

Parish: West Tanfield

Ward: Tanfield

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Committee Date : 01 July 2021

Officer dealing : Mr Connor Harrison

Target Date: 14 April 2021

Date of extension of time (if agreed): -

21/00404/FUL

Proposal: Siting of storage shed

At: Stonehaven, Nosterfield, DL8 2QX

For: Mr R Greensit

The proposal is presented to Planning Committee as it is a departure from the Development Plan

1.0 Site, context and proposal

- 1.1 The application site relates to agricultural land located to the north-west of Stonehaven. Stonehaven is located at the southern end of Nosterfield and faces the highway to the west, residential properties to the north and south, and open countryside to the east. Stonehaven consists of a main dwelling (occasionally used as holiday accommodation), ancillary accommodation, and an agricultural storage building/carport.
- 1.2 There are a number of heritage assets within proximity of the site – the Grade II Listed Kiln Farmhouse and Village Farmhouse are within 110m and 60m, respectively, and the Thornborough Henge scheduled monument is found 200m to the south-west.
- 1.3 Planning permission is sought for the construction of a storage building, approximately 18.4m x 4m (73.6m²) in size. The building is proposed to be used for mixed agricultural and domestic purposes, allowing for the storage of feed (hay), vehicles associated with agriculture and building trade, and logs for domestic fuel. Additionally, it will be used for housing livestock (sheep/lambs) when required through the year.
- 1.4 The site comprises part of an agricultural field, accessed directly from land within the domestic curtilage of Stonehaven to the immediate south-west and also through field entrances to the north-east. The field is 0.73ha in area and forms part of the 2.42ha holding owned by the applicants. The proposed scheme would retain the boundary hedging.

2.0 Relevant planning history

- 2.1 13/00596/FUL - Construction of an agricultural storage building – Permitted

It is noted that condition 3 of this planning permission stated 'The building hereby permitted shall only be used for agricultural storage and for domestic/hobby purposes ancillary to the use of the adjacent dwelling and land known as Stonehaven, Nosterfield and not for any other activity. Thus this building is able to be used for hobby/domestic purposes ancillary to the use of Stonehaven as well as for agricultural storage.

- 2.2 12/01735/FUL - Extension to existing dwelling and alterations to existing storage building to form ancillary living accommodation – Permitted

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

- 3.2 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits

Hambleton emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Tanfield Parish Council – No objections.

- 4.2 Three letters of representation (all of which are objections) have been received and are summarised as follows:-

- No agricultural/business need justification has been provided for the proposal, which is agricultural in design.
- An agricultural building has been converted (in 2012) and then replaced (in 2013), indicating that the applicant had surplus agricultural buildings and so has no justified need for new shed buildings.
- 6 acres of land is too small to constitute a farm – it is ineligible for the Basic Payment Scheme as claimants need to have 12.36 acres for this purpose.
- The Bat Statement was not prepared by a qualified ecologist. Bats have been seen in the immediate area.

- No archaeological report has been submitted, despite the proximity of the site to a monument of national significance and a number of Grade II listed buildings.
- The building is situated in the open countryside near a scheduled monument and Grade II listed buildings. It is also immediately north of a popular footpath. There has been no landscape appraisal to assess the impact of the building in the open countryside and views.
- The application form has incorrectly answered a question regarding trees and hedges – trees and hedges are visible from our [a neighbouring] property.
- We do not want the hedge removing and the building needs to be on the applicant's side of the boundary.

5.0 Analysis

- 5.1 The main issues to be considered are i) principle of the development within the proposed location, ii) impact upon the character and appearance of the countryside, iii) impact upon neighbours, iv) impact on the nearby heritage assets and v) impact on ecology.

Principle of development within the proposed location

- 5.2 Section 12 of the National Planning Policy Framework (NPPF) seeks to achieve well designed spaces. Paragraph 124 states "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 130 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents". Section 15 relates to conserving and enhancing the natural environment. Paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other issues, "recognising the intrinsic character and beauty of the countryside".
- 5.3 At local level Hambleton District Council Core Strategy 2007 Strategic objective 8 seeks to protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character. Objective 9 seeks to protect and improve the countryside. Objective 12 is to promote high quality design of new developments in order to create attractive and safe places in which to live, work and play, enhancing and protecting local distinctiveness and visual quality.
- 5.4 Policy CP4 outlines 6 exceptional cases where development outside of development limits and in the countryside will be supported including i) meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy ii) to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; iii) affordable housing or community facilities which meet a local need; iv) re-use existing buildings v) provision for renewable energy generation and vi) where would support the social and economic regeneration of rural areas. Policy DP9 states

development outside development limits will only be granted in exceptional circumstances having regard to CP4, or where it constitutes an acceptable and sustainable replacement building.

