

**Parish: Great Busby**  
**Ward: Stokesley**  
**4**

**Committee date: 23 August 2018**  
**Officer dealing: Mr Sean Rawling**  
**Target date: 27 August 2018**

**18/01052/MRC**

**Variation of planning permission 16/02333/FUL - construction of three farm buildings comprising a cattle shed, machinery shed and silage/manure shed  
At Dromonby Bridge Farm, Busby Lane, Kirkby in Cleveland  
For Mr Robert Jones**

**This application is referred to Planning Committee at the request of a Member of the Council**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is an agricultural holding located on the boundary of Kirkby-in-Cleveland and Great Busby Parishes, which follows the line of a beck that wraps along the north eastern boundary.
- 1.2 The site is located towards the top end of a field, albeit set some distance away from the boundaries and consists of three partially constructed agricultural buildings. The north-west corner of the field is located in Flood Zone 3, an area at high risk of flooding.
- 1.3 Consent was granted in 2017 for the construction of three agricultural buildings: a cattle shed, a machinery shed and a manure/silage shed. The proposal seeks retrospective consent to vary the permission by substituting amended plans to increase the width of the cattle shed by two metres.
- 1.4 The application also seeks consent for the construction of a lean-to side extension to the north elevation of the cattle shed. The proposed extension is 8m in width and would run the entire length of the building. This would consist of bull pens 5m in width, with the remaining 3m being covered canopy space. The total floor space of the building, including the covered canopy space, would therefore increase from 1,498 sq. m to 1,953 sq. m, an increase of approximately 30%.
- 1.5 The proposed extensions would be constructed of materials to match those previously approved.
- 1.6 Confirmation has been received from the applicant's agent that the proposed development would not result in an alteration to the required employment, or the need for anybody to reside on site.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 11/02302/FUL - Alterations to agricultural building to form a holiday cottage; Granted 19 December 2011.
- 2.2 15/00218/MBN - Prior notification of change of use of agricultural building to dwellinghouse and associated operational development; Refused 8 April 2015.
- 2.3 15/02854/FUL - Construction of an agricultural livestock building; Withdrawn 1 April 2016.
- 2.4 15/02855/FUL - Construction of an agricultural livestock building; Withdrawn 1 April 2016.

- 2.5 16/00108/FUL - Construction of a farm entrance to comprise of gates, walls, driveway and associated landscaping; Withdrawn 1 April 2016.
- 2.6 16/02333/FUL - Construction of three farm buildings comprising a cattle shed, machinery shed and silage/manure shed; Granted 26 July 2017.
- 2.7 17/00751/FUL - Demolition of existing buildings and construction of new dwellinghouse and ancillary equestrian facilities; Refused 4 May 2018.
- 2.8 17/01883/FUL - New security wall and gate to existing field access; Pending Consideration.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 – Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy - Framework July 2018

### **4.0 CONSULTATIONS**

- 4.1 Great Busby Parish Council - This is an application for a significant increase in the size of the agricultural shed at Dromonby Bridge Farm and residents are not happy about the manipulation of the planning system by having one set of plans approved and then asking for a considerable modification when construction is well under way.

The justification for the larger building is not clear although there is a view that, provided it is used for the proposed livestock enterprise, at this stage it may not be proportionate or practical to require it to be rebuilt. The roof line of the extended part of the building is lower than the main roof which means that the extra size of the building is most apparent as you drive up the single-track road from the north. It will be very prominent in the winter months when the hedgerows have lost their leaves and the double line of roof lights is clearly visible. One way to alleviate this would be to require additional tree planting to the north/north-west of the building to provide more screening.

The original planning application was for three agricultural sheds and, given what has happened with this first shed, it will be important for the Council to check that the second and third buildings are constructed according to the approved plans and dimensions.

4.2 Kirkby-in-Cleveland Parish Council - Wishes to see the application refused for the following reasons:

- The Parish Council had great concerns about the dimensions of the approved cattle shed to which this is an amendment. This extra lean-to area which has been already constructed without permission and only exacerbates anxieties about the suitability of a building of this size in the local farming landscape and the effects on the view from the North York Moors.
- The stated proposed use of this extension is unclear. The previous application stated that any bull calves would be sold, so there is no need for pens for bulls. If the extended area is not needed for bulls, then what is the intended use?

4.3 Environmental Health Officer – No objection.

4.4 North York Moors National Park Authority – No response received.

4.5 Highway Authority – No objection.

4.6 Public comments – None received to date.

## **5.0 OBSERVATIONS**

5.1 The main issues are considered to be whether i) the principle of development in this location is acceptable; ii) the development will result in harmful impacts on the character of the area; iii) the development will have a harmful impact on the setting of the North York Moors National Park.

### Principle

5.2 As noted earlier in this report, permission has already been granted for three agricultural buildings in this location. The principle and broad scale of agricultural development on the site has been agreed and the main issue to consider is the impact of the extending of the cattle shed on the character of the open countryside, including the setting of the North York Moors National Park.

### Character

5.3 The Development Plan contains policies CP16 (protecting and enhancing natural and man-made assets) and DP30 (protecting the character and appearance of the countryside), which require the openness, intrinsic character and quality of the District's landscape to be respected and where possible enhanced.

5.4 Although large in size, the existing buildings are sited in relatively low lying land away from Busby Lane. The row of mature trees that follow the line of the beck to the north and east results in views of the buildings being against this backdrop, which softens and reduces the prominence of the buildings. Seen in this context, the proposed enlargement of one of the buildings would have limited impact.

5.5 A scheme of woodland planting is proposed to the south and west of the building (much of this is now in place). This would serve to further soften views of the development from the North York Moors National Park and from Busby Lane.

## Setting of the National Park

- 5.6 The North York Moors National Park Authority has not commented on the application and it is noted that the National Park raised no objection to the previous application. The proposed enlargements are to the north and east elevations of the cattle shed, which face away from the National Park. On that basis the proposal would be unlikely to have any adverse impact on the setting of the National Park or any important views from within it.
- 5.7 Overall, the scale of the proposed extension to the cattle shed is relatively modest in comparison with the previously approved development and would be largely screened from public vantage points.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of 26/07/2017.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered A3/01; A3/02; A3/03; 3002; 3003; received by Hambleton District Council on 21 May 2018 and 01 August 2018; unless otherwise approved in writing by the Local Planning Authority.
  3. No part of the development shall be used after the end of the first planting and seeding seasons, unless the approved landscaping scheme (option d) prepared by colour urban design limited has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
  4. Development shall not commence until a detailed scheme for the disposal of surface water (including details to avoid the pollution of watercourses) from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
  5. Manure shall be stored in the silage shed and shall not be stored externally unless otherwise approved in writing by the Local Planning Authority
  6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
  7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
  8. 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 final surfacing of any private access within shall not contain any loose material that is capable of being drawn on to the highway

9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on A3/03; for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16; CP17; DP30 and DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30;.
4. To prevent the increased risk of flooding and protect water quality in accordance with DP43 and the NPPF.
5. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP16 and DP30.
7. In accordance with Policy DP3; and in the interests of highway safety.
8. In accordance with Policy DP3; 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.
9. In accordance with Policy DP3; 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.