

16/00685/FUL

Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building at Longbridge House Farm, Stillington Road, Easingwold for Grants Pro AGK Ltd.

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is a series of buildings to the south of Stillington Road opposite Easingwold Football Club and to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oakland Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature.
- 1.2 The proposals are for the conversion of several of the agricultural buildings into car sales and associated servicing and valeting of the vehicles. The site is occupied by Grants Pro Agri Ltd which services large agricultural holdings and commercial transport related to agriculture.
- 1.3 The different elements of the proposals are:
- The use of an existing portal framed building for the MOT and servicing of motor vehicles;
 - The use of an existing storage building for the storage, pre-delivery inspection, photography and valeting of motor vehicles;
 - The use of an area of the yard for the display of motor vehicles; and
 - The use of an existing office and staff room as a sales office.
- 1.4 The business operates primarily through internet trade which reduces the need for a forecourt operation. The applicant supplied the following details:
- The business employs 10 people with a possibility of a further 3 being created;
 - There are approximately 80 cars on the site at any one time with approximately 15-20 cars being sold each week;
 - A transporter delivers cars to the site approximately 2-3 times a week;
 - The site does not have an MOT licence (which requires planning permission as part of the licence) but does have plans to introduce such a facility should permission be successful.
- 1.5 The site is outside the development limits for Easingwold. The development limits follow the boundary of the Stillington Road Industrial Estate east of Oaklands Way. The use commenced in March 2015.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused). In order to ensure understanding all the history is provided below.

- 2.2 97/50445/O - Outline application for a dwellinghouse; Refused 3 March 1998.
- 2.3 97/50446/O - Outline application for an agricultural building for the accommodation of livestock; Granted 12 September 1997.
- 2.4 98/50376/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.5 98/50377/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.6 98/50378/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.7 98/50379/P - Agricultural building for the accommodation of livestock; Granted 18 December 1998.
- 2.8 00/50427/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.9 00/50428/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.10 02/00500/FUL - General purpose agricultural building for storage of feed and machinery (including weighbridge); Granted 29 April 2002.
- 2.11 03/00097/FUL - Agricultural building for storage and machinery repair purposes; Granted 21 March 2003.
- 2.12 03/01614/FUL - Retrospective application for entrance walling at front of site; Granted 16 October 2003.
- 2.13 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.
- 2.14 04/02303/FUL - Liquid waste storage tank; Refused 31 May 2005.
- 2.15 05/01700/FUL - Change of use of 2 agricultural buildings to general storage purposes; Granted 26 September 2005.
- 2.16 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006. The reasons for refusal were that the large scale and commercial nature of the proposed use were inappropriate within the rural location and were not supplementary to the agricultural enterprise.
- 2.17 06/00425/FUL - Two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.18 06/02583/FUL - Retrospective application for alterations and change of use of agricultural building to form a storage and office building; Granted 10 January 2007.
- 2.19 07/00292/FUL - Revised application (to 06/00425/FUL) for a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.20 07/01128/APN - Application for prior notification of an agricultural building for the storage of agricultural machinery; Refused 3 May 2007. This proposal was on the York Road frontage, away from the main agricultural yard, and was refused because the proposed size and siting of the building was considered to have a significant adverse impact upon the appearance of the surrounding countryside.

- 2.21 07/02214/FUL - Change of use of agricultural land to the siting of six residential caravans to be used as agricultural workers dwelling; Refused 13 September 2007.
- 2.22 08/00838/FUL - Revised application for change of use of agricultural land to the siting of six residential caravans; Refused 23 May 2008. The caravans would have been in the same position as the agricultural building now proposed under 15/02666/FUL.
- 2.23 08/00857/FUL - Revised application for a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.24 10/01634/FUL - General purpose farm building; Granted 8 December 2010.
- 2.25 10/02960/FUL - First floor extension to existing office building; Withdrawn 10 February 2011.
- 2.26 15/02666/FUL - Agricultural storage building - on this agenda.

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 CP3 - Community assets
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- 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 Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP16 - Specific measures to assist the economy and employment
- Development Policies DP24 - Other retail (and non-retail commercial) issues
- Development Policies DP25 - Rural employment
- 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
- Development Policies DP42 - Hazardous and environmentally sensitive operations
- Development Policies DP44 - Very noisy activities
- National Planning Policy Framework - published 27 March 2012
- National Planning Practice Guidance
- Written Ministerial Statement 31 August 2015 – Intentional Unauthorised Development

4.0 CONSULTATIONS

- 4.1 Town Council - No comment

- 4.2 Highway Authority - No objections
- 4.3 Environmental Health Officer - No objection
- 4.4 Public comment - One letter of objection stating that the additional agricultural building proposed in application 15/02666/FUL would not be required if this application is refused.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location alongside the relationship to 15/02666/FUL; (ii) the impact on neighbour amenity; and (iii) and the impact on highway safety

