

Parish: Newton On Ouse
Ward: Easingwold
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Committee date: 17th October 2019
Officer dealing: Mr. M. Pearson
Target date: 24th October 2019

19/01027/FUL

**Construction of a general purpose agricultural building to provide a workshop, storage and the winter housing of lambs and calves
At Land Off Newton Sidings, High Moor Lane, Shipton By Beningbrough
For Mr A. Smales**

This application is referred to Planning Committee as the application is similar to proposals previously refused by the Planning Committee

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies approximately 2.5km to the north east of Shipton by Beningbrough, on the eastern side of High Moor Lane. The site is a grassed paddock which has been planted over the last couple of years with saplings along the north western and north eastern boundaries. The site is currently used as grazing land for 13 stirks (6 -12 month old cattle) and 42 store lambs.
- 1.2 The site is bounded by the east coast main railway to the east and to the north is a public footpath travels adjacent to the northern boundary. To the north-east are four residential properties on the east side of the railway line immediately adjacent to the level crossing. These properties are c. 170-200m away from the application site. Further to the east beyond the railway is agricultural land and a large farm complex and dwellings at Stackhouse Farm. To the north of the public footpath is Three Acres a small holding building and beyond this c.200m away from the application site are a number of residential properties on the east side of High Moor Lane. To the west on the opposite side of High Moor Lane is agricultural land, whilst to the north-west are a fishing pond and a number of residential properties at the junction of Moor Lane with High Moor Lane. To the south beyond a large field on the east side of High Moor Lane within its curtilage is High Moor House. The property is c.600m away from the application site.
- 1.3 The site has a significant planning history and the applicant engaged with the Council in pre-application discussions in the summer of 2019.
- 1.4 The proposal involves the construction of a general purpose agricultural building for storage/workshop space together with winter housing for cattle and lambing in spring. The proposed building would be 18.2m x 9.1m in footprint and would be 4.8m in height to the ridge. The elevations would comprise blockwork with timber boarding above. A fenced area to the east of the building is shown beyond hardstanding for hay storage. All served from existing access point off High Moor Lane.
- 1.5 Other supporting information submitted with the application as noted below:
 - Statement from Vets
 - Statement from Accountant
 - Confidential Accounts
- 1.6 During the course of the application position, orientation and size of the proposed building was amended following discussions with the LPA. The proposed building now sits adjacent to the hedge along the western boundary and has been rotated 90

degrees. In addition, the footprint of the building has been reduced from 218m² to 165m².

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02701/FUL Construction of a free range egg laying unit with associated feed bins, hardstandings and attenuation pond, and the siting of an agricultural workers mobile home; Planning permission refused May 2016
- 2.2 17/02371/FUL General purpose agricultural building; Application withdrawn Jan 2018
- 2.3 18/00040/APN Proposed agricultural produce and machinery storage building. Prior Approval Required February 2018
- 2.4 18/00386/APN- Portal framed agricultural produce and machinery storage building. Application returned.

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
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 – Landscaping

4.0 CONSULTATIONS

- 4.1 Newton on Ouse Parish Council – object to the proposals, following consideration of the amendments, on the following grounds
 - The proposed building is still an imposing structure, near the road and footpath and this would inevitably detract from the rural visual environment.
 - Concerns about the suitability of the location, knowing that the field is boggy and floods after heavy winter rain.
 - Local residents are understandably anxious about the smell from manure as well as the visual impact.
 - Concerns about the choice of leylandii as the screening choice and fear that the traditional landscape of grazing land and hawthorn hedges is at risk.
 - Wary of the current proposal in case it proves to be the starting point for a much larger and even more intrusive developments on the site, perhaps approaching those proposed in previous applications.

- 4.2 NYCC Highways – No objection subject to conditions regarding the vehicle access point.
- 4.3 NYCC Public Rights of Way – Recommended an informative regarding adjacent public footpath.
- 4.4 Ramblers Association – Made the following observations:

Initial response

Considered the effect on people using Newton upon Ouse Footpath 8 (10.107/8/1) and High Moor Lane would appear to be less than previous applications on the site.