- 5.5 Nosterfield is a small settlement within the countryside, outside of development limits, where the policies above seek to restrict inappropriate development in the countryside. Whilst an agricultural-style building is generally regarded as being acceptable in design terms, policy requirements require that it should still be demonstrated that there is an essential requirement to be located in the countryside or that development would otherwise help to support the rural economy.
- 5.6 The various supporting statements associated with the proposal have not demonstrated this effectively and, whilst it is accepted that there will be some agricultural use associated with the building, representation received comment that the proposed building would carry some degree of commercial (in the storage of machinery and equipment associated with the building trade) and domestic use (the storage of domestic fuel) use as part of its overall function. The agent has provided a statement on the 24.03.21 which sets out that the site is not a farm and that the building will be used largely for machinery storage and “hobby farming” involving the keeping of sheep.
- 5.7 Following the site visit by the officer, it is clear that the wider site does not form part of a commercial agricultural enterprise, though there is agricultural equipment visible on site. Also present were a number of items that are linked to the building industry (a concrete mixer, etc.).
- 5.8 At the time of writing, sheep are present in the field and the planning agent has informed the Council that the applicant holds a flock and holding number with DEFRA. The sheep currently number around 50, with plans to increase the size of the flock should this application be approved. It has been identified that the holding is not eligible for the Basic Payment Scheme – the applicant has informed the Council of this and states that this remains in the hands of the former landholder.
- 5.9 It is considered therefore that the proposal would not meet the tests of policy CP4. It appears that, despite the agricultural element present in the proposal, the need to be sited within the open countryside has not been clearly demonstrated nor has it been demonstrated that the proposal would add in a meaningful fashion to the rural economy.

Impact upon the character and appearance of the countryside

- 5.10 Policy CP17 seeks to support proposals which protect and enhance the distinctiveness, character, townscape and setting of settlements, and the historic and cultural features of acknowledged importance, stating proposals which harm the built environment will not be permitted.
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policies require development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements.

- 5.12 Proposals must respect local character and distinctiveness, scale form and massing should respect built form, and should respect and enhance local context. Policy DP30 seeks to protect the character and appearance of the countryside, requiring the openness, character and quality to be respected and where possible enhanced, and the design and location of new development to take account of landscape character and its surroundings.
- 5.13 Siting requires careful consideration to ensure the building relates as much as possible to character of the surrounding area rather than appearing as an isolated building in the countryside. Whilst the building would be set to the rear of Stonehaven, it would be visible from the public right of way to the south-east and from the B6267 to the north-east. The agent has advised that the location has been selected as lambing in the current building within the domestic curtilage was attracting rodents close to the main dwelling.
- 5.14 Despite being outside of the curtilage the building relates closely to the established building line and, as a result, its position would not jar in the landscape. Indeed it is considered that the building is sited adjacent the built form of the settlement. The impact of the proposed structure is further lessened by the low-profile form (3.09m) which, when viewed from the footpath (100m away) and the road (200m), will be largely obscured by boundary hedges. It is considered that no demonstrable harm would occur.
- 5.15 The building itself is to be constructed in an agricultural style, using materials that are commonly associated with agricultural buildings in the area. As a result, the appearance is considered to be appropriate to the countryside setting, and it is unlikely to have a landscape impact that would affect the understanding and context of the various heritage assets in the area. It is of a scale, form and appearance that enables it to be easily understood within the wider area and is not set so far away from Stonehaven so as to appear isolated within the countryside. As a result, it is considered that policies CP17 and DP32 have been met by the proposal.
- 5.16 The site is currently used for the open storage of agricultural, domestic and building equipment and materials. Additionally, there is a poultry enclosure constructed from heras fencing, with a number of smaller structures acting as coops within. The scheme would allow for this to be moved within the proposed structure and a condition will be placed on any approval of planning permission stating that no equipment or materials may be stored (in the open) within the area of field owned by the applicant. It is understood that this is the applicants intention in order to house items under safe cover and to provide for a presentable appearance. This will improve the character and appearance of the immediate area within the wider countryside relative to its current situation. It is therefore considered that the stipulations of CP16 and DP30 (which asks that opportunities to enhance the intrinsic character of the countryside be embraced) have been met.

Impact upon neighbours

- 5.17 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.

- 5.18 The location of the site is approximately 50m to the north-east of the closest dwelling (Village Farmhouse) and 60m to Orchard House. The proposal is not considered to result in a loss of amenity to occupants of nearby dwellings. Whilst the building would be used for the accommodation of livestock, this would be intermittent and limited to short periods of the year (when it would be used for lambing) and would consist of the housing of sheep, which are deemed to have a minor impact in terms of noise and odour. Overall, the proposal is not considered to result in material harm to existing levels of amenity afforded to neighbours and it is deemed to accord with Policies CP1 and DP1.

