

**15/02666/FUL**

**Construction of an agricultural storage building  
at Longbridge House Farm, Stillington Road, Easingwold  
for Mrs Jane Grant**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 This application was deferred by Committee on 26 May 2016 so that officers could (i) investigate alternative siting of the proposed building; (ii) obtain further information on the agricultural justification for the proposed building; and (iii) investigate and obtain further information and advice on the storage of chemicals and fertilisers on the site.
- 1.2 The applicant has investigated alternative siting of the proposed building, however due to a nearby silo and waste operations which have bays on the southern boundary the relocation of the building is not possible. The applicant has also investigated turning the building through 90 degrees to increase the separation from residential properties to the west but this would not be possible without increasing the height of the building
- 1.3 In relation to the agricultural justification, the update paper to the May meeting advised that contracts had been entered into for the areas of land indicated in the report at Husthwaite and Rufforth. The applicant confirms that these two agreements do not supplant the existing farmers, but are agreements to contract a part of the land/produce for which they are responsible. Two unsigned contracts have been supplied; one gives a term date from 6 October 2015 to 5 October 2020, the other gives an end date of 30 March 2017 with options for annual extension. These incomplete and unsigned documents are not contracts and therefore the position reported in May was incorrect. The applicant has confirmed in writing that they can submit signed contracts prior to the determination of the application.
- 1.4 The update paper also included information that grain would only be a part of the use of the building; which would be used for storage and deployment of farm machinery, the collection and storage of produce (this would vary from year to year, season to season and subject to opportunities and fluctuations in demand), the storage of legitimate agricultural feedstuffs, fertilizers, sprays, chemicals and seed. Specific agricultural needs will inevitably vary from time to time, one such example being a recent demand for dry straw storage which could not be accommodated previously which this application seeks to provide.
- 1.5 The applicant continues to indicate that they would accept the conditions outlined in the report, specifically: (i) precluding drying or mechanical ventilation in the building; (ii) limiting its use to the storage of agricultural produce, consumables and machinery; and (iii) the reinforcement of the landscape boundary to the west of the building.
- 1.6 It is noted that the applicant is an established farmer with significant holdings in her own right and she is also an agricultural contractor with significant commitments in terms of plant, equipment and manpower that must be kept utilised if the business is to remain viable and the latest machinery purchased. This building, and the availability of additional farm storage capacity, is integral to that business plan.
- 1.7 The storage of chemicals is a carefully monitored position with 63 chemicals listed within the Regulations. The planning system only exercises control over the storage

of specific substances if they are of the type and in the quantities set out in the Planning (Hazardous Substances) Regulations 2015. For simple ammonium nitrate based fertilisers which conform with the requirements of the Fertilisers Regulations 1991 and composite fertilisers in which the nitrogen content as a result of the ammonium nitrate is more than 28 per cent, the threshold at which Hazardous Substance Consent will be required is 1,000 tonnes. It is not expected that such quantities would be stored in the proposed building.

