

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2023/0690

**Development description:** demolition of agricultural building and change of use of and extension to already converted building to form farm workers dwelling/ancillary annexe accommodation (dual use)

**Site address:** Foulsyke Farm, Fylingdales

**Parish:** Fylingdales

**Case officer:** Hilary Saunders

**Applicant:** Mr K and Mrs S Roche

Foulsyke Farm, Fylingdales, Whitby, North Yorkshire, YO22 4QL

**Agent:** Cheryl Ward Planning

fao: Cheryl Farrow, 24 Westfield Mews, Kirkbymoorside, York, YO62 6BA,

## 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	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site location plan</td><td>---</td><td>30/10/2023</td></tr><tr><td>Proposed elevations &amp; floor plan</td><td>ERM/KR/001 Revised March 2024</td><td>21/03/2024</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Site location plan	---	30/10/2023	Proposed elevations & floor plan	ERM/KR/001 Revised March 2024	21/03/2024
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Site location plan	---	30/10/2023									
Proposed elevations & floor plan	ERM/KR/001 Revised March 2024	21/03/2024									
3	MC00	<p>The occupation of the dwelling as shown edged red on the approved plans, at Foulsyke Farmhouse, Fylingdales shall be limited to either:-</p> <p>i) a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident</p>									

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		dependants.  or  ii) for purposes ancillary to the residential use of the dwelling known as Fouslyke Farmhouse.
4	PDR01	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 1, Classes A to H; Schedule 2, Part 2, Classes A to F and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
5	MC00	The unit of accommodation hereby permitted shall form and remain part of the current Planning Unit presently known as Fouslyke Farmhouse as shown edged blue/red on the site location plan dated 30 October 2023, with the area annotated as farm utility and office space being retained for that use in perpetuity.
6	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. 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.
7	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.
8	BCMT09	Notwithstanding the submitted details, all window frames and door frames, including the glazing link between the existing building and proposed extension, shall be of timber construction without trickle vents and no work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to

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		and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
9	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
10	GPMT24	Notwithstanding the submitted details all rainwater and foul water goods shall be painted cast iron in black or a colour to be agreed in writing by the Local Planning Authority and thereafter be so maintained in that condition in perpetuity.
11	MC00	All new external stonework shall match that of the existing building including the colour and texture and finish and the method of coursing and pointing in the local tradition.
12	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 100mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
13	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.

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

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

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2	RSN PL01	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	RSN UOR06	The site of the proposed dwelling is in an area where Strategic Policies B and M of the North York Moors Local Plan seek to restrict new residential development to that which is essential to the needs of local agriculture or essential ancillary accommodation in order to comply with Policies CO10 and CO17 of the Local Plan.
4	RSN PD01	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 Strategic Policies A and C and Policy CO17 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
5	RSN UOR08	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.
6	RSN AC01	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 North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
7	RSN BCMT01	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

Reason number	Reason code	Reason text
		safeguarded.
8	RSN BCMT01	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.
9	RSN GPMT01	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.
10	RSN GPMT01	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.
11	RSN GPMT01	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.
12	RSN GPMT02	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
13	RSN GPMT02	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are

Reason number	Reason code	Reason text
		safeguarded.

### Informative(s)

Informative number	Informative code	Informative text
1	MC INF01	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.
2	MC INF06	Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.
3.	MISC00	It is recommend that reasonable enhancements for biodiversity are included within the scheme, such as the inclusion of bat or swift boxes within the extension.
4.	MISC00	You are advised to ensure that the capacity of the existing Package Treatment Plant is sufficient to accommodate the additional accommodation hereby approved.

### Consultation responses

#### Parish

No objections

### Highways

On the clear understanding that this application will be conditioned to remain ancillary to the main residence, there are no highway objections to the application.

### Natural England

No comments to make – standing advice.

### Environmental Health

No objections on Housing grounds but in the interest of residential amenity, it is recommended that the occupancy of the dwelling is formally linked to the wider agricultural uses to avoid a situation where they become separately occupied.

### Third party responses

None received.

### Publicity expiry

Advertisement/site notice expiry date – 8 December 2023

Wider complex of development at Foulsyke Farm, application building is to the left of this group





Showing wider farm complex; application building is the pantile building to right of picture.



Application building is the stone building to rear of holiday cottage in foreground



## Background

Foulsyke Farm is an isolated farm, located just off the A170, a little north of the Flask Complex. The farmhouse is a Listed Building and consequently, the adjacent traditional agricultural buildings are listed as curtilage buildings.

Planning permission was granted in 2005 to convert three of the redundant farm buildings into holiday cottages and office and to convert a fourth small traditional outbuilding into a microbrewery and erect a timber stable building comprising two stalls and a tack room.

A subsequent planning permission was granted in 2011 to allow the office unit to be used as a holiday cottage also.

