

Item Number: 11
Application No: 19/00316/FUL
Parish: Fryton Parish Council
Appn. Type: Full Application
Applicant: Mr Stuart Prest
Proposal: Change of use and conversion of agricultural buildings to form 2no. four bedroom dwellings, 1no. three bedroom dwelling, 1no. four bedroom holiday cottage, 1no. three bedroom holiday cottage and 1no. ancillary facilities building with associated landscaping and parking
Location: Cherry Garth Farm Fryton Lane Slingsby Malton North Yorkshire YO62 4AT
Registration Date: 8 April 2019
8/13 Wk Expiry Date: 3 June 2019
Overall Expiry Date: 8 May 2019
Case Officer: Gary Housden **Ext:** 43307

CONSULTATIONS:

Fryton Parish Council	No objection but request local occupancy condition on dwellings
Highways North Yorkshire	Recommend conditions
Environmental Health Officer	No response received
Public Rights Of Way	No response received
Neighbour responses:	Mr Gawen Dickinson,

SITE

The site is located at the southern end of the hamlet of Fryton. The barns the subject of the application are located to the rear of Cherry Garth farmhouse which is a Grade 2 listed building. The site access is onto Fryton Lane which leads directly to the B1257 further to the south.

PROPOSAL

This application is for the change of use and conversion of some of the existing traditional agricultural buildings located to the rear of the farmhouse to form three dwellings and two holiday cottages with one ancillary facilities building together with associated landscaping and access. The site has planning history detailed below from 2003 which permitted the use of the complex for seven letting units for tourism, leisure and business and more recently in 2013 planning permission was granted for a variation of the occupancy condition relating to the units which permits residential use subject to compliance with Local Needs Occupancy criteria.

The application is accompanied by a detailed Design and Access Statement and covering letter setting out the rationale for the application proposals. These are both attached for Members information together with copies of the submitted plan plans and elevations. A survey in relation to protected species has also been submitted which makes recommendations in relation to bats and any active birds nests. In addition to the works of conversion a large more modern agricultural building within the complex is proposed to be demolished in order to accommodate access to the units on the northern side of the site and to improve their amenity areas.

The buildings are curtilage listed and an application for listed building consent in relation to the physical works to the buildings has also been submitted Ref 19/00317/LBC. No objections have however been raised in relation to the alterations to the fabric of the buildings and the listed building application has therefore been approved under the Council's scheme of Officer delegation.

RELEVANT HISTORY

03/00187/FUL. Approved. Change of use and alteration to agricultural buildings to form seven letting units for tourism, leisure and business.

03/00268/LBC. Approved. Conversion and alteration to agricultural buildings to form seven letting units for tourism, leisure and business.

04/00428/LBC. Approved. Conversion and alteration to part of agricultural building to form service/amenity area in connection with approved conversion scheme 03/00187/FUL dated 08.05.2003.

04/00429/FUL. Approved. Change of use and alteration to part of agricultural building to form service/utility area in connection with approved conversion scheme 03/00187/FUL dated 08.05.2003.

13/00464/73A. Approved. Variation of Condition 07 of Approval 03/00187/FUL dated 08.05.2003 to state: "The accommodation hereby permitted shall only be used for Local Needs Housing for any individual, family and their dependants who qualify for this based on Local Authority Qualification Criteria, or Holiday Letting to the same person, group of persons or families for period(s) not exceeding a total of 28 days in any one calendar year."

17/00929/PREAPP. Pre application advice relating to conversion of buildings to a combination of permanent residential dwellings and holiday cottages.

PLANNING POLICY

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Planning Policy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

APPRAISAL

The following matters are considered to be relevant to the consideration of this application.

Principle of the development

The re use of traditional rural buildings has been accepted in general terms in both national and local planning policy for a considerable period of time. In this instance a combination of additional permanent residential and holiday accommodation is proposed within units 2, 5, 6, 7 and 8. Barn 2 was already the subject of the earlier planning permission Ref 03/00187/FUL and 13/00464/73A.

The additional buildings to be converted shown on the submitted block plan are a continuation of the existing curtilage listed barns and are of a domestic scale, set out in a traditional courtyard footprint. The buildings are acknowledged to be a heritage asset and in principle worthy of retention for a variety of uses subject to meeting site specific criteria set out in more detail in this report.

Whilst the site is located in the settlement of Fryton it is situated in relatively close proximity to the B1257 and this is on the route of a local bus service between Malton and Hovingham that runs on a two hourly basis. Both Hovingham and Slingsby are accessible along this route and are designated service villages as identified in the Local Plan Strategy. Both villages have a number of facilities that would be

accessible to residents or holiday makers including shops and public houses.

