

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2019/0315/FL

Proposal: 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 sever the tie with Foulsyke 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: Foulsyke Farm, Fylingdales

Decision Date: 10 July 2019
Extended to:

Consultations

Parish – 31/5/2019 – No objections

Highways – 19/6/2019 - No objections

Natural England – 31/5/2019 – No comment

Environmental Health Officer –

Advertisement Expiry Date – 27 June 2019



Application Number: NYM/2019/0315/FL

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. The occupation of the dwelling unit annotated "Local Occupancy Dwelling" (No. 1) on the approved site plan received on 7 May 2019 shall be limited to:
 - i) a qualifying person; and
 - ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

 - a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
 - b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
 - c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
 - d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or
 - e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.

Application Number: NYM/2019/0315/FL

2. The occupation of the dwelling units annotated "3 and 4" on the approved site plan received on 7 May 2019 shall be limited to:
- i) a qualifying person; and
 - ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person, subject to the criteria set out in Condition 1 above or for holiday letting purposes.

For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

3. The local occupancy dwelling (Unit 1) shall not be sold or leased off from the adjacent farm buildings as shown on the annotated site plan dated 7 May 2019 without a further grant of planning permission from the Local Planning Authority.
4. The holiday unit(s) hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Fouslyke Farm and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 2 above without a further grant of planning permission from the Local Planning Authority.
5. All rainwater goods shall be retained as black painted cast iron rainwater goods and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.
6. All lintels and cills of the windows and doors shall retained as lintels and cills of natural or reclaimed stone to match the existing in terms of dimension, tooling, shape, colour and texture and shall be maintained in that condition in perpetuity.
7. All window frames, glazing bars and external door frames shall be stained dark brown or black and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

Reason(s) for Condition(s)

1. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
2. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
3. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policy J.

Application Number: NYM/2019/0315/FL

5. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
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7. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
8. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.



Application Number: NYM/2019/0315/FL

Background

Foulsyke Farm is an isolated farm, located just off the A170, a little north of the Flask Complex. The farmhouse is a Listed Building and consequently, the adjacent traditional agricultural buildings are listed as curtilage buildings.

Planning permission was granted in 2005 to convert 3 of the redundant farm buildings into holiday cottages and office and to convert a fourth small traditional outbuilding into a micro-brewery and erect a timber stable building comprising 2 stalls and a tack room.

A subsequent planning permission was granted in 2011 to allow the office unit to be used as a holiday cottage also.

This application seeks permission to allow the holiday cottage to the southwest of the listed farmhouse to be sold off separately as a local occupancy dwelling, to be retained with the farmland and for the two holiday cottages to the southeast to be retained with the listed farmhouse with the use being varied to allow both holiday letting and local occupancy letting

Main Issues

Development Policy 8 of the NYM Local Development Framework seeks to permit the conversion of traditional unlisted rural buildings which are situated within an existing group, for an employment use, short term self catering holiday accommodation, residential annexe to an adjacent existing dwelling or long term/permanent residential letting units for local occupancy, where the building is of architectural or historic importance, and makes a positive contribution to the character of the area, is structurally sound, is of sufficient size to accommodate the proposed use without the need for significant alterations or extensions, is compatible in nature, scale and levels of activity with the locality, is of a high quality of design and does not require changes to the buildings curtilage or new vehicular access or parking areas.

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; and where it will make use of existing buildings.

The principle of conversion to tourism accommodation here has already been established and in terms of the proposed addition of local occupancy permanent accommodation, the recent changes to permitted development rights outside of protected areas demonstrate that Government considers the conversion of agricultural buildings to residential use as important in terms of providing housing.

Application Number: NYM/2019/0315/FL

In terms of Development Policy 8, the conversion of the building has already been accepted and both holiday use and local occupancy use are considered to be suitable alternative uses. The additional use as a local occupancy unit would not have any greater impact on activity levels or parking than the current holiday use.

The Building Conservation Team has been consulted and expressed concerns regarding the possible sub-division of the traditional open farmyard. However, they have advised that if the farmyard remains open and is without any subdivision by any means then this would overcome their concerns. The applicant's agent has agreed to this.

In terms of the separation of unit 1, it is considered that this is sufficiently divorced from the other buildings to allow sufficient private amenity space.

In view of the above, it is considered that subject to conditions, approval is recommended.

Pre-commencement Conditions

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework