

**Item Number:** 11  
**Application No:** 22/01025/FUL  
**Parish:** Buttercrambe With Bossall Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Cooke  
**Proposal:** Change of use and alteration of existing buildings that include an existing workers dwelling/apartment, barn and outbuildings to create 1no. five bedroom dwelling and 1no. two bedroom self-contained annex, garage and stables with works to include demolition and the rebuilding of existing brick piers to hall entrance and replacement gate(s) to match existing and suit the increased opening together with additional landscaping to include a courtyard garden and installation of utilities  
**Location:** Bossall Hall Bossall To Sand Hutton Road Bossall Malton North Yorkshire YO60 7NT

**Registration Date:** 28 September 2022  
**8/13 Wk Expiry Date:** 23 November 2022  
**Overall Expiry Date:** 3 November 2022  
**Case Officer:** Emma Woodland **Ext:** 43324

#### CONSULTATIONS:

<b>Buttercrambe With Bossall Parish Meeting</b>	
<b>Highways North Yorkshire</b>	Recommends Conditions
<b>Environmental Health</b>	
<b>NYCC Natural Services</b>	comments
<b>Tree &amp; Landscape Officer</b>	
<b>Historic England</b>	Comments

#### Representations:

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#### Site:

Bossall Hall is a Grade II listed building sitting within a Scheduled Monument. The property is located opposite the Grade I listed church of St Botolph.

Bossall Hall is a substantial brick and tile house dating from the early 17th century with mid-18th century alterations. According to information provided by Historic England, the scheduling relates to the site being a quadrangular castle however there is some uncertainty whether this is an accurate representation of the history of the site. Nevertheless, the Hall is a building are of extremely high architectural and historic significance being unusual in Ryedale for its early date and degree of intactness.

The proposal relates to barns and outbuildings within the curtilage of the Hall which are deemed to be curtilage listed by virtue of their relationship with the principle dwelling. The buildings now stand disused and redundant being unsuitable for modern farm practices. The outbuildings lie c. 35m to the north-east of the Hall and consist of a variety of structures ranging in date and function predominantly relating to the serving of the hall and wider estate. They form 2 'L' shaped ranges and a linear range to the north and include stables, threshing and storage barns and workers accommodation.

Bossall itself, being a hamlet, has no Development Limits and the property has no close neighbours due to the large extent of the grounds, substantial and mature boundaries and low density of the settlement.

There are currently 2 vehicular access points into the property which are proposed to be maintained in this application.

**Proposal:**

The red outline of the application covers the three building complex which make up the application site

The application proposes the change of use and alteration of the existing buildings, barn and outbuildings to create:

1no. five bedroom, two storey dwelling with associated curtilage and together with additional landscaping to include a courtyard garden

a 1no. two bedroom single storey, self-contained annex, with parking; and

Garage and stables with works; and installation of utilities (package treatment plant and solar PV panels to selected internally facing roofs of the annexe)

These would form a new planning unit from the main house with annexe and garage/stables serving the converted dwelling which would be sold separate to Bossall Hall.

The buildings are set within the curtilage of the Listed Hall they are currently passed by in order to get to the main house, Bossall Hall. Bossall Hall also has another entrance- its main entrance opposite the Lynch Gate of the Church of St. Botolph, which is part of the application for the following works:

Demolition and the rebuilding of existing brick gate piers to hall access and replacement gate(s) to match existing and to respond to the increased opening.

**Relevant Property History:** (Principal Hall)

21/01416/HOUSE-Erection of single-storey infill extension to rear elevation and installation of 5no. rooflights- Approved

21/01417/LBC-Internal and external alterations to include erection of single-storey infill extension to rear elevation, installation of 5no. rooflights and installation of shower room to first floor level- Approved

**Policies:**

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

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy- Policy SP14 Biodiversity- Protected Species

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy – Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

National Planning Policy Framework

**Appraisal:**

It is considered that the following aspects are key considerations:

- Policy Principle
- Heritage considerations
- Consideration of the Local Needs Occupancy Condition
- Ecology
- Access and amenity

## **Policy Principle, including consideration of the Local Needs Occupancy Condition**

The proposed development is outside Development Limits within a settlement classified as 'Other Village' and as such Policy SP1 sets out specific circumstances where residential development may be supported. This is set out in greater detail in Policy SP2 of the Ryedale Plan, which supports the conversion and re-development of redundant or disused traditional rural buildings where this would lead to an enhancement to the immediate setting for Local Needs Occupancy in the Wider Open Countryside.

