is not material to the consideration of this application. The neighbour has been advised to report any alleged breach of planning control via the Council’s enforcement request process. In addition the neighbour has raised civil matters such as an alleged breach of a legal covenant which is not relevant to the consideration if this application.

## Conclusion

The development would provide additional choice of holiday accommodation for visitors to the area. The principle of the development is in line with national and local planning policy relating to the sustainable development of tourism and the rural economy. Taking account of the location of the development, the arrangement of the buildings and the minimal and sensitive alterations proposed it is considered that the proposal is a sustainable use of redundant traditional buildings that would not give rise to unacceptable visual intrusion or result in an adverse impact on the locally valued landscape.

The proposed development would not have an unacceptable impact on local amenity or highway safety and any adverse impacts can be controlled by condition. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with Policies SP1, SP8, SP9, SP13, SP14, SP16, SP17, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

## **RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan ref. EX10 Rev 01A, dated 02.07.07

Proposed Floor Plans ref. AR20 Rev 01B, dated 18.04.07  
Elevations, Proposed ref. AR30Rev 01A, dated 07.02.07

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external constructional materials to be used shall match the existing building and be in accordance with those identified in the application.

Reason: In the interests of visual amenity.

- 4 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the Proposed Floor Plans drawing ref. AR20 Rev 01B, dated 18.04.07 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 5 Unless otherwise agreed in writing by the Local Planning Authority all conservation rooflights are to be top hung opening.

Reason: To ensure a satisfactory external appearance.

- 6 All works shall be carried out in accordance with the details contained within Section 7 (Mitigation and Compensation) of the Bat Survey, dated July 2018 produced by Wold Ecology Ltd.

Reason: To comply with the requirements of Policy SP14 of the Ryedale Plan, the Local Plan Strategy.

- 7 The following works relating to Barn 3 (Cottage 1) - demolition, roof stripping, scaffolding, pointing, stone repair, new doors/windows, internal roof works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) A license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license.

Reason: To comply with the requirements of Policy SP14 of the Ryedale Plan, the Local Plan Strategy.

- 8 Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution.

- 9 With the exception of the alterations hereby permitted there shall be no further alterations or additions to the roof of the holiday cottages without the prior written approval of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable additions and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 10 The holiday cottage accommodation shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence. It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and the owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: As required by Policy SP21 of the Ryedale Plan, the Local Plan Strategy.

- 11 Before the development hereby permitted commences, details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 12 Prior to the commencement of the conversion an investigation and risk assessment of land contamination shall be completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 13 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 15 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority, and work must cease until an appropriate investigation and risk

assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

## **INFORMATIVES**

- 1 The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 2 The development is required to be undertaken without harming breeding birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. Reason: In order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).