

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM19/315/FL**  
variation of conditions 1 and 2 of planning approval NYM/2011/0863/FL to allow the building to be occupied as a local occupancy dwelling and to server the

**Proposed Development:** tie with Fouslyke Farm together with variation of condition 8 of planning approval  
NYM/2004/0891/FL to allow a dual holiday letting/local occupancy letting use

**Location:** Fouslyke Farm, Fylingdales

**Applicant:** Mr & Mrs K & S Roche

**CH Ref:** **Case Officer:** Ged Lyth  
**Area Ref:** 4/29/567G **Tel:**  
**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 17 June 2019

**FAO:** Hilary Saunders **Copies to:**

**Note to the Planning Officer:**

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

The available visibility at the location where the access road meets the A171 public highway is not up to current standards. However, the traffic use is not expected to increase due to the proposed use.

Consequently there are **no local highway authority objections** to the proposed development

**Signed:**

*Ged Lyth*

*For Corporate Director for Business and Environmental Services*

**Issued by:**

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

**e-mail:**

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

**NYM19/315/FL**

**From:** [Planning](#)  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0315/FL - Case Officer Mrs H Saunders - Received from Building Conservation at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP, via email: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)  
**Date:** 04 June 2019 17:50:57

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Please see email to Planning Officer

Comments made by Building Conservation of The Old Vicarage

Bondgate

Helmsley

York

YO62 5BP

via email: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)

Phone: 01439 772700

Fax: 01439 770691

EMail: [building@northyorkmoors.org.uk](mailto:building@northyorkmoors.org.uk)

Preferred Method of Contact is: Post

Comment Type is Object with comments

Letter ID: 523068

## Foulsyke Farm

We strongly object to this application which would create a permanent severance of a historical outbuilding from the traditional farmstead, and would result in the sub-division of a traditional open farmyard.

We would note that by virtue of the addition of a hedge subdividing the farmyard, the setting and site layout of Foulsyke Farm will change. Therefore, we do not share the applicant's assessments made in paragraph 5.8 and 5.10 of the Planning Supporting Statement that "*the setting and site layout will remain the same*" as a result of these proposals.

The Authority has a statutory requirement 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 (Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990). This and the NPPF make clear that significance is derived not only from the heritage asset's physical presence but also from its setting. The NPPF paragraphs 193 and 194 states that "*great weight should be given to the asset's conservation*" and "*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*".

We do not consider these proposals to have special regard for the setting of the heritage assets or pay special attention to the historical sensitivities of the site. The proposed hedging would result in the permanent severance of one-third of the open farmyard to create a domestic curtilage attached to Building 1. The introduction of hedging, or any subdivision of the historical farmyard, to create domestic curtilage for converted outbuildings is extremely problematic. The open farmyard contributes positively to the character of the farmstead and is an integral component to its special historic interest as a designated heritage asset. Hedging would add a domestic feature incongruously to the rural agricultural setting which would be detrimental to the character of the farm complex. The heritage asset's discernable Evidential and Historical values (as defined by Historic England in Conservation Principles, Policies and Guidance), would thus be diminished by the permanent subdivision of the farmyard. Consequently, this reduced legibility of the historical farm complex would cause harm to its significance and integrity. The NPPF paragraph 196 states that harm resulting from a development proposal should be weighed against the public benefits of the proposal. We do not consider that there would be any public benefits which would accrue from the proposals and hence the harm identified would be unlikely to be justified.

We note that Development Policy 8 (9) states that "*In the case of residential annexes, the building is within the immediate curtilage of the main dwelling and the occupancy of the accommodation is restricted to a family member and the unit will not be sold off separately from the main dwelling*". We also note that the Design Guide Part 4 emphasises the importance of the characteristic appearance of open farmyards and in particular the lack of any form of delineated curtilage. Page 35 of this guide specifically states that "*courtyards should not be divided-up but left as a common area leading to the 'front doors' of individual dwellings*".

In accordance with the NPPF, to minimise any conflict between the conservation of this heritage asset and the proposals, we would request any sub-division of the farmyard to be omitted from the proposals.

**From:**  
**To:** [Planning](#)  
**Subject:** NYM/2019/0315/FL Consultation Response  
**Date:** 31 May 2019 08:24:12

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Dear Sir/Madam

Our ref: 283535

Your ref: NYM/2019/0315/FL

Planning consultation: Application for variation of conditions 1 and 2 of planning approval NYM/2011/0863/FL to allow the building to be occupied as a local occupancy dwelling and to server the tie with Foulseyke Farm together with variation of condition 8 of planning approval NYM/2004/0891/FL to allow a dual holiday letting/local occupancy letting use.  
Location: Foulseyke Farm, Fylingdales.

Thank you for your consultation.

Natural England currently has no comment to make on the variation of condition 8 of NYM//2004/0891/FL and conditions 1 & 2 of NYM/2011/0836/FL.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours faithfully

Alice Watson  
Consultations Team  
Natural England  
Electra Way  
Crewe Business Park  
Crewe  
Cheshire  
CW1 6GJ

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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For further information on the Discretionary Advice Service see [here](#)

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**From:**  
**To:** [Planning](#)  
**Subject:** Responses to applications from Fylingdales Parish Council  
**Date:** 31 May 2019 11:16:36

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**NYM/2019/0315/FL** Application for variation of condition 1 and 2 of planning approval NYM/2011/0863/FL to allow the building to be occupied as a local occupancy dwelling and to sever the tie with Foulseyke Farm together with variation of condition 8 of planning approval NYM/2004/0891/FL to allow s dual holiday letting/local occupancy letting use at Foulseyke Farm, Fylingdales.

No objections to all of the above.

Virginia Ramsey.  
(Parish Council Clerk)  
Sent from [Mail](#) for Windows 10