The applicant has sought to have the creation of the new dwelling to not be subject to the Local Needs Occupancy Condition, which would normally be applied in this development scenario. This is considered in greater detail after the heritage consideration section.

By definition, the annexe accommodation is not the creation of a new dwelling house, it is ancillary to the operation of the main house, which is also subject of this application, and so is considered on that basis.

The site location plan identifies the red outline to include a parcel of grassed land to north, beyond the road and fenced off, and the proposal to rebuild the existing gates to Bossall Hall. Therefore defining the extent of the domestic curtilage of the new residential planning unit is considered important regarding the setting of the listed buildings. This is to ensure that no additional land is included, by default, in the domestic curtilage of the new dwelling. This is to ensure that the sensitive context of the site is protected from the incremental domestication of surrounding land by chattels which are beyond the control of the planning authority, and which would be beyond the well-contained extent of the three former farm buildings.

It also ensure that gates which serve Bossall Hall remain identified as being part of Bossall Hall as they have been included within the red outline.

This does not prevent the applicants selling the house and any additional land as part of future conveyance, but it does recognise the extent of the domestic curtilage of the new property as part of the change of use of the land. It is also defined on the basis of the following plan submitted by the applicant and referenced:

Proposed Site Plan COO-674-001 31 rev A

### **Heritage considerations**

Ryedale District Council has a statutory duty to have special regard for the preservation of the listed building and its setting, and designated heritage assets. In addition, Policy SP12 of the Ryedale Plan requires that heritage assets are conserved and where appropriate enhanced.

Historic England have been consulted and comment that the works will require Scheduled Monument Consent and additionally suggest liaison with the NYCC archaeologist. This has been included as a condition within the report.

Robust information regarding their architectural and historic significance has been submitted with the application. Sections of the buildings are unusual and atypical in Ryedale predominantly due to their early date and double storey hipped roof form reflecting the principle dwelling which is contemporary with some of the service structures. The application proposes the residential conversion of the large former threshing barn to a 5 bedroom dwelling with the further conversion of the building to the north of the threshing barn to form a 2 bedroom annexe. The application has been revised to address officer concerns regarding design and heritage matters to include the deletion of a porch and the reconfiguration of internal spaces to better reflect character.

The proposed design utilises existing openings, plan forms and spatial volumes and respects the variety of characteristics of the individual buildings which is part of their character. The conversion of the

buildings into one property is considered to reduce the harmful interventions that increased subdivision may propose.

It is considered that the minimal loss of internal historic fabric is outweighed by the sensitive conversion and repair of the listed buildings. The application proposes the use of the existing secondary vehicular entrance located to the north of the site and includes residential curtilage to the north of the access track. A residential flat currently exists at first floor level above the stables which is currently accessed by an external stair likely dating from the mid-late 20th century. The removal of this external stair is welcomed.

The parking and outdoor amenity space for the dwelling is proposed to be located in garaging or designated areas within the site complex and would neither physically or visually encroach upon the setting of the listed Hall. There would be a loss of part of the yard wall adjacent to the northern drive to allow for vehicular access however this has been reduced to the minimum necessary to gain vehicular access. It is considered that the limited loss of historic internal and external fabric is outweighed by the sensitive conversion and repair of the listed buildings. The proposed conditions would ensure control over the construction detail.

It is considered that the development would represent the optimal viable use of the heritage asset and would enhance the immediate setting of the listed Hall in line with the requirements of the NPPF.

In addition to works to the outbuildings, the application proposes the removal and re-erection of the existing gate piers to the principle entrance to the Hall directly opposite the Grade I listed Church of St. Botolph. It is apparent that the gate piers are likely mid-late 20th century in date and of little historic or architectural interest. The re-erected gates piers will match the existing piers in design and material however they are proposed to be set slightly further apart with new timber gates. The detail of this important entrance opposite the church has been secured by condition.

