

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2020/0915/FL

Proposal: variation of condition 3 of planning approval NYM/2004/0851/FL to allow continued use as managers accommodation

Location: Keepers Cottage, Demesne Farm, Fylingdales

Applicant: Demesne Farm Holiday

fao: Mr Alan Bancroft, Demesne Farm, Demesne House, Fylingdales, YO22 4QF

Agent:

Date for Decision: 17/03/2021

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

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| 1. | The dwelling unit hereby approved shall not be used for residential purposes other than 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 financial year. |
| 2. | Notwithstanding condition 1 above this accommodation can alternatively be used to provide accommodation for a person wholly employed as a manager at the adjacent Demesne Farm holiday cottages (including the dependants of that person). In the event of Keepers Cottage not being occupied by a person employed in managing the holiday accommodation at Demesne farm, it shall only be occupied in accordance with the requirements of condition 1, above, and it shall at no time be used for any other form of residential use without the further grant of planning permission. |
| 3. | 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 |
| 4. | The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority. |
| 5. | All rainwater goods shall be black painted cast iron and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority. |
| 6. | All new window frames, glazing bars and external door frames shall be of timber construction and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority. |

Application Number: NYM/2020/0915/FL

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| 7. | This permission has been granted in accordance with the details specified in the survey received on 26 November 2005 with the corresponding planning application (NYM/2004/0851/FL). More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority. |
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Reason(s) for Condition(s)

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| 1.. | The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12. |
| 2. | The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but the accommodation has been permitted in this instance to meet the specific needs of the business operating from the site in accordance with Policy BL4 of the Local Plan. |
| 3. | 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. |
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| 7. | In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan. |

Application Number: NYM/2020/0915/FL

Consultations

Borough/District - No objection

Parish – Fylingdales Parish Council has no objection

Highways – No objection

Natural England – No objection

Environmental Health Officer – No objection and comments that the property is served by a private water supply.

Site Notice/Advertisement Expiry Date – 22 February 2021

Application Number: NYM/2020/0915/FL



Application Number: NYM/2020/0915/FL

Background

Desmense Farm is situated in a relatively isolated and elevated location just over 1km south of Fylingthorpe and approximately 1.5km inland from Boggle Hole. There are no other residential properties in close proximity. The Farm complex contains a number of substantial 18th Century stone buildings, grade II listed, arranged around a courtyard, together with an adjacent large timber agricultural storage building. The majority of the buildings are two storey. In addition to the main house, which is in residential use, there are five holiday lettings units converted from former farm buildings. Keepers Cottage, which is also falls within the listing, is slightly detached from the main complex, albeit in very close proximity to the North West and is a small single storey dwelling built of the same materials, converted from an outbuilding under a permission granted in 2005.

Condition 2 of the 2005 permission requires that Keepers Cottage not be used for residential purposes other than holiday letting. Condition 3 gave an additional element of flexibility by also allowing the Cottage to be used to provide accommodation for a manager wholly employed as a manager of the adjacent holiday cottages at Desmense Farm. This condition limited the period of occupation as managers accommodation to a maximum of 5 years from the date of the permission, reflecting the needs of the owner at that time and requiring reversion back to occupation in accordance with condition 2 after that date.

It has recently become apparent that Keepers Cottage has continued to be used as managers accommodation following expiry of the period authorised under Condition 3. Following correspondence with the Authority's Enforcement Team, the owner of Desmense Farm was invited to submit a planning application for a variation of condition 3 to allow the Cottage to be used as manager's accommodation on a permanent basis. The applicant indicates that there is an ongoing requirement for a manager to be present on site for management, local contact and maintenance purposes as the owner also runs a further holiday business a substantial distance outside the National Park, and is therefore not always present at Desmense Farm.

The 2005 permission notes, as 'reason for approval', that: *the proposed development would not have a detrimental impact on the character of this Listed Building, which is worthy of retention. Its conversion would therefore comply with Policy BE15 (holiday accommodation). However, the need for manager's accommodation is only a current and possibly short term requirement; hence it is considered appropriate that this type of use should be granted for a temporary period only.*

Application Number: NYM/2020/0915/FL

Main Issues

The principle of utilising Keepers Cottage as manager's accommodation in addition to holiday letting purposes was considered acceptable in 2005, for a temporary period, albeit the potential need for this to be required on a longer term basis was implied in the reason for granting the 2005 permission. Subsequent use of the property as manager's accommodation, beyond the period originally approved, suggests that the need remains for the presence of a manager on site, as confirmed by the applicant, and the Authority has invited an application to regularise this position. The main issue therefore is whether it is appropriate to provide flexibility for occupancy as manager's accommodation on a permanent basis, having regard to current planning policy and other material considerations.

Local Plan

Local Plan Policy BL4 encourages the use of suitable on site accommodation potentially available through conversion of buildings within the curtilage of the existing development. The explanatory text notes that the policy is intended to allow for a limited amount of new accommodation to be supported in a way that does not detract from the National Park's beauty and character.

Although this Policy is aimed at development of new managers and staff accommodation, the proposed use of Keepers Cottage for this purpose would be generally consistent with one of the main aims of the Policy, which is to ensure that such accommodation minimises impact on the main building or buildings and on the surrounding area. As an established and modest conversion of a former outbuilding, located within the curtilage of Desmense Farm and not giving rise to any significant harm, it is considered appropriate to allow flexibility for the continued use of Keepers Cottage as managers accommodation, as an alternative to holiday letting use.

Pre-commencement Conditions

As an application to vary conditions no pre-commencement conditions are required.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy E3 which seeks to ensure that new development will not have a detrimental impact on the National Park and Policy B4 which encourages improvement in the quality and variety of tourism and recreation facilities and accommodation.

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