

Parish: Tollerton
Ward: Easingwold

Committee Date : 10 June 2021
Officer dealing : Mr Craig Allison
Target Date: 14 June 2021 (EOT Agreed)

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21/00591/FUL

Retention and adaption of agricultural building
At: Sowerton Farm, Sykes Lane, Tollerton, North Yorkshire
For: Mr & Mrs Coning

The proposal is presented to Planning Committee as the site is of significant public interest

- 1.0 Site, context and proposal
- 1.1 The site is located to the south of Sykes Lane between Tollerton and the A19 road some 800 metres to the east of Tollerton. The application site is surrounded by open fields with a redundant worm farm and building to the North West.
- 1.2 Planning permission was granted for the building in question in 2016 under planning reference 16/00141/FUL for “An extension to building for agricultural storage and livestock purposes.” The approved scheme amounted to a building of 30 metres by 37 metres in floor space and 5.5 metres to the eaves with the ridge height 8 metres in height to match the adjoining building which is in situ to the north. The planning permission immediately abutted the building on site at its southern gable elevation.
- 1.3 Subsequently it was evident that the building which was permitted had been constructed at a greater height. The height of the building had been constructed at 8 metres to the eaves and 12 metres to the ridge. The applicant sought retrospective planning permission to retain the building at this height, however this was refused on 29 June 2020, under planning reference 19/00705/FUL.
- 1.4 The applicant has now submitted a revised scheme for the building and this application seeks planning permission for these changes to the building. The floor space of the building is proposed to remain as originally approved, however the the roof pitch to the whole of the building is proposed to be reduced and the eaves is proposed to remain as it currently sits today. This would reduce the ridge height from 12.7 metres to 10.7 metres with the pitch of the roof reduced by 10 degrees.
- 2.0 Relevant planning history
- 2.1 06/02549/FUL – Construction of an agricultural building and associated hard standing – Refused 22 August 2007 for the following reason:

“The proposed agricultural contractors building does not comply with the requirements of Policy EM9 of the Hambleton District Wide Local Plan by virtue of the unjustified location outside any Development Limits or

Safeguarded Employment Areas which is not sustainable and would have an impact on the character and appearance of the countryside.”

- 2.2 07/02068/FUL – Revised application for the construction of an agricultural building and associated hard standing – Approved 28 August 2007
- 2.3 08/01174/FUL – Construction of an agricultural storage building – Approved 23 June 2008
- 2.4 08/01177/FUL – Construction of an agricultural storage building – Approved 23 June 2008
- 2.5 09/01907/FUL – Construction of an agricultural building – Approved 18 September 2009
- 2.6 16/00140/FUL – Proposed extension to existing agricultural livestock building – Approved 21 March 2016
- 2.7 16/00141/FUL – Proposed extension to building for agricultural storage and livestock purposes – Approved 22 March 2016
- 2.8 16/00231/OUT – Application for outline planning permission with all matters reserved for the construction of farm workers dwelling house – Approved 22 April 2016
- 2.9 17/01422/FUL – Construction of 1no farm workers dwelling – Approved 21 August 2017
- 2.10 19/00790/FUL – Change of use of land agriculture to storage (B8) and retention of three aggregate bays and cement silo (retrospective) – Refused 31 May 2019 for the following reasons:

“The change of use of the land to a storage yard for B8 use is located within an area designated as open countryside, and the proposed change of use fails to comply with any of the criteria stated within Policy CP4 of the Core Strategy. It is therefore considered to be contrary to the Council’s Local Plan Policies

The operating of a cement business (B8 use) on agricultural land is considered to be an inappropriate form of development. This type of development is more considered to be appropriate within existing industrial estates not within the open countryside. It is therefore considered to be contrary to Policy DP25 and CP15 of the Council’s Local Plan Policies

The erection of a cement silo is highly visible within the character of the area and is considered to be an incongruous form of development within the open countryside and is therefore considered to be contrary to Policy CP16 and DP30 of the Council’s Local Plan Policies”

- 2.11 19/00705/FUL – Retention of a partially completed agricultural building and construction of an extension to agricultural building – Refused on the 29 June 2020 for the following reasons:

“The agricultural building for which approval is sought is highly visible within the open landscape of the area. The building is a stark form of development within an area which has predominately flat topography and introduces an incongruous, large form out of scale with adjoining buildings or landscape features in the open countryside. It is therefore considered that the development is contrary to Policies CP4, CP16, CP17, DP30 and DP32 of the Council’s Local Plan Policies and the NPPF.”