It is considered that the special significance of the identified heritage assets has been preserved and that the application complies with Policy SP12 of the Ryedale Plan.

### **Proposed non-implementation of SP2 in regards to the Local Needs Occupancy condition**

Returning to the matter of the local occupancy restriction and the proposal for conversion to form 1 open market dwelling with an annex; Consideration has been given to the further supporting information provided by the applicant.

The applicant has provided the LPA with information on the land value; build costs; and development value for the proposed development with and without the local occupancy restriction. A viability report has been submitted which details costs for conversion and expected sale price of the property. The report noted a 30% drop in the market value of the property should the LNO condition be imposed. The Viability Reports states 'The market value of the asset in its current state is £250,000. The cost of the building work and associated fees is £1,301,220. The current value plus the cost of the reasonably required repairs and conversion to optimum viable is therefore £1,551,220, which exceed the expected value when completed. The resulting conservation deficit will be between (£126,220) without the LNOC attached, and (£561,220) with the LNOC in place. In this case, the development is viable if the LNOC condition is removed as the property (valued at £250,000) is already in the ownership of Mr and Mrs Cooke, leaving a modest forecast profit of c.£124,000.

It is clear that there are significant costs associated with the specialist conversion/restoration of these historic buildings and that a reasonable return for the developer is needed to reduce the risk and address the heritage deficit. In addition, it is also considered that demand in the sales market could potentially be very limited by virtue of the nature and style of the existing buildings; the distinctive layout and potentially only appealing to a relatively small section of the market. It is also acknowledged that Bossall parish and its environs, and the adjacent parishes are of extremely low density in terms of existing population. The local occupancy restriction is therefore likely to be a significant restraint in this regard, and that the depreciation is likely to be in the order of 30%.

Officers consider that, whilst the profit forecast of £124,000 may not be viewed as modest, if the local

needs occupancy condition is imposed, on a property of this build context a 30% depreciation is very likely, and crucially it would render the scheme unviable.

The historic buildings, which make a strong positive contribution to the streetscene and setting of the listed farmhouse and church, are in a deteriorating condition and are at risk in the absence of a viable scheme for re-use and restoration. The proposed development represents an opportunity to address a heritage deficit and conserve the asset and achieve sustainable development in line with the aspirations of local heritage Policy SP12, and paragraph 199 the NPPF:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."

Local Planning Authorities are expected to have 'special regard' to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, when considering planning applications. Those benefits of the scheme are afforded significant weight therefore, in the decision making process both as a constituent of the Development Plan, in relation to SP12 and as material planning considerations in the forms of the NPPF and Primary Legislation.

The heritage benefits discussed earlier in this report are therefore matters of substantial weight in favour of approving the application and, in this case, taking account of the information provided by the applicant and professionals, outweigh the harm caused by the part-conflict with Policy SP2 in respect of non- implementation of the local needs occupancy condition. It is considered that the proposal should be supported and, in this instance, the requirements of Policy SP2 should be applied flexibly to enable unfettered residential occupancy in the form of 1no. dwelling and annex.

## **Ecology**

Policy SP14 aims to conserve and enhance biodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features.

*The County Ecologist has advised:*

*Appropriate surveys have been completed and two small bat roosts were identified in one of the buildings. These were day roosts of Common Pipistrelle and Brown Long-eared Bats, supporting 2 and 4 individuals respectively. While all bat roosts are protected by law, small day roosts of common species are of minor conservation significance and their loss can be compensated for by standard mitigation measures (in this case, the installation of 2 professional quality bat boxes on-site). On this basis, the proposed development satisfies the 'favourable conservation status' test set out in the Conservation of Habitats & Species Regulations 2017.*

*As a protected species mitigation licence will need to be obtained from Natural England, the applicant should liaise closely with their ecologist.*

*The buildings were found to contain various songbird nests and evidence suggested occasional roosting by a Barn Owl in one location. Section 9.2 of the survey report sets out appropriate mitigation measures, including the provision of a Barn Owl box*