1.8 The applicant submitted detailed further information on 2 August 2016 as follows:

- The adequate provision of infrastructure and storage space will allow the business to grow with the lack of space currently being prohibitive in the signing of additional land and contracts;
- The existing buildings on site have become redundant for agricultural purposes, mainly because of size, location and access constraints and as a result have been subject of subsequent approvals for alternative use. This is not however indicative of a lack of farming need on the site;
- The additional building will result in increased employment and investment;
- The building, is not intended as a granary, there are no facilities for drying grain and the building is not mechanically ventilated or heated. The applicant indicates that a condition preventing the installation of such machinery would be accepted.
- The purposes of inclusion of grain on the list of produce is that it may be stored in the building. The type of grain is clarified with the grain stored will be treated with Propcorn NC if necessary and in accordance with manufacturers instruction on application rates and preservation times;
- The ability to store produce (specifically straw) at Longbridge in quantity allows the applicant to take advantage of best market conditions for sale without significant quantities being lost due to weather damage, in particular, which is uneconomic and unsustainable;
- The applicant has supplied information as to their business which has been operating since 1965 (initially as a sole trader), then as Whitkirk Farm Produce from 1975 and as Grants Pro Agri. since 2008. The applicant's land agent (Brian Bartle) has also written in support of the application;
- Details of landholdings for the applicant and land under contract offer have been supplied alongside letters from the farmers themselves;
- The applicant has not supplied commercial detail of the agreements but can confirm that there would be a 3 or 5 year 'Farm Business Tenancy Agreement'. This would transfer for the period of the tenancy full 'farming rights' to cultivate and lift crops and to derive any payment or entitlements for the land. The only constraint in the contract being that good husbandry principles are to be applied;
- The applicant has supplemented the need discussion further by indicating the land under contract would have the potential to supply approximately 7,400 bales ('Mini Heston') over the course of the season which require dry storage and some 1,220 tonnes of corn with the potential for Barley and Wheat also capable of being farmed;
- Fertilisers will be stored in accordance with Fertilisers Regulations 1991 and the HSE permit regulations;
- The applicant also highlights that the proposed shed is some distance from residential properties on Hurns Way, the existing tree belt is substantial and could be added to if desired;
- The existing tree belt is over 150m long and 30m wide and was planted 4-5years ago with trees of a mix of semi-mature and younger stock which will grow higher over time. The trees include Oak, Birch, Alder, Beech, Wild Cherry and Pine. There is also potential to increase and supplement hedgerow planting; and
- There are functional and operational benefits from the proposed layout in that the access to the shed is currently from the east elevation and the existing yard.

There would be constraints on the door size, accessibility and tipping space making the building less functional if handed. The tipping trailer needs a height of 11m for tipping and the proposed height of the building (at 13.8m) is necessary.

- 1.9 The application site is south of Stillington Road opposite Easingwold Football Club and the site is 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 Oaklands Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature with a line of trees on the west boundary.
- 1.10 The application proposes a new agricultural building measuring 54.8m by 30.4m and 13.8m to the ridge. The building would be of portal frame construction in a mixture of concrete grain panels on lower walls and profile sheeting to the upper walls and roof.
- 1.11 The applicant confirms that the proposed storage building is part of an upgrading of the applicant's farm activities. In addition to the agricultural land at Easingwold which the applicant farms they advise they will enter tenancies to farm an additional 712 acres at two other locations in the area. These are 304 acres at New Manor Farm, Carlton Husthwaite, to be farmed under contract, and 408 acres at Woodhouse Farm, Rufforth that is rented. These areas are about 7 miles (11km) and 14.0 miles (23km) from the application site respectively.
- 1.12 The applicant advises that these two sites will be used to significantly increase the scale of their arable operations on good quality land that enables a variety of commercial crops to be grown. She indicates she will focus on cereal production but can include a variety of root or feed crops as market opportunities emerge.
- 1.13 The applicant states that neither of the contract or rental agreements includes the use of any buildings or covered storage on the farms in question, so this generates a need to develop the storage capacity at Longbridge. Longbridge House Farm would continue to be the operating base from where the additional land is managed, the land would be farmed primarily by existing staff deployed to sites as operations require and it is likely to provide opportunities for employment growth.
- 1.14 The applicant confirms that the distance of the two parcels of land from Longbridge House is not considered to be unreasonable given the transport related activities of the applicant's business collective, and it is planned that the majority of the movements can be dealt with by their own transport making the transport operations both viable and functionally efficient.
- 1.15 The applicant confirms that there will be no grain drying plant in the building.
- 1.16 The site is outside the Development Limits of Easingwold. The Development Limits follow the boundary of the Fire Station and Training Centre and the Leasmires Beck to the west of the site.