However a number of other observations were made as noted below:

- Concern about size of the building
- Concern about future expansion
- Need for repair works to 'street' from High Moor Lane to Newton Sidings
- No need for the close boarded fencing is not necessary for wind shelter
- Query regarding height of fencing and proximity to adjacent hedgerows
- Concern about orientation of building for PV panels on the roof
- Any new shelter belt should be additional to the existing and consist of native trees, rather than the Leylandii conifer species
- The gravel parking space for a vehicle at the entrance does not appear adequate
- No information about the treatment or removal of effluent, such as waste water or manure

Second response

- Further to our previous comments, we assumed that solar panels would be affixed to the roof of any building, with the roofline preferably facing south to maximise the available sunlight. The 45 degrees we quoted may not have been exact, but not far off.
- The new option (alongside the Lane) would be slightly more inefficient as the earlier plan from a solar collection viewpoint.
- The new option would be more intrusive visually.
- Pleased to note the non-native Leylandii is to be removed.
- From comments made regarding the fence, we assume any fence would be no higher than the existing hedgerow.
- Still unsure as to how the ewe's will be kept in the winter, as they are often in the open on lowland fields in the winter, coming inside for lambing when the cattle are put out to graze.

4.5 Neighbour notification - The application received a number of observations some in support of the proposal (subject to concerns about future expansion) whilst the objectors to the application noted several concerns regarding the proposal. A summary of the issues raised from the initial responses and from a second round of comments are noted below:

- Concern about manure storage together with associated smells and flies
- Visual impact of the proposal
- Inappropriate landscaping proposals
- Temporary shelters could be provided
- Insufficient justification for the business to have a building of the proposed size.
- Clarification on stock numbers
- Concern about alternative uses should the current business cease
- Concern about future expansion should planning permission be granted.
- Concern about electricity supply and water supply. Potential noise issue from a generator if needed.
- The field becomes water logged due to soil type
- Surface water run-off and provision of rainwater harvesting.

5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area (iii) design; (iv) residential amenity;

Principle of development

5.2 Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the 2019 NPPF supports "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy.

5.3 The applicant has provided a business case for the current use of the land and a justification for the need for the facilities. Confidential information regarding how the business operates and the associated accounts has been submitted to supplement the case for the proposed. This information has been assessed and is considered that the business is operating well and on this basis the case for the business and its expansion on the site is acceptable.

5.4 On the basis of the above it is therefore considered that the provision of a building to support a farming enterprise on an existing site is acceptable in principle and is in accordance with Local Development Framework policy DP26

The character of the area

5.5 It is noted that the site forms part of the wider rural setting to Shipton by Beningbrough. The site is currently in use as an agricultural enterprise and this is not at odds with the character of the wider area and it is noted there are number of agricultural buildings within the vicinity of the site. Public views to the site from the public highway are restricted by the existing hedge on the east side of High Moor Lane. Whilst views are currently possible from the north along the public footpath looking south into the site, it is acknowledged that the vegetation planted along the northern boundary of the site will eventually grow to screen views towards the site.

- 5.6 It is noted that observations have been made regarding the timber fencing and the conifer trees on the site. It is understood that the fencing and conifer trees would not be needed should the proposed building be approved because shelter from the wind would no longer be needed following the construction of the building. Therefore, it is considered sensible to cover this matter through a suitably worded condition regarding boundary treatments across the site.
- 5.7 Concern has been raised by local objectors and consultees about the potential for future expansion or intensification of the enterprise on the site. However, the issue to hand is to test the application that has been made, not for the potential development of the site. In any event, given the location of the development, the expansion of the facilities would not benefit from permitted development rights/prior notification procedures (at this point in time) and any expansion of facilities would require planning consent. Therefore development on the site can be currently controlled through the planning process.
- 5.8 Concern has also been raised regarding alternative uses should the business cease on the site. Whilst the future use of the site cannot be predicted the potential uses of building can be controlled through suitably worded conditions to restrict other alternative uses. On this occasion the response from the Environmental Health Department also identifies this as a potential future issue. Therefore on this occasion it is considered appropriate to restrict the use of the building.
- 5.9 On the basis of the above it is considered that the proposal would satisfy Local Development Framework policies CP16 and DP30.