*Should Ryedale District Council be minded to approve this application, we would recommend a Condition to adhere to the ecological mitigation measures set out in section 9.2 of the survey report (Bat, breeding bird and Barn Owl survey: Bossall Hall barns and stables by MAB Environment & Ecology Ltd, dated July 2022). NB this includes observing precautionary working methods in the buildings other than the one in which bats were found, as per Appendix 2 of the report. Section 9.2 includes mitigation for both bats and birds, so a single Condition should suffice. Section 10 of the survey report recommends the installation of Swift bricks/boxes as ecological enhancement. This can be left to the applicant's discretion in case there any conflict with Listed Building status."*

The application is accompanied by an Ecological Appraisal which has been considered by the County

Ecologist. The County Ecologist recommends that the permission includes conditions to require the applicant to adhere to the recommendations in the appraisal in respect of bats, birds and mammals should they be encountered during construction.

A condition will be included to control external lighting and this would also be in the interests of bats foraging activity and commuting routes from roosts.

In light of the above it is considered that the application takes account of protected species and provides for suitable precautions, mitigation and enhancement and complies with Policy SP14.

### **Generic Development Management Matters**

The proposal seeks to form a new planning unit, with dwelling, annexe and garage/stabling. They are distanced from any other residential development, and so the use would not result in any residential amenity issues. They are also before the main house is accessed, and so would not result in any comings and goings which would impact on the main house.

The annexe would be in close proximity to the main dwelling, but as an annexe, will not result in adverse residential amenity issues. It is proposed that this annexe is conditioned to not be sold or let separately to the newly formed dwelling to its immediate south, known as Bossall Hall Barns, as the properties are closely orientated and would overlook each other at 14.55 metres.

Concerning the access, the Local Highway Authority have no objections to the scheme, but seek a Construction Phase Management Plan to be submitted and approved in writing prior to the commencement of the development.

As such the proposal complies with Policy SP20 of the Ryedale Plan- Local Plan Strategy.

### **Other Matters Raised Including Consultation Responses Received:**

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and matters raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly. Buttercrambe with Bossall Parish Council have been consulted but have not responded. No responses were received from third parties.

### **Conclusion:**

The principle of the development is generally supported by Policy SP2 although the proposal for an unrestricted, open market dwelling conflicts with the requirements of Policies SP2 and SP21 in relation to local needs occupancy.

However, it is clear that these traditional, redundant farm buildings are designated heritage assets (curtilage listed) which are at risk due to their present condition and warrant preservation. The proposed alterations and extensions take into account the special interest of the historic buildings. The current residential development proposal would form one dwelling and one annex and would secure sensitive repair, conservation and future viable use of the buildings. There are demonstrable heritage benefits arising from the conversion of these traditional farm buildings of historic value that contribute towards the village streetscape and also enhance the setting of the adjacent listed farmhouse and church. The proposal is modest in terms of the residential units created and the development would enhance the immediate setting of these redundant, traditional listed buildings. It is accepted that for the heritage deficit to be addressed a capital receipt is required to ensure the viability of the development.

The applicant has provided information in relation to build/conversion costs analysis and an Estate Agent's statement on anticipated values and the viability of the development with or without the LNOC. It is evident that the absence of a local occupancy restriction would reduce developer risk and increase the viability of the development and incentivise a scheme which would result in clear heritage benefits.

In this case, taking account of the building cost/viability information provided, it is considered that the desirability of restoring and preserving these historic farm buildings in order to secure heritage benefits and a long term sustainable use in line with Policy SP12 and the NPPF and primary legislation, outweighs the conflict with Policy SP2 and the application of the local occupancy requirement set out in, and the local needs occupancy condition should not be imposed in this scheme.

There are no unacceptable impacts in terms of residential amenity; highways consideration; or protected species. In light of the above it is recommended for approval subject to the following conditions.

**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 plan(s):.

BHBL1- landscaping  
COO-674-001 Location and Block Plan  
COO-674-001:  
31A- Proposed Site Plan,  
32B Proposed Ground Floor Plan,  
33A Proposed First Floor Plan,  
100A Proposed Elevation 1 of 3,  
101A proposed Elevation 2 of 3,  
102A proposed Elevation 3 of 3.

