

# North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2020/0987/ FL

**Proposal:** erection of agricultural machinery store and hay shed

**Location:** Fairview, Thorneybrow, Fylingthorpe

**Applicant:** Mr David Sherwood, Fairview, Thorneybrow, Fylingthorpe, Whitby, YO22 4HQ

**Agent:** Michael Miller Architectural Consultant, 16 Park View, Glaisdale, Whitby, YO21 2PP

**Date for Decision:** 17 February 2021

## Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 **Standard Three Year Commencement Date**  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN01 **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**  
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location Plan	N/A	15 December 2020
Proposed Site Layout	242/04	15 December 2020
Proposed Plan	242/05	15 December 2020
Proposed Plan (elevations)	242/06	15 December 2020
E-mail from Michael Miller re. trees	N/A	09 February 2021

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RSUO00 The building hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Fairview and shall not be sold or leased off from the main dwelling without a further grant of planning permission from the Local Planning Authority.
4. GACS02 **No Outside Storage**  
No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
5. GACS07 **External Lighting - Submit Details**  
No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

---

**Application Number: NYM/2020/0987/FL**

---

6. MATS19 **Roof Colouring (insert)**  
The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained **dark grey** and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
7. MATS00 The external timber cladding of the extension hereby approved shall either be allowed to weather naturally or shall be stained dark brown/black and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. LNDS06 **Tree Protection Scheme - Protection Zone Specified**  
No work shall commence to clear the site in preparation for the development hereby permitted until protective fencing to form a Tree Protection Zone has been installed around each tree or tree group to be retained, unless otherwise agreed in writing with the Local Planning Authority. The fencing shall comprise a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) and shall be positioned at a distance from the trunk as set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone.
- The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.
9. LNDS03 **Trees/Hedging to be Retained (insert)**  
No trees, shrubs or hedges **to the east** of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
10. LNDS02 **Landscaping Scheme to be Implemented - Large Scale Development/**  
A **General Development**  
All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

---

**Application Number: NYM/2020/0987/FL**

---

11. MISC03 **Building to be Removed if Not Used for Agriculture**  
 If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.

**Reasons for Conditions:**

- |        |        |   |
|--------|--------|---|
| 1.     | TIME01 | To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.   |
| 2.     | PLAN00 | For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.  |
| 3.     | RSUO00 | In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the NYM National Park.   |
| 4.     | GACS00 | In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.   |
| 5.     | GACS00 | In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.   |
| 6 & 7. | MATS00 | For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and C 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 & 9. | LNDS00 | In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.  |
| 10.    | LNDS00 | In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.   |
| 11.    | MISC00 | In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside. |

---

**Application Number: NYM/2020/0987/FL**

---

## **Consultations**

**Parish** - No objection.

**Highways** - No objection.

**Forestry Commission** - Refer to standing advice.

**Natural England** - No objection.

**Site Notice Expiry Date** - 02 February 2021.



---

**Application Number: NYM/2020/0987/FL**

---

**Background**

Fairview is located in an isolated position at Thorney Brow on Fylingdales Moor. The property is not visible from the main road and only the roof can be seen from the access track. The property is detached, is not listed and not within a Conservation Area. There are no immediate neighbours.

Planning permission for the installation of an air source heat pump positioned on the south-westerly elevation was granted in 2014 and in 2015 planning permission was granted for a scheme of extension and remodelling of the house. Permission was granted for the construction of a single storey garage with link to the main house (following demolition of existing conservatory); conversion of the roof space to provide 2no. bedrooms and bathroom including to raising of the roof height and installation of 4no. catslide dormers together with alterations to fenestration and cladding the exterior of the property with natural stone. All work has been completed.

A further application for the replacement of an existing flat roof workshop building attached to the northern end of the house with a stone and pantile workshop building was approved in 2017.

This application seeks full planning permission for the erection of a modest agricultural to be used in association with the smallholding. The application follows a pre-application enquiry, during which Officer's recommended an alternative location, closer to the main house and making use of existing mature tree screening. The application reflects that advice and proposes a simple 8 metre by 6 metre timber clad workshop building located adjacent to a pocket of woodland to the east of the main dwelling. The building is proposed to have a dark grey roof and a roller shutter door and would be used to provide secure tractor storage for existing vehicles together with hay storage for the applicant's goats. It is proposed to increase the existing goat herd from two to 12. The additional 10 for showing purposes.

The applicant has already carried out extensive tree and hedge planting at the site and included in the application is an area of supplementary hedge planting to the north of the proposed building, comprising hawthorn, dog-wood, guelder rose and hornbeam.

**Policy Context**

The relevant NYM Policies to consider with this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development) and Policy BL5 (Agricultural Development).

SPA states that a positive approach to new development within the Park will be taken in line with the presumption in favour of sustainable development and where decisions are consistent with National Park Statutory Purposes (applying the Sandford Principle if necessary). Development will be supported where it: is a high quality of design which respects the local landscape and built heritage; supports the function and vitality of communities; protects or enhances natural capital and ecosystem services; maintains and enhances geodiversity and biodiversity through conservation; builds resilience to climate change; makes sustainable use of resources and; does not reduce the quality of soil, air and water in and around the National Park.

---

**Application Number: NYM/2020/0987/FL**

---

BL5 is supportive of new agricultural buildings and structures or extensions to existing buildings where: the form, height and bulk is appropriate to its setting; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings; the building is designed for agricultural purposes; the site is related physically and functionally to existing buildings unless there is an exceptional agricultural need for a more isolated location; the proposal will not significantly harm local amenity and; in the absence of existing screening, a landscaping scheme is provided.

**Main Issues**

The main issues are considered to be whether the proposed development is in a position which respects the landscape character of the area and whether it is of a size, scale and design, appropriate for its setting and intended purpose.

The position of the building is considered to be acceptable, having a clear functional and visual relationship with the host property and an acceptable amount of existing, mature landscaping to the south. The additional planting to the north is welcomed and is considered to satisfy the requirements of point 7 of NYM Local Plan Policy BL5.

The proposed dimensions are relatively modest for an agricultural building but are considered to be commensurate with the intended use which is more akin to hobby/smallholding purposes. The simple design and relatively low height, in combination with proposed materials is also likely to help assimilate the building into the landscape. The use of timber boarding and the dark grey roof follows the advice contained within the Authority's Design Guide and would clearly result in an agricultural appearance as required by point 4 of Local Plan Policy BL5.

The Authority's Woodland Officer has requested confirmation that the proposal will not require the removal of any trees and that the development will not encroach into the root protection area of existing trees. The applicant's agent has confirmed this to be the case. On the basis the proposed building would not be immediately adjacent to the existing buildings on the site, the existing and proposed soft landscaping is considered important to provide a suitable context. Consequently, it is recommended that conditions to ensure the protection and long-term retention of existing trees.

The Local Highway Authority has identified that the vehicular access to the site is largely private tracks with some stretches shared with public footpaths and bridleways. Consequently, on the understanding that the property is an existing farmhouse it is anticipated that the vehicles associated with the application already have a right of access over the private land. The building is reported as necessary to support the applicant's small goat enterprise and considered to be acceptable in those terms. However, on account of the Highway Authority comments and the position of the building outside of the domestic curtilage of Fairview, it is considered necessary and reasonable to include conditions tying the ownership to main dwelling and to specify its removal from the site if it is no longer required.

The Parish Council has no objection to the proposal and no other third party representations have been received. In view of the above and the recommended conditions, approval is recommended.

**Application Number: NYM/2020/0987/FL**

---

**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 identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.