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 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- 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
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 – Rural Employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 – General Design
- Development Policies DP33 - Landscaping

3.3 Hambleton emerging 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 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 Tollerton Parish Council – Object to the application stating that the application should be refused as per the reasons for the previous retrospective application submitted last year

4.2 Ministry of Defence – Raise no safeguarding objections to the proposal

4.3 North Yorkshire County Council (Highways Authority) – Raise no objections to the proposal

- 4.4 Kyle & Upper Drainage Board – Have recommended conditions to be imposed if the development increases surface water discharge
- 4.5 Environmental Health – Raise no objections to the application
- 4.6 No comments were received from Yorkshire Water
- 4.7 Public comments – A site notice has been displayed and neighbours consulted. 12 written objections have been received of which the comments are summarised below:
- The applicant has a building more than 50% higher than the original application
 - The logistics of altering the building by removing steel frames, cladding mean that the applicant might as well just build it to the previous agreed height.
 - The height of the eaves of the building has not changed
 - The huge shed is considered to be a blot on the landscape
 - Clarity is required on the wheel wash facility, hardstanding on the access to the site and significant additional planting to the site boundaries
- 4.8 Public Comments – One letter of support has also been received of which the comments are summarised below:
- There are other farm buildings of similar height and scale all within the same flat topography and like all new structure will be considered incongruous, but over time with landscaping it will blend into the countryside
- 5.0 Analysis
- 5.1 The main issues to consider are: (i) the principle of an agricultural building for the storage of grain; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on the amenity of the area.
- The Principle of Development
- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.
- 5.3 As the site is located outside of the settlement boundary of Tollerton, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating

or compensatory measures to address harmful implications. These relate to where:

- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
- It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
- It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
- It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
- It would make provision for renewable energy generation, of a scale and design appropriate to its location;
- It would support the social and economic regeneration of rural areas.

5.4 The proposed agricultural building is located on an existing agricultural unit. The building is required for the storage of crop specifically in regard to grain and sugar beet which would be stored within the building. It is therefore considered that the principle of an agricultural building in this location is in accordance with Policy CP4 and DP9 and is acceptable subject to other material planning considerations.

The impact on the character of the surrounding area

5.5 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.

5.6 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.

5.7 One of Hambleton's strategic planning objectives set out in the Core Strategy Local Development Document (2007), is "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."

5.8 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.

5.9 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning 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. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.10 The applicant has stated that the reason that the building has been constructed at this height is because of the evolving farm operation and a need to accommodate crop storage within the structure and enable a safe tipping height within the covered area clear of the working yard. In this regard, grain and sugar beet will be brought to site by tractor and trailer and also articulate HGV with associated tipping trailer. Such vehicles already access the site as part of the farming operation. The tipping height of the latter is 9 metres with a trailer boy extending up to 11 metres; hence the greater eaves height to the building; this then provides the appropriate internal roof void clearance above maximum raised tipping height for vehicles reversing into the building.
- 5.11 The proposed reduced height of the building to 10.7 metre would be an increase in height from the approved building by 2.7 metres. This is still higher than that which was originally granted planning permission, however it is considered that lowering the current height and reducing the degree pitch of the roof by 10 degrees would significantly reduce the bulk of the building and would ensure that the development is more akin to the existing buildings on the site and more appropriate in scale. It is considered that reducing the bulk and size of the current building would minimise the impact of the building on the character and appearance of the open countryside to an acceptable level. The proposal is considered to be in accordance with the Council’s Local Plan Policies.

Impact on amenity of the area

- 5.12 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.13 The site is situated in an isolated location within the open countryside and it is therefore considered that the proposed alteration to the agricultural building from a working farmstead would not cause any additional impact on neighbouring residential amenity and the proposal is therefore considered to be in accordance with Policy DP1 of the Local Plan.

Planning balance

- 5.14 It is considered that there is a need a need for an agricultural building for the storage of grain due to the size of the business operation, having regard to the agricultural needs of the building and operation. The size of the building as it stands is considered to have a detrimental impact on the character and appearance of the area. However, the proposal for a reduced roof pitch is considered to reduce the bulk and size of the building so that it is more akin with the existing buildings on the site and is of an appropriate scale. Although the eaves height would remain the same it is considered that this is required to allow the building to be functional for its intended use. Therefore it is considered that the revised proposal is in accordance with the Council's Local Plan Policies and the overarching principles of the National Planning Policy Framework.

6.0 Recommendation:

That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Context Plan (Drawing Number: BS4175-10 Rev C); Proposed Amended Building (Drawing Number: BS4175-15) and Location Plan received by Hambleton District Council on the 9 March 2021; unless otherwise approved in writing by the Local Planning Authority.
2. Within three months of the date of this decision a scheme showing the type, positioning and height of supplementary planting to the boundaries of the site and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved planting shall be implemented in accordance with the submitted details.

The reasons 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 Policies CP16, CP17 and DP30.
2. In order to assimilate the building into its environment in accordance with Policies CP16, CP17 and DP30.