

North York Moors National Park Authority

Plans list item 5, Planning Committee report 13 July 2023

Application reference number: NYM/2023/0197

Development description: Conversion of and extension to stable block to form residential annexe accommodation (revised scheme to NYM/2020/0721/FL)

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

Parish: Newby and Scalby

Case officer: Mrs Jill Bastow

Applicant: Mr and Mrs Thompson, Foxhill Paddocks, Low Road, Throxenby, Scarborough, YO12 5TD

Agent: Bramhall Blenkharn Leonard, fao: 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	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.
2	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: Document Description Drawing No. Date Received Proposed Annexe 1408_AR50_01_D 30 March 2023
3	UOR11	The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Foxhill Paddocks and shall at no time be used as holiday letting accommodation which will require a separate grant of planning permission from the Local Planning Authority.
4	BCMT01	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.

Condition number	Condition code	Condition text
5	GPMT06	The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding to match the adjoining stable building and shall thereafter be so maintained.
6	GPMT09	No work shall commence on the installation of any window, glazed screen or external door in the development hereby approved until full details, including the material, colour and finish, have been submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details so approved, completed within six months of installation and shall be maintained in that condition in perpetuity.
7	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 200mm the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
8	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
9	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in.
10	MC00	All pipework/cabling and other services related to the internal accommodation are to be located internally unless agreed in writing with the Local Planning Authority.
11	AC20	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 Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
12	MHC03	The development must not be brought into use until the access to the site at Foxhill Paddocks, Low Road Throxenby has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: <ul style="list-style-type: none"> • The crossing of the highway verge must be constructed in accordance with Standard Detail number E50 and the following requirements.

Condition number	Condition code	Condition text
		<ul style="list-style-type: none"> • Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway. • Provision to prevent surface water from the site discharging onto the existing highway must be constructed and maintained thereafter to prevent such discharges. • The final surfacing of any private access within 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. <p>All works must accord with the approved details.</p>

Informative(s)

Informative number	Informative code	Informative text
1	MC INF01	<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	MC INF 12	<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</p>

Informative number	Informative code	Informative text
		<p>the Gov.UK web site . Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site .</p> <p>If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk .</p>
3	MC INF 13	<p>Swift 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 with additional swift box ideas from Action for Swifts .</p>
4	INF MHi-C	<p>Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>

