

Parish: Tollerton
Ward: Easingwold

Committee date: 26th August 2021
Officer dealing: Marc Pearson
Target date: 29 January 2021
Extension of Time: 30 April 2021

10

20/02742/FUL

Replacement Agricultural Building
At Land to east of Old Mill House, Alne Road, Tollerton
For Mr Richard Bullen

This application is referred to Planning Committee at the request of a Member of the Council

1.0 Site, context and proposal

- 1.1 The application site is located on the south side of Alne Road to the west of the of village, within a larger agricultural field enclosure that is defined by hedgerows and occasional trees. The application site is situated in dip within the undulating topography with the existing field gate entrance located on low ground, whilst to the west and east the land rises. Overhead electricity lines cross the site entrance and travel along the northern boundary of the application site adjacent to the hedgerow facing Alne Road. To the south-east and north-west is a public footpath which connects Tollerton to Alne.
- 1.2 The surrounding context is defined by agricultural land that forms part of the rural context to Tollerton. To the east is the built form of the village which sits on higher ground with the nearest residential property situated c.300m to the east on the south side of Alne Road. To the west the closest residential property is the Old Mill House on the south side of Alne Road which is c.300m away. Approximately 280 to the south of the site is the River Kyle and as a result of the topography part of the application site, to the south of and not including the proposed building, is located in Flood Zone 2.
- 1.3 The new building is required due to the proposed re-development of the applicant's existing buildings for housing on Tennis Court Lane in Tollerton (reference no. 20/02752/FUL). The proposed building is to be sited immediately adjacent to the Alne Road to the west of the existing access point and the ground floor level is to be cut into the rising ground but will still be at a higher than the existing vehicle access point. The dimensions of the building are approximately 15m wide x 36m long, with a ridge height of 8m. The proposed building comprises concrete panels with a variety of timber boarding and Juniper Green profiled metal sheeting above. Part of the south elevation will be open-sided and will have gates for access to the building. The pitched roof is proposed to be covered with a grey fibre cement sheet material. The proposed building will be used for housing of c.25 cattle, storage of grain, hay and machinery. As part of the development it is proposed to provide a comprehensive landscaping around the perimeter of the proposed building as illustrated on the submitted drawings

2.0 Relevant planning and enforcement history

2.1 No planning history associated with this site.

3.0 Relevant policies

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- 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 DP3 – Site accessibility
- Development Policies DP26 - Agricultural issues
- 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

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

- Policy S 1 - Sustainable Development Principles
- Policy S 5 - Development in the Countryside
- Policy HG 5 - Windfall Housing Development
- Policy E 1 - Design
- Policy E 2 - Amenity
- Policy E 3 - The Natural Environment
- Policy E 7 - Hambleton's Landscapes
- Policy RM 3 - Surface Water and Drainage Management

Hambleton emerging Local Plan

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. 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.

National Planning Policy Framework

4.0 Consultations

4.1 Tollerton Parish Council – Objects on the following grounds noted in the two responses below (verbatim):

First response

The field in which the proposed buildings are intended to be constructed is situated to the north of the village some distance from the current agricultural buildings where the elderly farmer manages his cattle on a twice daily basis. Relocating the cattle would necessitate the farmer travelling in a vehicle to carry out his husbandry duties. He currently can walk to achieve this.

Whilst we as the Parish Council support the improvement of agriculture within the parish, we must express concern at moving the buildings that serve the farmer reasonably, currently in both location and function, to facilitate further housing development (subject to additional planning application). We would, however, welcome improvement local to the existing buildings and the farmer's home.

The access from the field currently is used several times a year. The proposal will necessitate this access to be used many times a day. The access is on a blind bend from the village and will cause a large increase in risk to the traffic using this busy route from Tollerton to the north.

The current buildings store a variety of farm equipment as well as providing a home for cattle. This involves fuel and chemical storage which would be relocated to the proposed site. As this proposed building is situated in a field that is prone to flooding there will be an increased risk of contamination from the storage of livestock, chemicals and fuels. This will be potentially detrimental to the wildlife both locally and further afield. There does not appear to be any consideration within the proposals of this application for dealing with any of this risk by use of specialist drainage interception etc.

There are currently no services to provide power, water and indeed drainage for this development. These will need to be brought in via extensive highways works and the consequential risks associated with these activities on the highway.

