

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0161/FL

**Development description:** repairs/maintenance and alterations to and construction of agricultural buildings (part retrospective)

**Site address:** High Buildings, Fryup Dale Head, Fryup

**Parish:** Glaisdale

**Case officer:** Mr Mark Hill

**Applicant:** Mr Richard Burridge  
Morgan Intakes, Fryup, YO21 2AT

**Agent:** None

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text									
1	TIME00	The 9 rooflights to be replaced with wired glazing hereby approved as mitigation shall be completed within one year of the date of commencement of the development.									
2	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Revised block plan and elevation plan and written clarification information</td> <td></td> <td>29 March 2022</td> </tr> <tr> <td>Foul drainage information</td> <td></td> <td>1 May 2022</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p> <p>The development hereby permitted shall only be used for agriculture or the grazing of horses and for no other use.</p>	Document Description	Document No.	Date Received	Revised block plan and elevation plan and written clarification information		29 March 2022	Foul drainage information		1 May 2022
Document Description	Document No.	Date Received									
Revised block plan and elevation plan and written clarification information		29 March 2022									
Foul drainage information		1 May 2022									
3	GACS00	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 14, Classes J to O shall take place without a further grant of planning permission being obtained from the Local Planning Authority.									
4	WPDR14	There shall be no external lighting installed in the development hereby permitted.									
5	MATS03	<p>Stonework to match</p> <p>All new stonework used in the development hereby permitted</p>									

6	MATS00	shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.
7	MATS00	The doors and door surrounds and link passage external timber boarding shall be of a simple vertical timber boarded design ( with either an unfinished or dark brown stained external finish) as typically occurs in the locality and thereafter so maintained .

**Reason(s) for condition(s)**

Reason number	Reason code	Reason text
1	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3	GACS01	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
4	RSN WPDR01	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.
5 & 7	RSN MATS01	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.
6	GACS01	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
--	--	--

**Informative(s)**

Informative number	Informative code	Informative text
1	MISC INF01	<p><b>Bats</b></p> <p>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.</p>
2	MISC INF 12	<p><b>Birds</b></p> <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  <a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a>. Further information on wildlife legislation relating to birds can be found at <a href="http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf">www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</a>.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>.</p>
3	MISC INFO0	<p><b>Swifts</b></p> <p>Swift (<i>Apus apus</i>) populations are declining in the UK due to the</p>

		<p>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; <a href="https://www.swift-conservation.org/">https://www.swift-conservation.org/</a> with additional swift box ideas from Action for Swifts; <a href="http://actionforswifts.blogspot.com/search/label/nestbox%20design">http://actionforswifts.blogspot.com/search/label/nestbox%20design</a></p>
4	MISINF02	<p>Coal Referral Area</p> <p>The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>

### Consultation responses

#### Parish

None

#### Highways

None

#### Natural England

Draw attention to standing advice.

#### Third party responses

None

#### Publicity expiry

Site notice expiry date 26 August 2021

Wider shot of 'High Barns' Buildings.



## Background

The Authority's records contain information and photographs that record this remote set of Dale Head agricultural buildings as semi derelict in 2006. The buildings are accessed from a twin trod rough farm track and lie some 400m SW of Fryup lodge and so do not fall within the Remote Area ( LP Policy ENV3) .

This application results from an enforcement investigation ref 1156. In brief the site owner explains that he moved to the area in 1983 and helped out a local farmer who farmed from these Dale Head agricultural buildings. The farmer died approximately 2007 and the owner bought the site shortly afterwards. In 2011/12 the landowner started the renovation of the buildings at what he describes as a 'very special place'. the renovations were to a much higher specification than is normally found with agricultural buildings including: a handmade bespoke oak pegged staircase to the hay loft, York stone paving, tiled toilet and shower room and insertion of 9 domestic Velux roof lights as typically found in a dwelling. There was also evidence that some buildings that were almost collapsed to waist height had been rebuilt, to a level that would go beyond the normal permitted development allowance of 'repair and maintenance', and thus planning permission was required.

To recap, the Authority's attention was drawn to the buildings in 2017 due to 'perceived 'ulterior motives' for the excessive building works over and above what was required for simple agricultural use. Over recent years officer negotiations have taken place with a view to seeking a balance between securing the agricultural buildings in the landscape but avoiding works tantamount to creating new residential accommodation pre-empting a change of use application which the current Local Plan does not support given the remote nature of the site and lack of host dwelling.

The amended plans received in March 2022 represent a reduced scheme from that which the owner had hoped to create and balance the retention of many of the works and protection of the local landscape character and appearance. In brief the application now seeks to retain several buildings as 'repaired', omits a number of buildings the owner wanted to recreate, omits the proposed new field shelter, involves the removal of 9 Velux rooflights and their replacement with simple wired glazing and revises a glazed porch link with a timber boarded link. Foul drainage by way of a septic tank with herringbone drainage field and reed bed was installed 8 years ago and thus no new foul drainage is required.

The applicant, who lives within 2km of the site, has written in support of the application, in brief he states that:

Have 165 sheep and two horses. Considers the buildings are a special place and deserve a unique approach, would like to preserve them for future generations. Had hoped to be able to use the buildings for a variety of; agricultural horse grazing and some occasional community use, if this is acceptable in Planning terms.

The Authority's ecologist advises that Bird, bat and Swift informatics be imposed on any permission. Given the longstanding nature and construction of the existing foul drainage arrangements, no objections.

## Main issues

### Local Plan

LP Policy BL5 deals with agricultural development, in brief it requires that agricultural development is appropriate for its setting, does not have an adverse impact on special qualities, is designed for agriculture and would not harm local amenity in terms of levels of activity and requires landscaping for new development.

Negotiations culminated in the March 2022 revised plans which omit excessive rebuilding that cannot be justified for agricultural use, include omissions and modifications to rebuilt buildings to remove overly domestic changes to the buildings. In view of the previous engaged level of construction which was aimed more at a residential standard of construction than an agricultural level of construction it is recommended that a condition be imposed limiting the use to agriculture/horse grazing particularly given the remote nature of the site and poor access. Significant harmful physical changes would be needed for alternative uses such as a community hub use and they would be likely to dilute the intrinsic character of the buildings and setting and be inappropriate in this remote location.

### Pre-commencement conditions

There are no pre-commencement conditions.

### Contribution to Management Plan objectives

Approval is considered likely to help meet Policy E2 which seeks to maintain and enhance traditional farm landscape features.

### Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including scheme modifications, omissions and design improvements and use limitations so as to deliver sustainable development.