

**Parish: Husthwaite**  
Ward: Raskelf & White Horse  
**11**

Committee Date: 5 January 2017  
Officer dealing: Mr Peter Jones  
Target Date: 13 January 2017

**16/02401/FUL**

**Retrospective application for change of use of agricultural building to general machine/contractor repair**  
**At Bye Green Holdings, Low Street, Husthwaite**  
**For Mr Thomas Carter**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located on the northern edge of Husthwaite and lies to the rear of the dwellings on the northern side of Low Street, opposite the village school. An access and driveway lie at the eastern end of West Terrace and extends for a distance of approximately 60m sloping downwards to the site. The site is bounded by metal security fencing to the south and east with an established landscape belt to the west and a block-work wall to the north. Approximately 0.4 acres of the northern area and 0.4 acres of the southern area of the site is paddocks/grassland used for grazing purposes.
- 1.2 The site includes a stable for three horses and two agricultural buildings. The agricultural building subject to this retrospective change of use application measures 18.5m x 12.5m (231.25 sqm) and is currently used as a workshop for general machine/contractor repairs. The site is occupied by an agricultural building built under 04/00441/FUL, which was subsequently extended without the benefit of planning permission. The extension to the building remains unauthorised and is not included within the current application. During an enforcement enquiry regarding this unauthorised extension it was established that the use of the original building was being carried out in breach of planning conditions which sought to control the use of the building allowing it to be used for agricultural purposes only. At the time of the inspection the extension appeared to be in use for agricultural storage associated with the small-holding.
- 1.3 The site is within the Husthwaite Conservation Area but outside the development limits for the village.
- 1.4 This proposal seeks permission for the use of the authorised agricultural building on site as a workshop for general machine/contractor repairs Use Class B2 - General Industry. This retrospective change of use application has been submitted in an attempt to regularise the use of the site.

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

- 2.1 04/00441/FUL - agricultural building to accommodate livestock; Granted 9 June 2004.
- 2.2 05/00262/COU – Enforcement investigation into a caravan on site. Enforcement Notice served and complied with.
- 2.3 07/01791/CLE - Application for Certificate of Lawfulness in respect of siting of residential caravan; Refused 23 October 2007.
- 2.4 08/04720/FUL - Private gypsy site for one household; Refused 6 May 2009.

- 2.5 12/02594/MRC - Application to remove condition 6 of planning approval 04/00441/FUL in order to use the building for agricultural storage and livestock; Granted 11 February 2013.
- 2.6 13/02645/FUL - Alterations and extension to agricultural livestock and storage building; Refused 14 February 2014.
- 2.7 16/00139/FUL - Retrospective application for an extension to an existing agricultural building; Withdrawn 10 October 2016.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP10 - The scale and distribution of new employment development  
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  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP16 - Specific measures to assist the economy and employment  
Development Policies DP17 - Retention of employment sites  
Development Policies DP18 - Support for small businesses/working from home  
Development Policies DP25 - Rural employment  
Development Policies DP26 - Agricultural issues  
National Planning Policy Framework

### **4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Public comment -
- 4.2 Parish Council - Wishes to see the application refused in its current form on the basis that the applicant has not taken into consideration the recommendations contained in Hambleton District Council Policies DP1, DP8, DP9, DP30, DP33 and DP44. The reasons given for this are:
- Although the Parish Council has no major objections to a change of use for this site, it should be noted that due to its close proximity to residential dwellings we would expect the application to ensure that the development will not threaten elements of public amenity concerning matters such as privacy, noise and light pollution. The hours of opening (0900 – 1830) quoted in the application do not limit the operating hours of the site and, for the consideration of local residents, some restriction is necessary. In addition the excessive security lighting on the site during the hours of darkness would almost certainly be classed as a form of light pollution (especially for neighbouring properties);
  - As the site is adjacent to the Husthwaite Conservation Area but outside of Husthwaite's Development limits, consideration should also be given to the effective screening/landscaping of the site to protect the character of the village and prevent detrimental impact to the countryside; and
  - There are no details in the application of how the engineering waste from the site will be disposed of.

- 4.3 Highway Authority - No objection.
- 4.4 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. No objection.

4.5 Yorkshire Water -

## **5.0 OBSERVATIONS**

- 5.1 The main issues are: (i) whether the proposed general industrial use is acceptable in policy terms in this location; (ii) whether the proposed development has had or could have any detrimental impact on the amenity of the occupiers of any nearby property ; (iii) whether the proposed development has had or could have any detrimental impact on highway safety; and (iv) whether the B2 use would have a detrimental impact on the character or wider amenity of the area.

