

Parish: West Tanfield

Ward: Tanfield

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Committee Date : 21 October 2021

Officer dealing : Ms Helen Ledger

Target Date: 29 September 2021

Date of extension of time (if agreed):

21/01617/FUL

Conversion of general purpose agricultural livestock and storage building to general industrial use (Class B2), associated parking and new vehicle access and road to the site from the B6267.

At: The Long Acres Fore Lane, Thornborough, Bedale

For: Steven Houston.

The application is brought to Planning Committee at the request of a Member of the Council.

1.0 Site Context and Proposal

1.1 The site is located to the south of the B6267 and 330m to the north of the village of Thornborough. It is currently accessed via a track from the west, Fore Lane. Visible on site from the public realm are a series of open sided concrete areas for the storage of waste compliant with the current use associated with the applicant's ground maintenance company. At the time of the site visit a series of vehicles were parked on site along with a large truck, with tipping trailer. The wider site is open and covered by grass with some small evergreen pine trees on the north west boundary.

1.2 It is proposed that the large agricultural building granted consent in 2014 and commenced but as yet not complete, change use to allow B2 general industrial uses across the 540sqm floor space. This is to allow the extra space for the expansion of the applicant's business, which is already based at the site. The submitted details indicate the applicant seeks to reserve the possibility of sub dividing the space into 4 separate smaller B2 use units.

1.3 The planning history shows the LPA refused a very similar application (20/01783/FUL) under delegated powers. On the 2020 application, ref 20/01783/FUL the reason(s) for that decision were;

1. This proposal cannot accord with the principles of the development plan policy CP4 by virtue of the location and the nature of development proposed and as such is considered to be an unacceptable and unsustainable form of development in open countryside.

2. The proposal would have a significant harmful impact on the character of the countryside and local area and be contrary to policy DP30.

Reason 2, refers also to the impact of new general industrial uses on the countryside generally, rather than being limited to the buildings itself; which is the same scale as approved in 2014 as an agricultural building, save more large door openings.

1.4 It is noted the applicant is seeking to change the use of a previously approved but as yet uncompleted agricultural building. It is stated they commenced the archaeology research required by conditions on the 2014 permission and have dug foundations and installed the concrete pad, thereby preserving the permission.

2.0 Relevant Planning History

2.1 07/02828/FUL : Siting of an agricultural building : Permission Refused Nov 2007.

2.2 08/01199/APN : Prior notification for the siting of a livestock and storage building : Granted June 2008.

2.3 09/02554/APN : Prior Notification for the siting and construction of an agricultural storage building : Granted Oct 2009.

2.4 12/00943/FUL: Change of use of agricultural land to mixed use of agricultural and the storage of trailers and equipment for grounds maintenance company, the construction of a boundary fence and retention of a shed and ancillary hardstanding to store equipment: Permission Granted Aug 2012.

2.5 14/00847/FUL: Proposed general purpose agricultural livestock and storage building: Permission granted May 2014

2.6 20/01783/FUL : Application for the change of use of a general-purpose agricultural livestock and storage building to 7 individual units for Class B2, General Industrial usage - refused with the following two reasons,

1. This proposal cannot accord with the principles of the development plan policy CP4 by virtue of the location and the nature of development proposed and as such is considered to be an unacceptable and unsustainable form of development in open countryside.

2. The proposal would have a significant harmful impact on the character of the countryside and local area and be contrary to policy DP30.

3.0 Relevant Planning Policies

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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP26 - Agricultural issues

Development Policies DP25 - Rural employment

Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP3 - Site accessibility
Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. 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 West Tanfield Parish Council - Object.

- Contrary to development plan policy in that it is inappropriate development in open countryside.
- Would have a significant harmful impact on the character of the countryside and local area. It would change the present agricultural field into a small industrial estate.
- The location of the proposed development is within one mile of the ancient monuments of the historic Thornborough henges.
- The creation of the new access on the B6267, over 7m in width to accommodate HGVs, will make a gap in the hedgerow, causing significant adverse visual impact by opening up the view of the site and of the industrial building.
- The proposed development would have an adverse impact on local residents, noise, vehicles disturbance and industrial activity

4.2 NYCC Highways - No objections subject to recommended conditions on the access.

4.3 Environmental Health - 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. Therefore the Environmental Health Service has no objections.

4.4 NYCC Heritage Services - No objection to the proposal. The site of the building was subject to archaeological research in 2016 and did not reveal findings relevant to the neolithic landscape. This would also be relevant to the south part of the proposed access road. Grascrrete parking area would be unlikely to disturb any archaeological features.

4.5 Site notice posted and neighbours notified. Four representations received, the following is a summary of the issues raised.

Support - 2 representations

- As the immediate neighbour - no objection to this proposal
- There is a significant green area and trees between it and local dwellings. Not noted any nuisances in the time that the business has been located at Long Acre.