## **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 and training centre. 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).
- 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 - Construction of an agricultural building for storage and machinery repair purposes - Granted 21.03.2003
- 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 - Installation of liquid waste storage tank; Refused 31 May 2005.
- 2.15 05/01700/FUL - Change of use of two agricultural buildings to general storage; Granted 26 September 2005.
- 2.16 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006 on the ground that "the large scale and commercial nature of the proposed use are considered inappropriate within this rural location and will fail to be supplementary to the existing agricultural enterprise".
- 2.17 06/00425/FUL - Construction of a two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.18 06/02583/FUL - Retrospective application for alterations and change of use of existing 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 the construction of a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.20 07/01128/APN - Application for prior notification of the construction 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 were proposed to be located in the same position as the new agricultural building under 15/02666/FUL.
- 2.23 08/00857/FUL - Revised application for the construction of a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.24 10/01634/FUL - Construction of a general purpose farm building; Granted 8 December 2010.
- 2.25 10/02960/FUL - First floor extension to office building; Withdrawn 10 February 2011.
- 2.26 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; Refused 2 June 2016.
- 2.27 16/02053/FUL – Revised application to 16/00685/FUL – Under 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 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 DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
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

### **4.0 CONSULTATIONS**

- 4.1 Town Council - Wish to see approved for agricultural storage only and not to be used as part of any waste management activities.
- 4.2 Highway Authority - No objection.

- 4.3 Environmental Health Officer - No objection; conditions relating to external lighting, prohibiting mechanical extraction or drying equipment and preventing the building from being used to store farm or other waste are recommended.
- 4.4 Public comment - four objections from residents of the nearby residential development raising the following grounds:
- Already suffer from noise and smells from current farm use, an additional building and increased activity would be unbearable;
  - The building should not be so close to neighbours properties; the applicant has other land at their disposal;
  - Was lead to believe that the land behind was to remain unbuilt when property was purchased;
  - Large flood lights operating through the night;
  - An addition of further tree planting to screen the building would be welcomed;
  - Question the size and scale of the building;
  - The development would ring disturbances closer to our house and make them worse;
  - Will overshadow houses and gardens and potentially cut out sunlight; and
  - It will create a poor view from the rear and affect the re-sale value of property.

## 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; (ii) the impact on the character and appearance of the area; (iii) the impact on neighbour amenity; and (iv) 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 however the primary purpose of the site is as a hub for the agricultural enterprise with the waste management and other businesses also operating on the site.
- 5.3 Taking account of the proposal and the evidence submitted as well as the information supplied, the proposal, whilst large, relates to agricultural enterprises and can be safeguarded as such. There has been concern that the land indicated to be farmed under contract is not currently in arable cultivation and may not be readily available for the production of the types of crops indicated in the application. In the absence of a demonstrated agricultural need, approval of the application would be contrary to Policy CP4. Where there is doubt relating to the need then it is appropriate to seek further information; this was done and the applicant has provided further information, as set out at paragraph 1.8. However this does not demonstrate an agricultural need but does explain that a lack of suitable buildings may prevent the expansion of the business. It should be noted that previous applications to locate buildings elsewhere in the enterprise have been resisted due to their remoteness and impact on the open countryside. Locating the buildings together has a practicality and there is an existing office building and other buildings that can be co-joined together. At present, the applicant has not entered into binding agreements for the use of the additional 712 acres which they say provide the justification for this building, so it cannot be said that the building is required for agricultural purposes yet.
- 5.4 Government policy, in the NPPF at paragraph 28 extends general support for the expansion of all types of business in rural areas. As noted above the LDF Policy CP4 supports new agricultural development where it is necessary to meet the needs of farming. The evidence supplied shows a desire to expand the farming business but in the absence of signed contracts and the doubts that have been expressed

regarding the duration of the contracts it is considered that the proposal has not shown that the proposed buildings are “necessary to meet the needs of farming” as set out in Policy CP4. The proposal is therefore considered contrary to the LDF policy.