Access/Highway safety issues

Following the initial submission officers from NYCC Highways responded raising some concerns about the detail of the site access arrangements onto Fryton Lane and also the nature of the carriage way between the site and the adjacent B1257 where stops for the 194 Malton to Hovingham bus service are located.

Amended plans have been received which show a widening of the site access point and also confirmation of a passing place to be provided on the eastern verge of Fryton Lane approximately half way between the site and the junction with the B1257. Subject to conditions relating to the widening of the site access, provision of the passing space and retention of onsite car parking NYCC Highways raise no objection to the proposal on Highways safety or accessibility grounds. This aspect of Policy SP20 Generic Development Management Issues is considered to be satisfied.

Heritage issues

The barns the subject of this application are curtilage listed and are clearly worthy of retention. The proposed scheme proposes a use for the buildings that is considered to retain their character and appearance. The buildings have a domestic scale and the proposed residential and tourism uses are considered to be compatible with their long term retention.

Subject to detailed condition relating to door, window details, rainwater good and external materials there is no objection raised to the scheme on heritage grounds and Policy SP12 of the Local Plan Strategy is considered to be satisfied.

Amenity considerations - existing residents and proposed occupiers.

The site already benefits from planning permission for a variety of tourism, business and residential uses as detailed earlier on in the history section of this report. It is acknowledged that the current application would result in an increase in the residential and holiday cottage uses at the site. It is of note however that the scheme has been carefully designed to ensure that the residential and holiday uses are reasonably self-contained in order to avoid disturbance between the units. Within the site additional stone walling and hedgerow planting is proposed to delineate curtilage areas. As proposed the site is also considered to be reasonably well separated from the remaining active areas of the farm. The nearest existing more modern agricultural building is also proposed to be demolished in order to further enhance the amenity of the nearest units. This also has beneficial impacts in terms of the setting of the curtilage listed barns as mentioned above.

Design

The application is accompanied by a detailed Design and Access Statement which is appended to this report for Members information. The submitted layout is considered to be a sensitive response to the subdivision of the curtilage listed buildings, making use of existing openings and providing for adequate amenity space and parking areas for each of the proposed units. Subject to appropriate detailed conditions relating to materials, door and window details, rainwater goods the approach to the physical conversion works to the buildings are considered to be acceptable. In the light of the above comments Policies SP16 & SP20 are considered to be satisfied.

Ecology

A detailed protected survey species has been submitted with the application. Subject to conditions recommended in the survey no objection is raised on ecological grounds in relation to bats and nesting birds. An informative in relation to the need to obtain a European Protected Species licence is also recommended. No issues in relation to barn owls were identified in the survey.

Economic development/tourism considerations

The existing business provides holiday cottage accommodation which already contributes to tourism in the locality. The existing business operates under the banner of Cherry Garth Cottages and the business can be viewed on line at www.cherrygarthcottages.co.uk. This application seeks to expand both the tourism uses at the site as well as providing for additional residential use.

The uses are supported in principle by Policies SP8 and SP2 of the adopted Local Plan Strategy and subject to the occupancy conditions listed below the proposal is considered to make a welcome additional contribution to the economy locally.

Other Matters

Slingsby Parish Council have responded making No Objection to the application subject to the application of Local Needs Occupancy conditions to the residential units proposed. This would be consistent with the earlier planning permission reference 13/00464/73A.

One objection has been received from a local resident who describes themselves as a Fryton representative on Slingsby Parish Council. However as the Local Parish has formally raised no objection to this application it is considered that the local resident is responding in a personal capacity only. The residents full letter can be viewed on the Council's website.

The objector raises a number of concerns including the size of the development in relation to the settlement of Fryton, price of the units, access issues including the single track road, no passing spaces, conflict with other agricultural uses, potential for additional noise, potential impact on an oversubscribed village school and general concerns over demands that the development might make on the limited services available locally. In response the agent acting on behalf of the applicant has submitted a comprehensive response letter and this is also attached for Members information.

Many of the issues raised by the objector have already been covered in the body of the Officer report above. In essence the Council's adopted development plan supports the conversion and reuse of traditional agricultural buildings subject to satisfying other detailed policy requirements set out in the development plan. In this case these include matters such as heritage, ecology, tourism, design and generic development management issues including highway consideration. Subject to the imposition of appropriate conditions no objections are raised in relation to the development proposed from any of the technical consultees and officers consider that the proposal is acceptable in terms of adopted policy and the planning merits of the scheme proposed.