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In 2019, planning permission was granted to allow the holiday cottage to the southwest of the listed farmhouse to be sold off separately as a local occupancy dwelling, to be retained with the farmland and for the two holiday cottages to the southeast to be retained with the listed farmhouse with the use being varied to allow both holiday letting and local occupancy letting.

This application relates to the building immediately to the rear of that group and was previously granted permission as a brewery. This application seeks permission for a change of use of this building, along with a small extension (significantly reduced in scale through negotiations since first submission) to provide either annex accommodation or accommodation for a farm worker, either to be tied to the farmhouse that is associated with the farmland. The accommodation provided would comprise a living and kitchen space and farm utility/office space at ground floor with a single bedroom at first floor. External alterations would include a single storey extension measuring 5.5m long x 4.6 wide with slim glazed link, to provide additional living space downstairs and a staircase to access the existing roof space of the original building.

It is also proposed to demolish the modern agricultural building immediately adjacent to it.

In support of the application, the applicant's agent states the following: -

The accommodation is not to be used for tourist accommodation and happy to accept a condition that the accommodation can only be used for a person(s) working on the farm/annexe (to cover it being a family member).

- The accommodation is too close to the applicant's property for it to be let out for tourism purposes.
- The accommodation may be for a family member (working at the farm i.e. son etc) or the option to have a live in farm worker, purely living at the site to work/be employed at the farm i.e. staff accommodation.
- The accommodation is needed through ill health/health and safety and whilst Mr Roche Snr will still work at the farm he needs some assistance on a day to day basis to ensure livestock is fed and maintained and the land is tended to.
- A modest extension is needed as the existing building (currently a sewing room) is too small however making use of and re-purposing the traditional curtilage listed building together with a small extension is a far better solution than a cabin/caravan being introduced at the farm.
- That there are no other suitable buildings. Foulisyke Farm comprises only the main house and all other buildings are in separate ownership.

A detailed document of agricultural justification has also been submitted (received 2/02/2024)

## Main issues

### Local Plan

Strategic Policy C (Design) seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy I (The Historic Environment ) seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should 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 (Historic Settlements and Built Heritage) This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

Policy CO12 (Conversion of Existing Buildings in Open Countryside) seeks to permit such development only where the building is of architectural or historic interest and makes a positive contribution to the landscape and special qualities of the National Park; is structurally sound and capable of conversion without substantial rebuilding, is appropriately sized for its intended use without the need for significant alterations, extensions or other new buildings; has reasonable access to necessary infrastructure, services and facilities; is of a high quality design retaining existing external features which contribute significantly to the character of the building including original openings and roofing materials; does not lead to changes in the building's curtilage or in relation to any new vehicular access or parking area that would adversely affect the

character and appearance of the building or the surrounding landscape; is located within an existing group of buildings that have a close physical and visual relationship to each other; and the proposed use is compatible in nature, scale and level of activity with the surrounding locality and any neighbouring buildings.

New uses for rural buildings that may be permitted under this policy are employment, education or training; holiday accommodation or permanent local occupancy residential use; tourism facilities; community facilities (in exceptional circumstances) and purposes incidental to the residential use of the dwelling.

Policy CO18 (Residential Annexes) seeks to permit residential annexes only where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use; a clear functional need for the ancillary accommodation is demonstrated; and in the case of a new build annexe, it is physically attached to the main dwelling with an interconnecting door.

All proposals should also meet the requirements of Policy CO17, Householder Development.

Where permission is granted a condition will be applied to ensure that the annexe remains under the control of the occupier of the main dwelling.

Policy ENV4 (Dark Night Skies) seeks to ensure that the darkness of the night skies above the National Park are maintained and enhanced and requires that all development will be expected to minimise light spillage through good design and lighting management.

#### Material considerations

The existing structure has already been converted from its original agricultural use and it is not considered that the change from brewery use to residential would further alter its historic character. Whilst the plans show upvc windows, the applicant has been advised this is not acceptable and that timber windows will be required, this has been accepted by the applicant's agent.

Whilst the proposed extension is more substantial than generally supported for barn conversions, it has been significantly reduced in scale from original submission and would be subservient in scale to the host building. Furthermore, supporting agricultural justification has been submitted setting out the need for accommodation here and part of the building would provide farm office space.

#### Conclusion

The proposal is considered to be in accordance with the Policies set out above and in the spirit of Policy CO12, particularly as a substantial part of the ground floor would be

farm utility and office space; and it is considered that there would be no detrimental impact on the setting of the host building or the character of the locality.

The use is tightly tied the main farmhouse including the use of part of the space as farm office.

In view of the above, approval is recommended.

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

The proposal is not considered to unduly affect any people with protected characteristics.

#### **Pre-commencement conditions**

Not applicable

#### **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 reduction in scale of extension, improvements to fenestration design and agreement to condition requiring timber windows, so as to deliver sustainable development.