

North York Moors National Park Authority

Parish: Newby and Scalby

App No. NYM/2020/0721/FL

Proposal: alterations to stable to provide home gym and construction of outbuilding for swimming pool

Location: Foxhill Paddocks, Low Road, Throxenby

Applicant: Mr and Mrs D Thompson, Foxhill Paddocks, Low Road, Throxenby, Scarborough, YO12 5TD

Agent: Bramhall Blenkarn Ltd, fao: Mr Bramhall, Bramhall Blenkarn, Unit 13, The Maltings, Malton, YO17 7DP

Date for Decision: 13/11/2020

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3.	MATS15	The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
4.	MATS26	The external elevations of the pool room hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding to match the gymnasium building and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
5.	MATS40	No work shall commence on the installation of any external doors or windows in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and windows (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All external doors and windows shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6.	MATS44	The finished colour to all new window and external door frames in the development hereby approved shall first agreed in writing with the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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7.	MATS47	The external face of the frame to all new windows and external doors shall be set in a reveal of a minimum of 200mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8.	MATS54	Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
9.	MATS74	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10.	MATS73	No work shall commence on the installation of any external fixtures to the building to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
11.	MATS00	All pipework/cabling and other services related to the internal accommodation is to be located internally unless agreed in writing with the Local Planning Authority

Informative(s)

1.	MISCINF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
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2.	MISCINF12	<p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</p> <p>Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
3.	INF00	<p>Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design</p>

Reason(s) for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3.	MATS01	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4.	MATS01	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

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5.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
6.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
8.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
9.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
10.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
11.	MATS02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

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Consultations

Parish – No objection.

Forestry Commission – No objection.

Site Notice/Advertisement Expiry Date – 27 October 2020





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Background

Foxhill Paddock is a substantial dwelling situated on the north side of Raincliffe Woods, between Ox Pasture Hall to the west and Throxenby to the east, formerly part of Raincliffe Farm. It is one of a pair of former stone barns, situated in a courtyard arrangement, both of which are grade II listed buildings. The buildings had been in a state of deterioration and disrepair for a number of years before planning permission and listed building consent were granted in December 1999 for the change of use into two units of residential accommodation with associated workspace (Use Class B1).

There is a lengthy planning history related to the property including planning permission granted on appeal in 2016 for the removal of the occupancy and business use restrictions to create an open market and unrestricted dwelling. Planning permission was then granted in 2017 for the use of the former workspace as a holiday letting cottage comprising a kitchen, living room, bedroom and bathroom, with a further consent being granted for the installation of a flue at the southern end of this single storey part of the building.

Of direct relevance to this application is the planning permission granted in July 2005 for the erection of a stone double garage and timber stable block which are now the subject of this current application. In addition planning permission was refused in December 2008 for the erection of a further stable block with the reason for refusal being:

The proposed stable block by reason of its size, position and design would represent a further accumulation of domestic outbuildings at this sensitive Listed barn conversion. Together with the existing garage and stable building the proposal would have an unacceptable domesticating impact on the character and appearance these former agricultural buildings and their setting. As such the proposal is contrary to the provision of Core Policy G and Development Policies 5 and 8 of the Local Development Framework together with the advice in Planning Policy Note 15 in respect of development adjacent to Listed Buildings.

This application seeking planning permission for the conversion of the stable building to form a gymnasium along with the construction of a small link to the stone built garage block where it is proposed to provide changing/shower facilities and the construction of a pool building and covered BBQ area at the opposite end. The proposed building will be constructed in timber cladding to match the stable block under a pantile roof.

Main Issues

The relevant policies of the adopted Local Plan are Strategic Policy I (the Historic Environment), Policy ENV11 (Historic Settlements and Built Heritage), Policy CO12 (Conversion of Existing Buildings in Open Countryside) and Policy CO17 (Householder Development).

Strategic Policy I requires all developments affecting the historic environment to make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. It requires development proposals to conserve heritage assets and their setting in a manner

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appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

Policy ENV11 seeks to ensure new development conserves, enhances or better reveals elements which contribute to the significance of the heritage asset or its setting including key views, approaches and qualities of the immediate and wider environment that contribute to its value and significance.

Policy CO17 in relation to outbuildings states that they must be required for purposes incidental to the enjoyment of the main dwelling; should be proportionate in size and subservient to the main dwelling and should be of a scale, height, form, position and design so as not to detract from the character and form of the original dwelling or its setting in the landscape.

Policy CO12 supports the conversion of buildings which make a positive contribution to the landscape of the National Park provided that, subject to other criteria, the building is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings. This is relevant to the current proposal as Foxhill Paddock was created through the conversion of a range of redundant farm buildings in the early 2000s and in assessing proposals for any further work to the property in terms of extensions or additional outbuildings regard has to be had to the root policy for the conversion of traditional buildings in the countryside.

The current stone garage and timber stable buildings were granted consent in 2004 as additional buildings to the barn conversion as it was felt their construction would facilitate the removal of unsightly modern agricultural sheds and improve the setting of the host listed building. Any further proposals for new buildings should therefore follow the criteria of Policy CO12 to ensure the character, appearance and setting of the original building is not lost.

In view of the above it is considered that the conversion and extension of the existing outbuildings to provide a gymnasium and pool room is acceptable in principle. Whilst the proposal would increase the footprint of outbuildings associated with the main dwelling, given the scale of the host property and the plot within which it is situated, it is considered that the pool building would be subservient to the existing structures and appropriate in this location. Whilst Policy CO12 would not normally support additional ancillary buildings to support a barn conversion, it is considered that the proposal would not adversely affect the landscape setting or appearance of the original former farm buildings, a designated heritage asset.

With regard to the previous refusal of planning permission for a three bay stable block it is considered that the proposed pool building linked to the existing timber stables and stone bolt garage would be an appropriate form of development which would not be harmful to the setting of the host listed building. As a former range of agricultural buildings it would not be uncommon to find further ancillary structures of stone or timber construction on a farm. The proposed pool building is of a very simple design to be clad in timber under a pantile roof to give the appearance of an ancillary agricultural structure. Large areas of recessed glazing are proposed which will give the structure a lightweight appearance. It is considered that the

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scheme is sufficiently different and that there are different planning policies in place to warrant a different decision.

As such it is considered that the proposal will not harm the significance of the heritage asset or its setting in the landscape and accords with the policies of the adopted Local Plan. Approval is recommended.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.