The destruction of the agricultural environment as a result of this development will be detrimental to the flora and fauna locally. The rich variety currently in the fields and hedgerows around the proposed area will be disrupted permanently.

Second response

- *The landscaping now introduced is welcome. However, this will further reduce the visual aspect and amenity currently enjoyed from the south from the public footpath that runs along the Kyle stream, used by many members of the public.*
- *The additional gate access introduced will now necessitate long agricultural vehicles accessing the area to remain on the highway whilst the gate is opened, which is an additional hazard introduced to the scheme.*

- *The site access proposed remains situated in a dangerous position and the application does not address the visibility of the access from both directions of the highway.*

4.2 Environmental Health – No objection.

4.3 Contaminated Land - No objection based on the submitted PALC.

4.4 NYCC Highways – No objection.

4.5 Environment Agency – No objection based on the building located in floodzone 1. The second consultation response noted issues relating to pollution prevention as noted below:

The applicant describes the building as a general purpose agricultural building, with several possible principal uses mentioned in the supporting statement, and so it is not clear what the buildings exact use will be. If the building is to be used for any purpose which could lead to the production of any animal slurry, or any silage liquor, or is to be used for the storage of either slurry or silage, or for the storage of agricultural fuel oil, then the proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

As long as the development does not contravene the above mentioned legislation, then we have no objection to this proposal.

4.6 Kyle and Upper Ouse Internal Drainage Board – No objection subject to conditions regarding the disposal of surface water.

4.7 Site Notice expired on 13.1.2021 and Neighbour Consultation period expired on 20.1.2021.

There have been 4 objections against the application as summarised below:

- The position of the building will cause increased access onto a blind area of the road with poor visibility, making this area unsafe for both farm traffic and other road users.

- Walkers are forced to use the grass verge as part of the Right of Way between Tollerton and Ane. There is no pavement and traffic using this entrance will increase the risks for these walkers as they have to cross this entrance.
- Concern how effluent from cattle will be managed as it is next to a large floodplain.
- Impact of the development on views from the public footpath network.
- No ecological survey has been carried out of the hedgerow and field in the vicinity of this application. During the spring and summer I have observed a couple of pairs of nationally rare Corn Buntings in this vicinity, on the immediate adjacent hedge and perched on overhead wires. This is probably the scarcest farmland bird nationally but has a stronghold in this locality. Suspect the birds may nest in the hedgerow next to this site. They are a Red Databook species.
- The field to the south floods towards the River Kyle. Any animal waste or silage liquor may run off from this higher location and seep through groundwater to contaminate the river with concentrated agricultural pollution.

9 observations in support of the application as summarised below:

- Allowing this application will allow the farmer to relocate his current operation of breeding cattle from Tennis Court Lane, Tollerton. The new building would still be within easy reach for the farmer to tend his cattle and store his farm equipment.
- The buildings on the existing site are a mix of very old iron clad buildings in poor repair, sited directly next to the new Tollerton Doctors surgery. Concerned that complaints will be raised regarding the vermin (rats) that exist in those buildings and surrounding site.
- With regard to the proposed new building, it will allow the farm to exist in an area where its operation will not interfere or be a disturbance and nuisance within the village, as in its current location.
- Understood that the building will be sited well above the flood line, built low into the landscape, and screening will be planted to minimise visual impact. This is in great contrast to other, much large agricultural/industrial buildings that have recently been erected in the Tollerton area. These include a building approx. 400m west of the application site, over Water Mill bridge, situated high on the hill. It also cannot be compared to some of the more "industrial" type buildings that have been erected along Sykes Lane, Tollerton to the A19.
- Inadequate infrastructure to support the more modern way of farming. The current highway is only suitable for cars and does not support tractors or HGVs that are needed to run a farm. The current farm buildings need to be much higher to enable them to be more useable and are no longer fit for purpose.

4.8 The application was subject to further consultation exercise (expired 3.7.2021) and one objection was received. This repeated some of points noted above but a summary of additional matters raised is noted below:

- With regard to the public footpath and to avoid increased danger to walkers using the footpaths it is suggested that a new public right of way footpath link is added on the applicants land behind the hedge, to minimise walkers having to go along the road in the vicinity of the barn access and approaching a dangerous blind bend along the road. The applicant could install a new stile or kissing gate in the roadside hedge, and then another stile or kissing gate in the intervening hedge to then link in with the footpath heading up the hill to Tollerton.