RECOMMENDATION: Approval Subject to the conditions listed below

- 1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. the existing access to the farmyard, and adjacent highway verge, shall be improved by widening as generally indicated on Drawing Number Y81:1049.04 Rev A to give a minimum width of 5.5 metres at the access threshold and adjacent carriageway/driveway as illustrated on that drawing and constructed in accordance with the Specification show on Standard Detail No DC/E9A. (NB. The existing verge width should be not less than 2 metres adjacent to the existing village notice board).

(iii) Any gates or barriers shall be erected a minimum distance of 18 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Policy SP20 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(a) Provision of a passing place within the eastern verge of the public highway approximately halfway between the farm premises and junction with the B1257 to achieve an overall width of 5.5 metres over a minimum distance of 16 metres, plus 1:3 end tapers and generally in accordance with the Specification as generally shown on Drawing Number dev4959/2/spec together with flag on edge verge/hedge support with concrete foundation along the rear of the passing place as required.

(i) a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Policy SP20 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

4 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 3 (above):

Construction of passing place as described in that condition

Reason: In accordance with Policy SP20 and in the interests of safety and convenience of highway users.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional

specification referred to in this condition.

- 5 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number Y81:1049.04 Rev. A for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason: In accordance with Policy SP20 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 6 No works of conversion shall be carried out to the buildings hereby approved until a comprehensive method statement and detailed mitigation proposals are submitted to and approved in accordance with the Mitigation and Compensation section of the MAB Bat, Breeding Bird and Barn Owl Survey dated September 2017.

Reason: For the avoidance of doubt and to satisfy Policy SP14 of the adopted Ryedale Plan Local Plan Strategy.

- 7 Prior to the commencement of any above ground works on any of the units hereby approved, details and samples of the materials to be used on the exterior of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. No variation of the approved materials shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason: To ensure a satisfactory external appearance.

- 8 Prior to the commencement of works on the conversion of any of the units, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements

- 9 All rainwater goods shall be of cast iron construction finished and maintained in a colour to be agreed in writing with the Local Planning Authority before they are installed.

Reason: To ensure a satisfactory external appearance.

- 10 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Addition to the roof of a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E (a): Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 11 Notwithstanding the provisions of Schedule 2, Part 2 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following class shall not be undertaken other than

as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: gates, fences, walls etc.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

12 Units 2, 5 and 6 hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

13 The accommodation of units 7 and 8 hereby permitted shall only be used for holiday letting to the same person, groups of persons or families for period(s) not exceeding a total of 28 days in any one calendar year. The accommodation shall not be used as the main residence of any occupant.

Reason: To satisfy the requirements of Policies SP8 and SP21 of the Ryedale Plan - Local Plan Strategy.

14 Before any of the units hereby approved are occupied, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy

15 Before any of the units hereby approved are occupied, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority:

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

16 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Dwg No. Y81:1049:06 1:1250 Scale Site Location Plan
Dwg No. Y81:1049:02 1:1000 Scale Site Block Typology
Dwg No. Y81:1049:10 1:100 Scale Barn 2-Ground Floor + Storage
Dwg No. Y81:1049:11 1:100 Scale Barn 2-First Floor
Dwg No. Y81:1049:13 1:100 Scale Existing and Proposed E & W Elevations – 2
Dwg No. Y81:1049:20 1:100 Scale Barn 5 – Ground Floor Plan
Dwg No. Y81:1049:21 1:100 Scale Barn 5 – Mezzanine Floor Plan
Dwg No. Y81:1049:22 1:100 Scale Existing & Proposed Elevations – 5 & 6
Dwg No. Y81:1049:23 1:100 Scale Existing & Proposed Elevations – 6
Dwg No. Y81:1049:30 1:100 Scale Barn 6 - Ground Floor
Dwg No. Y81:1049:31 1:100 Scale Barn 6 - First Floor
Dwg No. Y81:1049:32 1:100 Scale Existing & Proposed Elevations – 6
Dwg No. Y81:1049:40 1:100 Scale Barn 7 – Ground Floor Plan
Dwg No. Y81:1049:41 1:100 Scale Barn 7 – First Floor Plan
Dwg No. Y81:1049:42 1:100 Scale Barn 8 Ground Floor Plan
Dwg No. Y81:1049:43 1:100 Scale Barn 8 – First Floor Plan
Dwg No. Y81:1049:44 1:100 Scale Existing & Proposed Elevations – 6 – 8
Dwg No. Y81:1049:04 Rev A 1:200 Scale Proposed Ground Floor Plans
Dwg No. Y81:1049:05 1:200 Scale Proposed First Floor Plans
Dwg No. Y81:1049:07 1:50 Scale Proposed Boundary Treatments

Reason: For the avoidance of doubt and in the interests of proper planning.