Impact upon nearby heritage assets

- 5.19 The proximity of the site to Thornborough Henge has been acknowledged and it is apparent that the area to be developed may be of archaeological significance. Despite the distance between the site and the scheduled monument, previous applications have included responses from NYCC's Heritage team and conditions have been attached that have required an archaeological watching brief to be performed prior to construction. This is to be conditioned within any approval.
- 5.20 Section 66(1) of the Act requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF at Paras. 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.21 There are two Grade II-listed buildings nearby: Village Farm, 85m to the west; Kiln Farm, 125m to the south-west. It is considered that the proposal is too far away from both properties to have any meaningful impact on their character or setting and that, regardless of this, the agricultural design of the building would not negatively impact this setting. As a result, it is deemed that the proposal would not have a harmful impact on the nearby heritage assets. The works are therefore considered to accord with the requirements of the national policy and legislation and to also be in accordance with Policies CP16, DP28 and DP29.

Impacts on ecology

- 5.22 There is evidence within nearby applications to suggest that the area is host to a number of bat species and the site is approx. 160m from a Site of Importance for Nature Conservation, found to the west. The hedgerow to the north of the site is to be retained as a boundary treatment and so there will be no loss of habitat as a result of the development.
- 5.23 The proposal is not considered to adversely affect any bat roosts and will not provide an impediment to bat movement within the wider area. It is acknowledged that the bat statement was not undertaken by a qualified ecologist, however due to the proposal not having the potential to directly impact bat roosts, this is not deemed to be of concern. Regardless, the Council should look to improve opportunities for protected species where possible and as a result bat boxes will be conditioned as part of an approval.

Planning Balance

- 5.24 It is considered that the proposal is contrary to the provisions of Policy CP4, having not fulfilled the criteria requiring the demonstration of need or a positive contribution to the rural economy. Additionally, it appears that the proposed building will be used for storage of materials other than those necessary for agriculture, which would effectively constitute a change of use of the land.
- 5.25 It is considered that there would be a benefit to the siting of the building in terms of the appearance of the site – currently the area to be developed plays host to non-agricultural materials deposited there by the applicant. Some of which have been recently moved off the site temporarily but would still require to be housed in the medium term. The proposed development would allow for improvement in the immediate character and appearance of the countryside without contradiction of the established character of the local built environment through the use of appropriate scale, design and siting of the proposed development. Furthermore, there would be no harm caused to the nearby heritage assets, to neighbour amenity or to the local ecology.
- 5.26 As a result, it is deemed that the proposal complies with Policies CP1, CP16, CP17, DP1, DP30, DP32. Due to the lack of identifiable harm demonstrated above, and as it would be possible to improve the character and appearance of the countryside through the provision of the structure, the application is therefore recommended for approval on balance.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
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 numbers SNH.001 received by Hambleton District Council on 17th February 2021 unless otherwise agreed in writing by the Local Planning Authority.
 3. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
 4. The building hereby permitted shall only be used for agricultural storage; accommodation of livestock (sheep); domestic storage; and storage of building materials associated with the use of the adjacent dwelling and land known as Stonehaven, Nosterfield and not for any other activity.
 5. No external lighting shall be installed other than in complete accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented only in accordance with the approved details.

6. The building hereby approved shall not be used for the accommodation of any pigs or poultry, except for the applicant's existing pet hens, without the approval of the Local Planning Authority.
7. Before the approved building is brought in to use bat boxes shall be erected on the approved building in accordance with details that have been submitted to and approved by the Local Planning Authority.
8. The agricultural land to the north-west of the dwelling known as Stonehaven, Nosterfield and which is shown on plan "Plan: Nosterfield Plan 1" produced by Hambleton District Council on 22nd of June shall not be used for the open storage of domestic, agricultural or building materials, equipment or associated paraphernalia unless agreed in writing by the Local Planning Authority.

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 Hambleton Development Plan Policies CP16, CP17, DP30 and DP32.
3. The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with the Local Development Framework Policies CP16 and DP29.
4. In order to ensure that the Local Planning Authority may make an assessment of the impact on sustainability, the character of the open countryside, highway safety, and amenity of any intensification of use that may arise from the operation of a business on the premises in accordance with LDF Policies CP1, CP2, CP4 and DP1.
5. To safeguard the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.
6. To limit the potential loss of amenity to nearby residential areas through the keeping of agricultural stock that may give rise to greater odour, in accordance with the Development Plan Policy(ies) CP1 and DP1.
7. To maintain ecological value of the site in accordance with the Hambleton Local Development Framework policies CP1 and CP16 and DP31.
8. To safeguard the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.