

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0415

**Development description:** Construction of a shed (retrospective) and the installation of two rows of nine solar panels to shed roof.

**Site address:** Foxhill Paddocks, Low Road, Throxenby

**Parish:** Newby and Scalby

**Case officer:** Mr A Muir

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

**Agent:** Bramhall Blenkharn Leonard  
fao: Mr Mark Bramhall, Bramhall Blenkharn Leonard, Unit 13, The Maltings, Malton,  
YO17 7DP

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text
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	PLAN00	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MATS00	The frames and supports of the solar panels hereby permitted shall be coloured and thereafter maintained black and shall be maintained in that condition in perpetuity.
4	MISC00	If the use of the solar panels hereby approved permanently ceases, they shall be removed from the roof of the shed within 3 months of that cessation and the roof of the shed shall, as far as practical, be restored to its condition before development took place.

### Reason(s) for condition(s)

Reason number	Reason code	Reason text
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 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	MATS00	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	MISC00	In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York

		Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.
<b>Informative(s)</b>		
<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1	MISCINF12	<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>

## Consultation responses

**Town Council**  
No objections

## Third party responses

None received

## Publicity expiry

Advertisement expiry date 06 July 2022

Site notice expiry date 04 July 2022



Shed located behind the hedge in foreground – No other views into the site

## Background

Foxhill Paddock is a Grade II Listed converted barn with additional outbuildings created from Raincliffe farm in the 1990's. It is constructed of coursed rubble sandstone under a pantile roof, dating from mid-18<sup>th</sup> century.

The site of the shed is very well screened from public views by way of a clipped high hedge. The shed has a low sloping roof facing south west.

During the course of the application it was found that the shed had been constructed, at some point between 2014 and 2016 by a previous owner, within the grounds of the listed building without the benefit of planning permission. On that basis, it was suggested to the applicant that it should be regularised as part of this application in order for this matter to progress to a positive decision. The applicant has submitted amended plans to resolve this matter. The application for the shed has now been included within this application.

Various planning permission and Listed Building Consent applications have been submitted between 1995 and 2020 for works including but not restricted to the conversion of the buildings to a dwelling, infill extension, satellite dish and security cameras.

This application seeks planning permission to regularise the unauthorised shed and for the installation of 18 solar panels to shed roof.

## Main issues

The main issues to consider are whether the proposed development will have a detrimental impact on the special qualities of the National Park, landscape character of the locality, site setting and Foxhill Paddock which is Grade II Listed Building.

## Local Plan

The relevant NYM Local Plan policies to consider with this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Policy ENV8 (Renewable Energy) and Policy CO17 (Householder development).

Strategic Policy A 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 and makes sustainable use of resources.

Policy ENV8 permits development proposals for the generation of renewable energy where it is of a scale and design appropriate to the locality and contributes to meeting energy needs within the Park; where it respects the landscape character; where it does

not result in an unacceptable adverse impact on the special qualities of the National Park; it provides environmental enhancement or community benefits where possible and it makes provision for the removal of equipment and the reinstatement of the land should it cease to be operational. In the justification to the policy it advises that small-scale renewable energy developments which contribute towards meeting domestic, community or business needs within the National Park will be supported where there is no significant environmental harm to the area and the objectives of National Park designation will not be compromised.

Policy CO17 states that development within the domestic curtilage of dwellings should take full account of the character of the local area and the special qualities of the National Park and will be permitted where among other things, the scale, height, form, position and design of the new development do not detract from the character and form of the original dwelling or its setting in the landscape.

The shed is located to the west of the main building across the access point. It is well shielded by tall evergreen hedging and is of an agricultural timber vertical boarded construction under a profiled sheet metal roof with a pair of timber doors on the front elevation. The hedging provides a back drop to the shed and as such it is not read in conjunction with the listed buildings.

The solar panels are to be installed on the south roof elevation of the shed, facing away from the host dwelling towards the fields in the north. The Authority's Building Conservation team have no objections to the proposals from a Listed Building perspective subject to a condition being imposed to ensure that the solar panel frames and supports are coloured black in order to blend with the shed roof.

The shed and solar panels cannot be viewed from the public realm due to the hedging and topography of the land. It is therefore considered that this small-scale renewable energy development would not be harmful to the character of the locality and site setting. Further to this, a condition has been applied to ensure the equipment is removed should the use permanently cease.

Therefore, this application is considered to comply with NYM SPA, Policy ENV8 and Policy CO17 and approval is recommended.

#### Pre-commencement conditions

None

#### Contribution to Management Plan objectives

Approval is considered likely to help meet Objective 22 which seeks to establish the North York Moors National Park as a leader in low-cost and low-carbon housing and Objective 23 which seeks to enable resilient communities where residents can meet their basic needs.

### 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 confirmed to the agent that the development is likely to improve the economic, social and environmental conditions of the area.