Principle of development

- 5.2 The site has a complex and long planning history with a range of uses approved on the site. In the Written Ministerial Statement the Government expressed concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is little or no opportunity to appropriately limit or mitigate the harm that has already taken place.
- 5.3 In this case, the proposal would use existing buildings that are well screened from neighbouring residential properties being approximately 170m from new dwellings at Nine Acres, Stillington Road and 250m from homes on Hurns Way. Whilst outside the Development Limits of Easingwold the application site is well related to the commercial development on Oaklands Way and therefore the impact on the openness and character of the area is limited.
- 5.4 The proposal includes a building that was permitted as a vets' surgery and other floor space that could be utilised for agricultural enterprise purposes. The total amount of floor space lost to agriculture and veterinary services would be 758sqm. The building proposed under application reference 15/02666/FUL would be 54.8m by 30.4m (1,665sqm) and therefore would be larger than any building lost to agriculture as a result of this proposal. (The floor space of the building proposed in application 15/02666/FUL could not be provided in the existing buildings both in terms of floorspace and the size and scale of the buildings. The existing buildings would also be awkward in relation to the operation of the site and the weighbridge due to their respective position with the weighbridge located to the rear of the site and the buildings the subject of this application principally located either to the front or side of the site.)
- 5.5 It is noted that MOT proposals were refused in 2006 for the reason that the large scale and commercial nature of the proposed use were inappropriate within this rural location and was not supplementary to the agricultural enterprise. However since that time significant development has occurred on the site and in the vicinity of the application site, with residential and commercial development in the area there has been a significant change in the character of the area since this refusal. Further the NPPF recommends support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, support 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; and promote the development and diversification of agricultural and other land-based rural businesses. In this case the site is well located and related to the existing settlement of Easingwold, with the Development Limits wrapping around the

northern and western boundaries, uses existing buildings and proximity to services and public transport are all positive considerations.

- 5.6 It is therefore considered that on balance, having regard to the positive economic benefits of job creation and other positive benefits including the effective re-use of existing buildings, the close physical relationship of the site to Easingwold, the planning history including diversification of the existing buildings, and the layout of the site and the relationship to the development boundaries, the proposals are not resisted in principle.

The Character and Appearance of the area

- 5.7 It is noted that the proposal would use existing buildings which appear akin to large commercial buildings and are designed to be used for such operations and as such can be and are being used without change to the external fabric of the building. There are also HGV movements and other commercial activities occurring elsewhere on the farm complex. Therefore the principal impact and change in circumstances would be from the parked cars for sale and whether or not this would introduce new elements that would alter the character of the area significantly different from the approved operations.
- 5.8 The parked cars would be located on a portion of the site which is away from existing main operations of the site, it is considered that the layout would not compromise the use of the weighbridge or interfere with the movements around the site associated with the agricultural operations. Further it is considered that the two businesses could therefore use the site without an alteration to the character of the area. Further cars would come and go from the site as they are sold and therefore whilst the area would remain with an element of cars on the site, this would not be uncommon with staff parking adjacent to commercial operations. Overall the car sales area is well contained and surrounded by other buildings which reduces the visual impact.
- 5.9 Whilst there has been an intensification of the use of the site, it is not considered that it has resulted in a material adverse impact on the character of the area. The proposal is therefore considered acceptable in this regard.

Neighbour amenity

- 5.10 As previously stated nearest properties at Nine Acres and on Hurns Way are a significant distance from the application site. The intervening commercial operations would reduce the impact on neighbouring properties further and there is good screening to Longbridge House. Areas of open display could be controlled by condition meaning that external operations (e.g. valeting and preparation of cars) would be limited.
- 5.11 The proposal is therefore considered not to have a material impact on nearby residents and is considered acceptable.

Highway safety

- 5.12 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The comments of the Highways Authority are noted and considered. Further it is noted that there would be no significant impact on the ability of HGVs to turn and manoeuvre within the site so that they can exit from the site in a forward gear through the barrier controlled entrance.

- 5.13 Overall it is considered that there is no significant or material harm to the highway network.

The Planning Balance

- 5.14 The application has been carefully considered against the balance of sustainable development, the significant case history and the impact of the proposal. The retrospective nature is a material consideration against the application, however physical mitigation, boundary treatment, orientation of buildings such that harm has been designed out, has already been delivered through the the development of the buildings and as such further physical mitigation is not required. It is also noted that general storage and alternative uses such as vets have been considered acceptable on the site.
- 5.15 Overall the positive economic benefits of job creation outweigh any limited harm to the character of the area and the proposals are considered acceptable. As part of the permission conditions are required to ensure that the development continues to cause no harm to the other uses on the site or cause conflict with HGVs and to ensure that car sales or storage do not encroach further into the countryside. Restrictions on the areas of sale and operation of the cars as shown on the plan are also proposed alongside restrictions on external music, valeting and servicing are also conditioned. The application is recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the details on the approved plans submitted to the Local Planning Authority on 21 March 2016.
 2. There shall be no external car sales or storage of vehicles outside the area shown as the Open Display Area hatched on the approved location plan submitted to the Local Planning Authority on 21 March 2016.
 3. There shall be no external valeting or servicing of motor vehicles.
 4. All deliveries and collections by car transporter shall take place in the area shown as the Open Delivery Area and shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays.
 5. No speakers or public address facilities shall be installed externally.
 6. No external lighting for security or other purposes shall be installed until full details have been submitted to and approved in writing by the local planning authority. The details shall include the number, position, height, main beam angle, spill shield details and the intensity of all lights. Lighting shall not be installed other than as approved.

The reasons are:

1. In order to ensure that the development is operated satisfactorily from the site and satisfactory appearance of the site.
2. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.

3. To safeguard the amenities of nearby residents and to ensure the satisfactory appearance of the site
4. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.
5. To safeguard the amenities of nearby residents
6. Having regard to the rural nature of the area, the impact of new lighting on light pollution and the amenities of nearby residential occupiers.