### Principle of general industrial use

- 5.2 The application is for the use of the previously authorised building and curtilage as a general industrial (Class B2) use. This type of use is not normally acceptable in a residential setting, unless it can be established that the use will not be harmful to residential amenity, through the proper control of noise, dust, fumes etc. The nature of the use proposed involves delivery vehicles travelling to and from the site, with materials and completed projects along with the cutting, grinding and fabricating of steel elements and the maintenance of vehicles.
- 5.3 Development Policy DP 9 is supportive of development outside development limits where it can be justified as an exception as set out in policy CP4. Criterion 1 offers support for development necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside. Whilst this business has been operating from this location, it could not reasonably be argued that the business could not operate from an industrial estate within Development Limits and as such no support can be drawn from criterion 1.
- 5.4 Criterion iv can support development which makes use of an existing building without substantial alteration or reconstruction and would help support a sustainable rural economy. The proposal is compliant with this element of the policy as it is a small scale business which makes use of an existing building and contributes to the local economy providing two jobs in the locality. The proposed change of use is supported by policy DP9 in principle, subject to other policies contained within the Local Development Framework, in particular DP1, which is concerned with amenity (discussed later in the report) and DP30 which seeks to protect the character and appearance of the countryside.

### Character of the Countryside

- 5.5 Development Policy DP30 seeks to protect the character and appearance of the countryside. Plainly the building itself has previously been agreed (save for the unauthorised extension) and as such its physical impact is considered acceptable. The site is outside Development Limits, in open countryside albeit close to the edge of the built up area of the village. There are no other industrial uses nearby and the development form in the vicinity is very linear, along the road frontage. The proposal involves relatively noisy activity in an otherwise tranquil location in the countryside. However, given the scale of the use proposed, which is limited by the building, it is considered that the proposed use would not be harmful to the character of the countryside in this area.

### Residential Amenity

- 5.6 The proposed change of use of the site would allow the formation of a B2 general industrial use. The closest dwelling is approximately 25m from the boundary of the site and approximately 60m from the building which is the subject of this application. It is also noted that the access to the site runs immediately adjacent to a dwelling and its associated garden ground and in close proximity to a second dwelling.
- 5.7 The site is located in a rural location on the edge of the village. By its nature the area is relatively tranquil and the background noise levels are low. This effectively increases the potential for impact from noise as a result of the proposed use, in particular on the amenity of the domestic gardens to the north of Low Street.
- 5.8 Vehicle movements into and out of the site would make use of the existing access track into the site. This is an unmade, private access which runs between two domestic properties. The access is effectively split into two with the eastern element providing access to the fields behind.
- 5.9 The use of the access by commercial vehicles, due to the close proximity of the track, particularly to the house to the west of the access, could lead to some loss of amenity through noise, vibration and disturbance although at present this is limited to two HGVs per week and up to seven light vehicles per day.
- 5.10 Taking into account the scale and form of the proposed use, the number of vehicles likely to use the site and the proximity to residential properties in the vicinity of the application site along with the consultation response from the Environmental Health Officer, it is concluded that the proposed use would not cause sufficient noise and disturbance such as to warrant a recommendation for refusal.

### Highways

- 5.11 As stated by the applicant the proposed use involves commercial and light vehicle movements on the private access road and utilising the existing junction with the public highway. Due to the width of the access point at its junction with the road the visibility at the junction is relatively good and the Highway Authority has no objection to the proposed development.

### Conclusion

- 5.12 B2 industrial use of the site has the potential to cause some level of disturbance through the generation of noise. However, given the scale of the current operations, the size and location of the building and the distance to nearby houses, the proposed use is not considered to be sufficiently harmful to warrant a recommendation for refusal.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 15 December 2016 unless otherwise approved in writing by the Local Planning Authority.

2. Within 3 months of the date of this permission a lighting scheme shall be submitted for the Local Planning Authority's written approval. Once approved, the lighting scheme shall be implemented within 3 months of the date of that approval.
3. There shall be no outside storage of materials or works associated with the B2 business operation of the site at any time. All works and storage shall be within the building, subject of this application only.
4. The use hereby approved shall only be operated between 08:00 and 18:00 Monday to Friday with no operation at weekends or public holidays.

The reasons for the above conditions are:

1. 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 DP1 and DP32.
2. In the interest of the amenity of local residential occupiers and to accord with the requirements of Policy DP1 of the adopted Local Development Framework.
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Informative

1. This permission does not apply to the unauthorised extension to the building and you are reminded that planning permission is required for the retention of the extension.