#### The Character and Appearance of the area

- 5.5 It is noted that the proposed building would be large and designed to meet the needs of a modern agricultural enterprise. There are also HGV movements on the site and commercial activity occurring relating to the approved waste operations. The proposed building would be designed in a manner akin to the neighbouring building which was approved under planning reference 10/01634/FUL which measures 30.5m x 36.6m with a height to the ridge of 11.9m. This building is to be used for grain and machinery storage.
- 5.6 The building would be similar in character to other agricultural buildings and the scale and size would allow for operations, such as the delivery of goods by trailer to take place within the building.
- 5.7 The proposal would be located on an otherwise open field which is currently grassland bringing the group of buildings closer to the properties on Hurns Way. However, the proposal would be viewed from the countryside against the existing industrial estate and fire station and would effectively infill the land between existing operations and the housing estate whilst leaving a gap of approximately 50m to the boundary of the site, and approximately 70m residential properties. Additional tree planting would assist the development assimilating into the area. The existing trees on the boundary with the Hurns Way estate along Leasmires Beck are the subject of a Tree Preservation Order 12/00001/TPO. This existing young tree belt provides a significant visual break between the residential Hurns Way and the countryside and application site beyond.
- 5.8 Overall despite the scale of the building, its scale and character are similar to the existing agricultural and commercial operations on the site and the neighbouring industrial estate and is considered not to cause significant demonstrable harm to the character and appearance of the area.

#### Neighbour amenity

- 5.9 Environmental Health Officers note that this application is for an additional building on an existing operation and comment that depending on use, agricultural buildings do have the potential to be a focus for activities which may adversely affect the amenity of neighbours. The particular use of the building proposed in this application is not clearly specified. The application supporting information states that the vehicular access doors are to be in the east gable facing away from the adjacent housing estate. This allows the building envelope to provide some attenuation whilst the building is being accessed. As no acoustic details have been provided it is not clear how much attenuation the building envelope will provide.
- 5.10 Further should this building need to be accessed before 7am or after 11pm, times when neighbouring residents might be expected to be asleep or preparing for sleep, there may be an impact on amenity. However there are no limitations on any of the existing buildings or operations to the nearest building approved under planning permission 10/01634/FUL but restrictions on open storage and hours do exist on buildings approved under planning permission 05/01700/FUL which are further away. It is also noted that the building approved under 10/1634/FUL has an opening fronting the residential properties and therefore a building in front of this could

provide some attenuation and potential enhancement in relation to the residential amenity.

- 5.11 Grain storage is stated to only be a part of the use of the building; the building could also be used for storage and deployment of farm machinery, the collection and storage of produce (this may vary from year to year, season to season and opportunities/demand cycles), the storage of feedstuffs, fertilizers/sprays/chemicals and seed all of which are legitimate agricultural products and consumables. Specific agricultural needs will inevitably vary from time to time, one such example being a recent demand for dry straw storage which could not be accommodated previously.
- 5.12 The applicant indicates that they would accept conditions outlined in the report, specifically to:
- Preclude drying and mechanical ventilation in the building;
  - Limit its use to the storage of agricultural produce, consumables and machinery; and
  - Reinforce the landscape boundary to the west of the building.
- 5.13 As previously stated, the nearest properties on Hurns Way are approximately 70m from the site of the proposed building, allowing alleviation from the activity. It is noted that existing activity is approximately 156m from residential properties. It is therefore considered appropriate to restrict open storage on the site and that given the closer relationship to residential properties, operations within the building should be restricted to 0700 to 2000 hours. Noise attenuation to the building could also be secured by condition.
- 5.14 Due to the distance from residential properties, the proposal would not result in the loss of light or overshadow residential properties. It is noted that there are some floodlights on the existing buildings but there are also significant floodlights to the Fire Station. To guard against light pollution a condition could be applied to require approval for external lighting.
- 5.15 The proposal is therefore considered not to have a material adverse impact on neighbouring or nearby residents and are considered acceptable.

#### Highway safety

- 5.16 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The Highway Authority's comments 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.
- 5.17 Overall it is considered that there would be no significant or material harm to the highway network.

#### Conclusion

- 5.18 The proposal has been the subject of extensive scrutiny, the additional supporting information provided by the applicant's agent has not shown that the building is required to meet the needs of farming and despite the findings that the scheme would not cause significant harm to the character or the area, amenity of neighbours or highway safety, the scheme is contrary to the LDF Policy CP4 and is recommended for refusal.

## **6.0 RECOMMENDATION**



- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal is contrary to the Local Development Framework Policy CP4 as the site is outside the Development Limits of Easingwold and the scheme has not been shown to be necessary to meet the needs of farming.