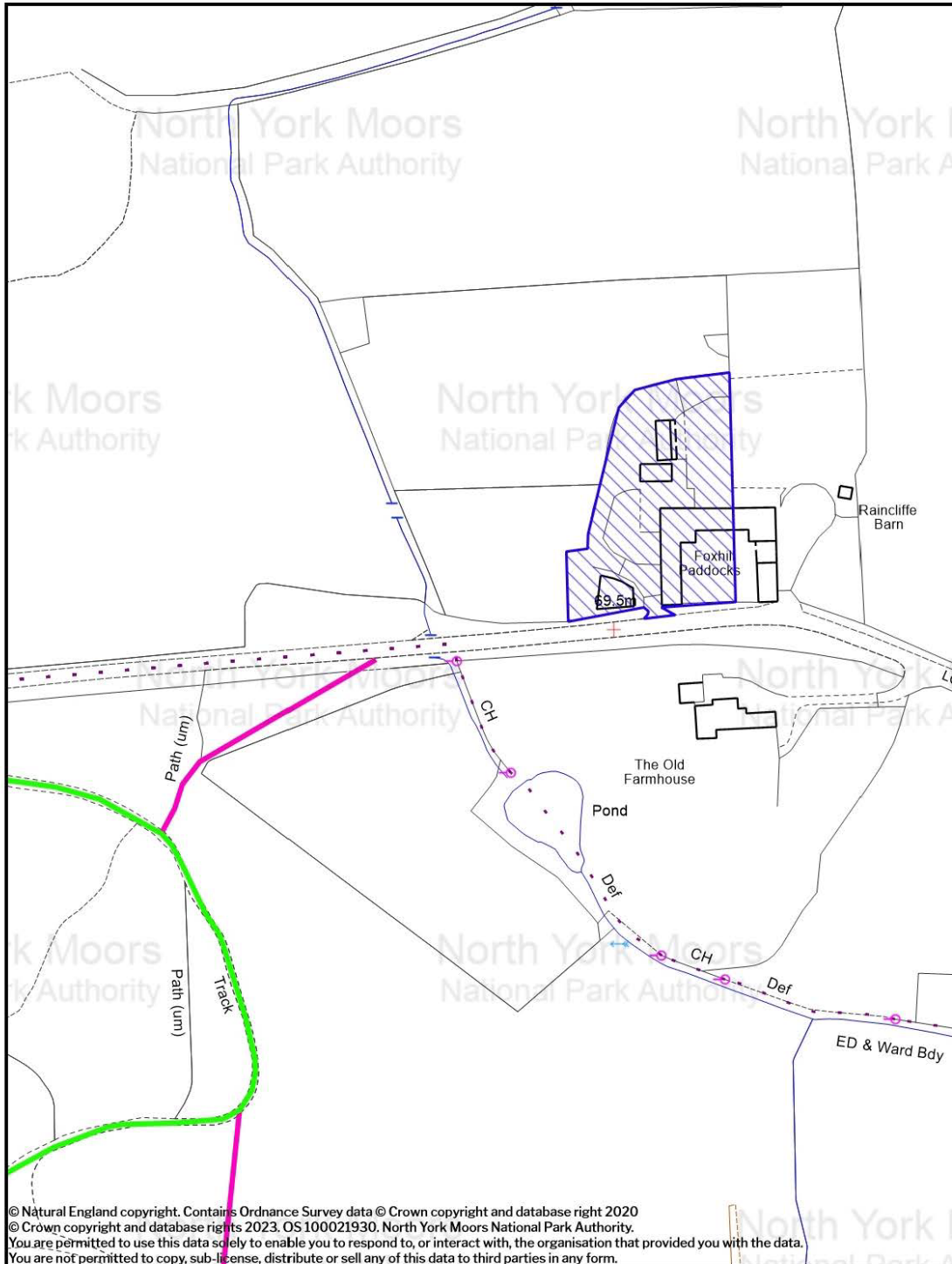
Map showing application site



**North York Moors
National Park**

Application Number: NYM/2023/0197

Scale: 1:1500



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The existing stable block (east elevation) to be converted and extended into residential annexe accommodation -the stable doors and cladding will be replaced with glazing



The existing stable block (west elevation) to be converted and extended into residential annexe accommodation – the timber cladding will be retained



View back toward Foxhill Paddocks, the main dwelling and the existing stable block to be converted and extended into residential annexe accommodation – the extension will be on the site of the skip



Consultation responses

Parish

No objection

Highways

No objection but comment that the current access surface is primarily loose gravel, which is being brought out onto the highway as vehicles move in and out of the site, to the detriment of safety of other highway users. A condition requiring the construction of the access to the appropriate highway standard with measures to prevent the loose material being deposited on the highway would prevent this and protect other highway users.

Environmental Health

No objection

Third party responses

No comments received.

Consultation expiry

16 May 2023

Background

Foxhill Paddock is a substantial dwelling situated on the north side of Raincliffe Woods, between Ox Pasture Hall to the west and Throxenby to the east, formerly part of Raincliffe Farm. It is one of a pair of former stone barns, situated in a courtyard arrangement, both of which are grade II listed buildings. The buildings had been in a state of deterioration and disrepair for a number of years before planning permission and listed building consent were granted in December 1999 for the change of use into two units of residential accommodation with associated workspace (Use Class B1).

There is a lengthy planning history related to the property including planning permission granted on appeal in 2016 for the removal of the occupancy and business use restrictions to create an open market and unrestricted dwelling. Planning permission was then granted in 2017 for the use of the former workspace as a holiday letting cottage comprising a kitchen, living room, bedroom and bathroom, with a further consent being granted for the installation of a flue at the southern end of this single storey part of the building.

Of direct relevance to this application is the planning permission granted in July 2005 for the erection of a stone double garage and timber stable block which are now the subject of this current application.

More recently in November 2020 planning permission was granted for the conversion of the timber stable block to form a gymnasium with the construction of a small link to the

stone garage where it was proposed to provide changing/shower facilities and the construction of a substantial extension to provide a resistance swim spa pool and covered BBQ/outdoor cinema area. The proposed building was to be constructed in timber cladding to match the stable block under a pantile roof.

This application seeks permission for a revised scheme of alteration and extension to the stable block to form a one bedroom residential annexe. The link to the stone garage has been omitted and that building will remain as garaging. The proposed extension will occupy the same footprint as approved and be of the same scale, height, materials and design; the only notable difference is to the proposed fenestration with the east elevation of the stable block being extensively glazed rather than timber clad and the enclosing of what would have been the covered BBQ/outdoor cinema area with vertical timber clad walls.

