

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0079

**Development description:** construction of replacement garage with storage space above

**Site address:** Leith Rigg Farm, Fylingdales

**Parish:** Fylingdales

**Case officer:** Miss Lucy Gibson

**Applicant:** Mr Philip Turford

Leith Rigg Farm, Fylingdales, Whitby, North Yorkshire, YO22 4QN

**Agent:**

## Director of Planning's Recommendation

Approval subject to the following:

Document title

**Condition(s)**

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>																					
1	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>																					
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="0"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Amended plans</td> <td>Proposed east elevation</td> <td></td> </tr> <tr> <td></td> <td>Proposed first floor plan</td> <td></td> </tr> <tr> <td></td> <td>Ground floor plan</td> <td></td> </tr> <tr> <td></td> <td>North elevation</td> <td></td> </tr> <tr> <td></td> <td>South Elevation</td> <td></td> </tr> <tr> <td></td> <td>West elevation</td> <td>19 August 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>	Document Description	Document No.	Date Received	Amended plans	Proposed east elevation			Proposed first floor plan			Ground floor plan			North elevation			South Elevation			West elevation	19 August 2022
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3	RSU000	<p>Domestic Outbuildings - No Conversion to Accommodation - Outside Villages</p> <p>The garage hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the garage building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.</p>																					
4	MATS00	The external walls of the garage hereby permitted shall be constructed in natural stone which shall be coursed and jointed in the local tradition so as to match the main dwelling on site.																					
5	MATS15	<p>Natural Clay Pantiles to be Used</p> <p>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</p>																					

		agreed in writing with the Local Planning Authority.
6	MATS30	Doors - Details of Construction to be Submitted  No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors 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.
7	MATS00	Doors - Submit Details of Colour/Finish  No work shall commence to stain/paint all the doors in the development hereby approved until details of the paint colour/finish of the doors has been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	GACS00	No up-lighting shall be installed on the development(s) hereby permitted. Any external lighting installed on the development(s) hereby approved shall be Dark Night Skies compliant, fitted with a warm white bulb of 3000k or less and no more than 500 lumens. All lighting fixtures should be shielded/fully cut off to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.

**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 NYM Strategic Policy A and NYM Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3	RSU000	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line with

		Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
4-7	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy 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	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.

### Informative(s)

Informative number	Informative code	Informative text
1	MISCINF01	<p>Bats</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	MISCINF12	<p>Birds</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	INFO0	<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; <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>

## **Consultation responses**

### **Parish**

No comments received

### **Highways**

No objections

### **Natural England**

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

### **Third party responses**

None received

### **Publicity expiry**

Advertisement/site notice expiry date: 19 April 2022



**This photograph shows the existing garage to be demolished at Leith Rigg Farm, Fylingdales. The main dwelling sits opposite.**

## Background

The main house at Leith Rigg Farm is a two-storey stone and slate dwelling. The site is located in an isolated position approximately 1 mile east of the A171. The main house and domestic curtilage are accessed via a small track from the main highway, which passes through a collection of agricultural buildings associated with the farm.

Planning approval was granted in 1984 for a single storey stone extension with a sloping slate roof to the main dwelling.

This application seeks planning permission for the construction of a replacement garage with storage above.

## Main issues

### Local Plan

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development) and Policy CO17 (Householder Development).

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy CO17 requires new development within the domestic curtilage to take full account of the character of the local area and special qualities of the National Park. Development will only be permitted where: the scale, form, position and design do not detract from the original dwelling or its setting; the development does not adversely affect residential amenity of neighbouring occupiers or that of the host property; the development reflects the principles set out in the Authority's Design Guide. Having regard to new outbuildings; proposals must be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

The garage as existing is of a concrete block construction and is not characterful nor traditional in its appearance. A replacement garage of a larger size is proposed to accommodate parking for larger vehicles and to provide a small storage space above.

The small storage space to the first floor would be accessed via an external set of stairs to the east elevation. The garage would be constructed from stone, with a pantile roof and would feature two roof lights to the north roof elevation and two large garage doors and access door to the north elevation.

Following Officer negotiations, amended plans were received that show a replacement pitched roof garage with a reduced ridge height of 5m, measuring 6m x 10m in floor area. A window to the gable end was also omitted. Whilst it was requested that the size of the 2 no. roof lights to the north elevation were reduced, these amendments were not received. However, on balance, due to the



location and siting of the garage, it is not considered that the proposed roof lights would have an unacceptable impact on the character and form of the original building or wider setting.

Further to this, whilst the replacement garage would be larger than the existing, it is considered it would still be subservient in size in relation to the host dwelling, which measures approximately 9m to the ridge. The more traditional design and construction materials proposed would also complement the character and appearance of the main house and would be an improvement to the existing structure. The site is also in an isolated location, therefore it is not considered that there would be any additional impact on neighbouring amenity.

In view of the above, it is considered the application would accord with the principles outlined in SPC and CO17 and approval is recommended.

**Pre-commencement conditions**

N/A

**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 a reduction in height so as to deliver sustainable development.