5.0 Analysis

5.1 The main issues to consider are:

- Principle of the proposal
- Design and appearance
- Landscape and visual impact
- Amenity
- Flood risk
- Highways

Principle

- 5.2 The application is required due to the re-development of the applicants existing buildings for housing on Tennis Court Lane in Tollerton (reference no. 20/02752/FUL). This proposal is therefore only required if the development of existing site was to go ahead. On this basis officers have sought to ensure that if this application and the concurrent housing application are approved, a legal agreement would be secured to ensure that the replacement building is only erected once the development of the residential site is secured and the agricultural use needs to cease. This is to avoid two agricultural barns being used on the land. It is acknowledged that in order for the existing site to cease use the replacement building has to be erected and also be ready for use. On this basis it is suggested that once the replacement building is erected and ready for use, the existing site shall cease use within one calendar month. The agent has confirmed that the applicant and landowner agree to this in principle and therefore should the applications be approved a s.106 legal agreement would be prepared on this basis.
- 5.3 The application site is located on part of the existing farm complex and is required subject to the re-development of the existing facilities on Tennis Court Lane. Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the National Planning Policy Framework supports "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." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy. The existing buildings on the site date from the mid-twentieth century and are in a state of dis-repair and located in close proximity to a number of residential properties and the Doctors Surgery. It is therefore considered that the provision of the replacement building to support the re-location on an existing farm buildings is acceptable in principle on this occasion and is in accordance with Local Development Framework policies CP4 and DP26. With

regard to the emerging Local Plan the proposed development would satisfy Policies S1, S5 and EG7.

Design

- 5.4 The design and appearance of the proposed building with a concrete panel plinth with vertical timber boarding/metal sheeting above is typical of modern rural structures and therefore it is considered appropriate within the rural setting of Tollerton. On this basis the proposal is considered to satisfy the requirements of Local Development Framework policies CP17 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies S1, S5 and E1.

Landscape and visual impact

- 5.5 With regard to visual impact, the proposed building is to be located in a roadside location behind an existing hedgerow within a dip within the undulating topography. It is also proposed to cut the floor level into the higher ground and provide a boundary planting to the west, south and east as illustrated on the submitted drawings.
- 5.6 Longer distance views from the east on higher ground are possible from Alne Road and public footpath runs from Tennis Court Lane. In these views the proposed buildings would be visible but views would be interrupted by the intervening hedgerows and trees. In views along Alne Road the building will be visible above the existing hedgerows. In short distance views the proposed building would be visible from the field gate on Alne Road. Longer distance views from the west along Alne Road restricted by the undulating topography, the alignment of the highway and roadside hedgerows. From the public footpath to the north-west longer distance views are restricted by field hedgerows. However, once closer to the application site short distance views would be possible to the upper level of the proposed building.
- 5.7 Whilst it is noted that building has been well sited and landscaping is proposed to help assimilate the proposed building into the landscape, given the size of the structure it will still be visible within the landscape. However, it is not uncommon for agricultural buildings to be visible within the rural landscape and this characteristic is repeated across the district. On this basis the proposal is deemed to be acceptable and does not raise any concerns regarding visual impact and is in accordance with Local Development Framework policies CP16 and DP30. In terms of the emerging Local Plan the proposed development would satisfy Policies S5, E1 and E7.

Amenity

- 5.8 With regard to the potential impact on amenity Environmental Health has been consulted on the application and has raised no concerns regarding the proposal. The applicant has also suggested a manure management plan could be secured by a suitably worded condition and officers concur this would be a suitable approach on this occasion. On this basis the proposal would satisfy Local Development Framework policies CP1 and DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highways

- 5.9 NYCC Highways note that the existing highway has not been constructed properly but raise no concerns subject to a condition to require the access to be constructed in accordance with Standard detail E10 with gates set back from highway and a construction management plan. It is noted that the revised site layout drawing indicates the requested access details. The proposal is considered to be acceptable from a highway perspective and therefore is in accordance with Local Development Framework policies CP2 and DP3. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