Object - 2 representations

- Inappropriate to develop an industrial unit in the countryside, contrary to the qualities identified in the Landscape Character Assessment, an area is sensitive to built development due to its sense of tranquillity and the "Perceptual Quality" of "A quiet and rural area, with relatively few overt signs of modern development, except for the extensive mineral workings at Nosterfield creating a highly modified landscape."
- Discrepancy in the footprint size
- Speculative development, possibility of split into 4 units
- The creation of a new HGV access will change local character, open up a view of the site and the industrial building with paraphernalia and exacerbate the industrial appearance of the proposed development in open countryside
- Have an adverse impact on the setting of Thornborough Henges and the perception of the henges by any visitor approaching them.
- There would be an increase in activity, noise, light pollution and air pollution.
- Have an adverse impact on infrastructure, transport, sewerage and waste disposal.
- A limited bus service into the village, trips would have to travel by car.
- The NPPF gives no more than qualified support to the rural economy, only be applied in particular circumstances.
- The current activities on the site already have an impact eg noise of vehicle movements, voices, guard dogs barking and smoke from bonfires. Expansion of the current activities will add to this.
- Unsustainable and contrary to the emerging local plan
- Strongly object to this application, the location is totally inappropriate for Class B2 use being within 1/4 mile of Thornborough.

5.0 Analysis

- 5.1 The main considerations are; i) principle of proposed development; ii) impact on heritage assets; iii) impact on the countryside including long distance views; iv) highway safety and; v) amenity

Principle

- 5.2 The NPPF offers support for the rural economy under paragraph 84 that states that planning decisions should allow the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; secondly by the development and diversification of agricultural and other land-based rural businesses.
- 5.3 NPPF Para 85 states decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. But notes that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. Finally, that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 5.4 Local planning policy is framed around 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.
- 5.5 As the site is located outside of the settlement boundary and within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond 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 of 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.
- 5.6 The site is located in the open countryside close the hamlet of Thornborough, which has no facilities. The application does not claim any of the CP4 exceptions. Instead the applicant is seeking the change of use of an agricultural building, not yet completed. Some pre commencement archaeological works have been undertaken and the applicant states the concrete base is currently being used as staff car parking with the foundations having been dug out between the 8th and 11th of March 2016. The pillar foundations were installed later in the year. Photographs have been supplied and show some parked cars and what appears to be overgrown structures.
- 5.7 Policy DP26 would support farm diversification and whilst the LPA has supported conversion to B2 uses for farm diversification these have been accepted within farmsteads. This site is not a working farmstead.
- 5.8 The applicant proposes that the change would support the local economy. The planning statement states that anticipated activity would be machinery repair and services and it was confirmed that this is a projected business rather than servicing the existing businesses equipment. It is also noted in the submissions the applicant's son has recently qualified in arboriculture and the applicant would like to expand the business further in this direction. The case officer has sought more information to substantiate this, such as a business plan, and two projected accountancy balance sheets have been provided that show that both the existing business operating from the site would be profitable alongside an arboriculturally focused one to November 2022. Whilst this is useful, it does not provide clear details of the plans for growth in the

target markets and demonstrate there is an established need to make use of the whole building or the smaller sub-divided units proposed, nor does this establish why a rural location would be necessary for the proposed development.

5.9 Therefore, it is considered that the proposal fails on the matter of principle.

Heritage

5.10 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.11 The footprint of the proposed building was subject to an archaeological strip, map and record excavation in 2016. Based on the findings and comments from Historic England and NYCC Heritage; and the recorded data it is considered that the current proposal will not result in harm to the significance of any heritage assets.

5.12 The site is 0.8km (measured in a straight line) from Thornborough Henges which is a neolithic landscape of national significance. It has been raised in the consultation exercise that this proposal would affect the setting of this feature. Whilst the approach and setting of such landscapes is important, it is considered this site is too far away to result in harm to the significance of the asset.

Character

5.13 As stated, the site is flat and open and readily visible from the main road to the north. Policy DP30 protects the openness and intrinsic quality of the countryside. The proposal to move away from the agricultural use of the building to general industrial, would result in a scale and nature of associated activity that is considered to have a significant harmful impact on the character of the area. This is a remote site within the countryside, some distance away from similar activities which are well located on Leeming Bar industrial estate for instance. The addition of a new road access would give a greater view into the site than at present and the access will be of a scale sufficient to accommodate HGV access, which in itself would change local character. The northern boundary is mixed and views into the site when travelling along the main road are largely open.

Highway Safety

5.14 The Highways Authority have confirmed that the current access is not likely to be suitable for the proposed use, without further research and assessment. The site is not well located for public transport options and therefore does not accord with the central approaches of the plan to locate development in sustainable locations, policy CP1 and policy CP2.

Amenity

- 5.15 Policy DP1 requires that the impact of development on residential amenity be assessed and the proposal is close to the nearby settlement of Thornborough. This is a remote site within the countryside and whilst the proposed development will result in a change to the noise and traffic profiles associated with the site, it is considered that the development would have no harmful impact on residential amenity.
- 5.16 It is noted that the Environmental Health service has not objected and they note that they have no records of any statutory nuisance complaints. Based on the information submitted by the applicant and the location of the residents the Environmental Health Team did not feel the proposed development will have an impact on the residents.

Planning balance

- 5.17 It is considered that this proposal cannot accord with the principles of the development plan by virtue of the location and the nature of development proposed and is therefore recommended for refusal. Whilst the proposal may help support two profitable businesses, these are not supported by evidence of demand for units or a robust business case. The NPPF would support sustainable rural businesses, but this exception does not take priority over development that is insensitive to its surroundings. This scheme would still result in an unsustainable development in the countryside.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons for the above conditions are:-

1. This proposal cannot accord with the principles of the development plan policy CP4 by virtue of the location and the nature of development proposed and as such is considered to be an unacceptable and unsustainable form of development in open countryside.
2. The proposal would have a significant harmful impact on the character of the countryside and local area and be contrary to policy DP30 and DP32.