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

3            For the avoidance of doubt, the domestic curtilage associated with the development hereby permitted is defined in extent by the following plan referenced:

Proposed Site Plan COO-674-001 31 rev A – which shows the extent of the access, units, and landscaping of the site complex.

For the avoidance of doubt it does not include the gate pillars within the application red outline nor the grassed land to the north of the building complex.

Reason: The Gate Pillars serve the Bossall Hall principal house. The grassed land to the north of the barn complex is open, strongly rural in its character and is separated off from the barn complex by the access road. It is considered necessary to ensure these parcels of land do not become inadvertently identified as the domestic curtilage of the proposed new dwelling use, as it would be considered harmful to the rural setting of the Listed buildings (Bossall Hall, Bossall Hall Barns and the Church of St. Botolph, to extend the domestic curtilage beyond the barn complex and its immediate surrounding land. This is to ensure compliance with Policy SP12 of the adopted Ryedale Plan- Local Plan Strategy.

4            Prior to installation full details of any new or additional external lighting at the application site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, design and 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 in this rural location in compliance with Policies SP14 and SP20 of the Ryedale Plan- Local Plan Strategy.

- 5 Prior to installation full details of the materials, colour finish, height and design of all means of enclosure; including gates and surface treatments for hardstanding shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected/applied prior to the occupation of the dwelling.

Reason:- To ensure that the development does not prejudice the appearance of the locality and the listed buildings, as required by Policy SP12 and SP20 of the Ryedale Plan- Local Plan Strategy.

- 6 The annex development hereby permitted shall be used only insofar as it forms an annexe/extension to the dwelling to the immediate south created as part of this permission, and currently known as 'Bossall Hall Barns, Bossall', and shall at no time be occupied/let/sold as a separate or self-contained dwelling unit.

Reason:- The site is considered unsuitable for the establishment of two separate self-contained dwellings because of their intimate spatial association and orientation, which would result in demonstrable impacts on the proposed dwelling, and an absence of private amenity space for either property. The condition ensures that the proposal can satisfy Policy SP20 in relation to residential amenity.

- 7 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP12 and SP20 of the Ryedale Plan- Local Plan Strategy.

- 9 Prior to the commencement of any ground works within the Scheduled Monument Area, the applicant is to agree, in the first instance, an appropriate level of archaeological mitigation in consultation with the North Yorkshire County Council Principal Archaeologist. This will accompany the Scheduled Monument Consent Application (see informative).

Reason: To comply with Policy SP12 of the Ryedale Plan- Local Plan Strategy and protect the Scheduled Monument

- 10 Unless otherwise approved in writing by the local Planning Authority, the ecological mitigation measures set out in section 9.2 of the survey report (Bat, breeding bird and Barn Owl survey: Bossall Hall barns and stables by MAB Environment & Ecology Ltd, dated July 2022) shall be adhered to. NB this includes observing precautionary working methods in the buildings other than the one in which bats were found, as per Appendix 2 of the report.

Reason: To protect biodiversity and comply with Policy SP14 of the Ryedale Plan- Local Plan Strategy.

- 11 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.



The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

2. the parking of contractors' site operatives and visitor's vehicles;

3. areas for storage of plant and materials used in constructing the development clear of the highway;

Reason for Condition In the interest of public safety and amenity and in accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

- 12 Prior to the demolition of the existing gate piers located opposite the entrance to the church, drawn details to include elevations, plans and gates noting materials to be used shall be submitted and approved in writing by the Local Planning Authority

Reason for Condition: To preserve the setting of the Grade I listed Church of St Botolph and the Grade II listed Bossall Hall and comply with Policy SP12 of the Ryedale Plan – Local Plan strategy

#### Informative 1

The application site is partially located within the nationally important scheduled monument of 'Bossall Hall: a quadrangular castle', NHLE 1008016. The proposed works will require Scheduled Monument Consent from the Dept for Digital, Culture, Media and Sport (DCMS) in addition to any planning approval. The applicant should first agree the detail of this archaeological work with the Principal Archaeologist at North Yorkshire County prior to seeking such consent, and for it to be agreed with the Local Planning Authority as per condition 8.

#### Informative 2

A protected species license will need to be obtained prior to the commencement of any works on the site.