Floodrisk

- 5.10 Part of the application site located immediately to the south of the existing field gate is within Flood Zone 2 and surface water flooding is identified on the Environment Agency mapping at the existing field entrance gate double check. During the course of the application flooding of the fields occurred and officers observed the extent of flooding on application site and the Parish Council submitted photos of flooding along the highways. It is noted that the proposed building would sit c. 2m above the current levels of the field gate and only the access into the site would be subject to flooding. The applicant has revised the site layout to allow for the access into the site to curve away from the area known to flood in order to counter this potential issue. In addition, the agent has noted that should the highway or part of the access into the site be flooded this is at low level and proposed building can be still be accessed via a tractor.
- 5.11 The Environment Agency has been consulted on the proposal and note that because the building proposed building is considered 'Less Vulnerable' according the table 2 of the Planning Practice Guidance (Flood Risk and Coastal Change) and is located in Flood Zone 1 beyond the known extent of flooding they have no objection to the application. Furthermore, the Environment Agency have noted in a second response the requirement for pollution prevention measures. The agent has confirmed that the proposals do not involve the production of storage of slurry, nor do they increase cattle numbers or water usage. On this basis it is therefore considered to satisfy flood risk Policy DP43 of the Local Development Framework and emerging Local Plan Policies RM1 and RM2.

Drainage and surface water disposal

- 5.12 An observation has been received regarding the potential for contamination of from animal waste/silage liquor and chemical that may run off to contaminate the river. Officers consider it is appropriate in this instance to cover this detail via a suitably worded condition.
- 5.13 It is also noted that the internal drainage board have requested details for the disposal of surface water and the need for percolation tests. The agent has confirmed that the intention is to provide soakaways and there is sufficient land surrounding the site to incorporate a design solution. Whilst no percolation testing has been provided officers consider it is appropriate in this instance to cover this detail via condition.

Public rights of way

- 5.14 A number of observations relate to concerns relating to the impact on the public footpath/users and one comment relating to the provision of the footpath across the application site and provision of a stile through the hedgerow. For clarity the public footpath does not cross the application site or the site access point. The public footpath in question crosses the land in a north-west to south-east direction. From the south-east the public footpath terminates on the south side of Alne Road c. 70m to the east of the existing field gate whilst to the north-west the public footpath terminates c.65m to the west. It is therefore understood that users of the footpath need to walk along the highway or the verge between the two points and this could include walking across the existing access point. Given that the public footpath does not cross the application site or the access point the proposal is not considered to have a direct impact upon the footpath network. With regard to the potential conflict with users walking along the verge it is not considered the increase in use will cause any significant concern. Furthermore, the request for provision of a new footpath route across the application site whilst desirable is not necessary and cannot be required in this case.

Protected species

- 5.15 Public comments have been received regarding the potential impact on wildlife including Corn Buntings. No works proposed to the hedgerow itself and the application site comprises a very small part of the actively managed farmland. On this basis the proposal is not considered to raise any concerns relating to wildlife and in any event protected species are controlled through separate legislation.

Planning Balance

- 5.16 It is therefore considered the proposed re-placement agricultural building is acceptable in principle and its design is considered appropriate. In addition, it would not cause any harm to landscape character of the area, the amenity of surrounding properties or raise any flood risk concerns. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of design, visual impact, amenity, flooding, highways and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to only allow for the development of the site subject to the existing agricultural buildings on Tennis Court Lane being taken out of use as a pre-requisite of re-development for housing (application ref. 20/02752/FUL) ; and (b) any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 drawing numbers 2034 3D and 4C received by Hambleton District Council on 23.6.2021 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

4. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be thereafter retained.

5. Above ground construction shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. Prior to the commencement of development details for the disposal of surface water shall be submitted to the Local Planning Authority for approval. The approved details shall remain in-situ thereafter.

7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

8. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The existing crossing of the highway verge must be improved by construction in accordance with Standard Detail E10.
- Any gates or barriers must be erected a minimum distance of 14 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

All works must accord with the approved details.

9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the commencement of development details for the disposal of washdown water shall be submitted to the Local Planning Authority for approval. The approved details shall remain in-situ thereafter.

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 Development Plan Policies CP16, CP17 and DP30.
3. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
4. To ensure that the development is appropriate to the character and appearance of its surroundings.
5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. To ensure appropriate drainage of the site.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
9. In the interest of public safety and amenity.
10. To ensure appropriate drainage of the site and to protect the surrounding watercourse.