Main issues

Local Plan

Local Plan

The relevant policies of the adopted Local Plan are **Strategic Policy I (The Historic Environment), Policy ENV11 (Historic Settlements and Built Heritage), Policy CO12 (Conversion of Existing Buildings in Open Countryside), Policy CO17 (Householder Development) and Policy CO18 (Residential Annexes).**

Strategic Policy I requires all developments affecting the historic environment to make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. It requires development proposals to conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

Policy ENV11 seeks to ensure new development conserves, enhances or better reveals elements which contribute to the significance of the heritage asset or its setting including key views, approaches and qualities of the immediate and wider environment that contribute to its value and significance.

Policy CO17 in relation to outbuildings states that they must be required for purposes incidental to the enjoyment of the main dwelling; should be proportionate in size and subservient to the main dwelling and should be of a scale, height, form, position and design so as not to detract from the character and form of the original dwelling or its setting in the landscape.

Policy CO18 supports proposals for residential annexe accommodation only where it is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use. In the case of a new build annexe, the policy requires it to be physically attached to the main dwelling with an interconnecting door.

Policy CO12 supports the conversion of buildings which make a positive contribution to the landscape of the National Park provided that, subject to other criteria, the building is

NYM/2023/0197

appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings. This is relevant to the current proposal as Foxhill Paddock was created through the conversion of a range of redundant farm buildings in the early 2000s and in assessing proposals for any further work to the property in terms of extensions or additional outbuildings regard has to be had to the root policy for the conversion of traditional buildings in the countryside.

Discussion

The current stone garage and timber stable buildings were granted consent in 2004 as additional buildings to the barn conversion as it was felt their construction would facilitate the removal of unsightly modern agricultural sheds and improve the setting of the host listed building. Any further proposals for new buildings should therefore follow the criteria of Policy CO12 to ensure the character, appearance and setting of the original building is not lost.

In view of this, when determining the previous application, it was considered that the conversion of the timber stable block to form a gymnasium and the construction of a substantial extension to provide a resistance swim spa pool and covered BBQ/outdoor cinema area was acceptable in principle.

Whilst the proposal did significantly increase the footprint of outbuildings associated with the main dwelling, given the scale of the host property and the sizeable plot within which it is situated, it was considered that the pool/BBQ/cinema building would be subservient to the existing structures and appropriate in this location. Furthermore, given the main dwelling was once part of a range of agricultural buildings, it would not be uncommon to find further ancillary structures of stone or timber construction on a farm. The proposed pool/BBQ/cinema building was considered to be of a very simple design, clad in timber was large areas of recessed glazing to give the appearance of an ancillary agricultural structure. It was considered therefore that whilst Policy CO12 would not normally support additional ancillary buildings to a barn conversion, the proposal would not adversely affect the landscape setting or appearance of the original former farm buildings, a designated heritage asset.

This revised proposal is very similar to that previously approved, in terms of footprint, scale, height and materials and other than some minor alterations to the fenestration, retains the same high quality design detailing. As such there is no objection in terms of harm to the significance of the heritage asset or its setting in the landscape. However, Policy CO18 does not support new build, detached residential annexes, particularly in the open countryside. Instead, the policy only supports the conversion of an existing outbuilding or an extension to the main dwelling. In this case there would be no objection under Policy CO18 to the conversion of the garage and stable block into annexe accommodation but the proposed extension to the stable block would more than double the footprint of the existing building and as such is tantamount to a new build, detached residential annexe, contrary to Policy CO18.

However, regard must be had to the extant planning permission (NYM/2020/0721/FL) for the conversion and extension of the stable block to provide a gym, resistance swim

spa pool and covered BBQ/outdoor cinema area. There is no use or occupancy condition imposed on that permission that would prevent the applicant, once the conversion and extension was complete and the use had been implemented, from using the building as annexe accommodation in association with the main dwelling. This is the applicant's fallback position. Taking that into regard and the fact that this revised proposal will have no greater impact on the landscape setting or appearance of the original former farm buildings, a designated heritage asset, it is considered that the application should be approved contrary to Policy CO18 (hence referral to Planning Committee).

It is not considered that in recommending approval in this case will undermine the policies of the Local Plan; the applicant has purely benefitted from their fallback position which would not be the case with other proposals for detached, new build residential annexes.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

Not directly applicable to this application.

Contribution to Management Plan objectives

Approval is considered likely to help meet Outcome 6 which seeks to make the National Park a place of great beauty where local communities thrive.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.