Design

- 5.10 During the course of the application amended proposals were submitted to overcome concern regarding the siting and layout of the proposed building. The updated proposals are considered appropriate as result of the proposed location of the building adjacent to the existing field hedge. The scale form and appearance of the building is considered suitable and whilst it is possible that the upper elements of the proposed building would be visible above the existing hedge from High Moor Lane it is not un-common to be able to see agricultural buildings within the district. It is accepted that in views from the public footpath and from the properties at Newton Sidings, the proposed building would be visible. However, it is acknowledged, that over time these views will be reduced once the existing and proposed perimeter planting along the northern boundary and existing planting along the eastern boundary matures to provide a greater degree of screening.
- 5.11 A justification for the size of the building in relation to the numbers of livestock proposed, storage space for machinery and workshop space has been provided as a part of the application. It is considered that the building has been designed to the necessary standards for the housing of cattle. It is noted that the cattle numbers size is proposed to be increased from 13 to 20 this is considered to be a moderate number that does not raise any concerns with regard to intensification of the use of the land. However, it is noted that concern has been raised regarding the future expansion of the business on the site.
- 5.12 With regard to the machinery to be stored within the building the applicant has provided information on the costs and timing constraints of utilising external contractors to cut and bale the hay. It is considered reasonable for a business to be able use their own machinery at their convenience rather than be subject to the financial and timing constraints of external contractors. On this basis the need to provide secure storage for the necessary equipment is deemed acceptable and therefore assists with case for the size of building proposed.

- 5.13 It is also noted that temporary shelters could be an alternative rather than the proposed building. However, it is noted that the applicant has stated that due to the size and strength of cattle it is considered that such structures would not be robust enough to house cattle. On this basis it considered the option to provide temporary structures is not suitable on this occasion.
- 5.14 In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the requirements of Local Development Framework policies CP17 and DP32.

Residential amenity

- 5.15 It is noted that observations have been made regarding manure management. Environmental Health have been consulted on the application and raises no concerns about the proposals subject to a condition regarding manure management plan and condition to restrict the housing of pigs or poultry on the site.
- 5.16 On the basis of the above it is considered that the proposal would satisfy Local Development Framework policies CP1, CP16 and DP1.

Other matters

- 5.17 The applicant has been provided with quotation for mains electricity which is deemed to be financially unviable. It is therefore proposed to be provide electricity through a solar supply with battery system to provide power within the workshop. Concern has been raised regarding the need of a generator back up. This is not a matter subject to the application and in any event would be controlled by other legislation.
- 5.18 A comment was received regarding the water supply and the applicant has confirmed that a mains water supply would feed a water trough.
- 5.19 Concern has been raised regarding the water logging off the site. The agent has responded to this matter with regard to the soils types across the site. This is not a matter that is considered to affect the proposed development but it is noted it may restrict the use some of the grazing land in time of high rainfall.
- 5.20 Concern has been raised regarding surface water run-off and rainwater harvesting. Whilst no information has been submitted and the footprint of the proposed building is minor it is noted that it may be possible to introduce such measures and therefore a suitably worded to cover surface water run –off would be appropriate.

Planning balance

- 5.21 The applicant has provided sufficient justification for the proposed business on the application site and due to its siting and design the proposed development is considered to be appropriate for its intended agricultural purpose and will not have a harmful effect on the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the policies set out above.

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 this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) drawings 15292/03, 04, 06 received by Hambleton District Council on 9th September 2019 unless otherwise agreed in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of the boundary treatment (including fencing) to the site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme 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.
 5. No manure shall be stored on site other than in accordance with a scheme approved in writing by the local planning authority.
 6. The building hereby permitted shall not be used to house pigs or poultry.

The reasons for the above conditions 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 To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
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- 4 In order to help assimilate the development within the rural landscape.
- 5 In the interest of residential amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1
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