

**Parish: Huby**  
Ward: Huby  
**9**

Committee date: 18<sup>th</sup> November 2021  
Officer dealing: Kate Williams  
Target date: 19<sup>th</sup> November 2021

**21/01769/FUL**

**Construction of an agricultural livestock building.  
At: Newlands Farm Wigginton York North Yorkshire  
For: Mr Ben Rab.**

**This application is presented to Planning Committee as the applicant is related to a member of the Council.**

### **1.0 Site Context and Proposed Development**

- 1.1 The proposed development is for a livestock building on an established dairy unit comprising 140 head of cattle on a 129 ha farm. The applicant is intending to increase the herd to 200 head to improve profitability and additional employment.
- 1.2 The applicants are proposing to site the new building to the north west of the existing farmyard complex. The roof of the new building will be clad in fibre cement sheets, to create a similar appearance to the existing buildings on the farm and in the local area. The gable ends of the building will be Yorkshire boarding above natural coloured concrete panels, whilst the sides of the building will be open above the feed fence barriers. The proposed building will measure 48.768m in length, 19.812m in width, with an eaves height of 4.267m. This will provide an internal floor area of 966.19m<sup>2</sup>.

### **2.0 Relevant Planning and Enforcement History**

- 2.1 21/00652/APN - Erection of an agricultural livestock building. Granted - 10/04/21.
- 2.2 18/00785/APN - Proposed extension to an existing shed for the holding of cattle. Granted 11/05/2021.

### **3.0 Relevant Planning Policies**

- 3.1 Local Development Framework:
  - 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 DP9 - Development outside Development Limits
  - 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 DP43 - Flooding and floodplains

- 3.2 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.
- 3.3 Relevant policies of the emerging Local Plan (eLP) are:
- S1: Sustainable Development Principles
  - EG7: Businesses in Rural Areas
  - E1: Design
  - E2: Amenity
  - E3: The Natural Environment
  - E4: Green Infrastructure
  - E7: Hambleton's Landscapes
  - RM1: Water Quality, Supply and Foul Drainage
  - RM2: Flood Risk
  - RM3: Surface Water and Drainage Management
  - RM4: Air Quality
  - RM5: Ground Contamination and Groundwater Pollution

#### **4.0 Consultations**

- 4.1 Parish Council - Huby Parish Council do not have any objections.
- 4.2 Highways - There are no objections and the LHA does not recommend any conditions
- 4.3 Internal Drainage Board - They recommend conditions
- 4.4 Yorkshire Water - No objections
- 4.5 Environmental Health - Not received
- 4.6 MOD - Not received
- 4.7 The application was advertised by site notice and neighbour notification, which have expired.
- 4.8 No public Comments were received.

#### **5.0 Analysis**

- 5.1 The main issues to consider are:
- a) Principle
  - b) Design and Impact upon the character of the area
  - d) Amenity
  - e) Highway Issues

## Principle

- 5.1 The principle of development accords with CP1, CP4, CP15, DP9 and DP26 because the building whilst sited in the open countryside is for an established farming enterprise. A livestock building has an essential requirement to be located within the countryside, which the above policies

## Design and Impact upon the character of the area

- 5.2 The proposed design, scale and location fulfil the requirements of policies CP17 and DP32. The buildings are a suitable form, using appropriate materials and palette of colours.
- 5.3 The wider visibility of the site is low due to the presence of trees, hedgerows and relatively flat landscape. The building is sited in proximity to the existing buildings on the site and is not considered to be harmful to countryside character. The proposal would therefore fulfil CP16 and DP30 in respect of protecting the character and appearance of the countryside. No additional landscape treatment is considered necessary in this instance due to the limited visibility, presence of existing buildings and landscape around the site thereby ensuring the development complies with DP33.
- 5.4 The site comprises part of the existing dairy farm field, it is not considered to have an unacceptable impact upon ecology or bio-diversity. There are no landscape features which would be affected by the development. Therefore, the proposal will fulfil policies CP16 and DP31.

## Amenity

- 5.4 The surrounding area is agricultural and the site is located in the open countryside. The nearest neighbours are 550m (also in agriculture) to the south east. It is not thought the proposed development would have a significant impact upon residential amenity, given the location, existing screening and existing land uses.
- 5.5 The applicants anticipate that the noise impact of the proposed development to be minimal. Any noise generated as a result of vehicular movements during day-to-day movements such as feeding will be not be significantly greater than the current agricultural operations that take place. The development would therefore fulfil CP1 and DP1.

## Highway Issues

- 5.6 The application site is to the north of Corban Lane, from which the development can be safely accessed via private road. Access to and movement within the site by vehicles will not have a detrimental impact on road safety. The proposal would therefore accord with CP2, DP3 and DP4.

## Flood risk and drainage

- 5.7 The site is located in Zone 1, outside any area of flood risk. Surface water is proposed to be dealt with via rainwater harvesting. The proposals adhere to Policies CP21 and DP43, by not having an impact on water courses or increasing flooding elsewhere.

## Planning Balance/Conclusion

- 5.8 The scale of the proposed extension would be sympathetic to its surroundings and would achieve a high quality of design. The proposal would not have a significant impact on the character or appearance of the countryside. Nor, would the proposal have an impact on the amenity of surrounding residents. The proposal will allow for the strategic expansion of the applicants' business; as well as providing increased employment. It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework.
- 5.9 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within 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 development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall be implemented in accordance with the approved drawings:1) Proposed Elevations 1795-RP-FP2) Proposed Elevations 1795 - EL3) Location/Block Plan BW1-00964241
3. Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy and within 3 months of development progressing on site.

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. For the avoidance of doubt and to ensure the development is built in accordance with the approved details in the interests of the amenity of the area in accordance with Local Development Framework policy CP1, CP17, DP1 and DP32.
3. To protect the water environment from pollution in accordance with Local Development Framework policies CP21 and DP43.