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Please Contact: Ellis  
Mortimer/Karen Hood  
Extension: 386

Date: 29<sup>th</sup> March 2018

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**PLANNING COMMITTEE**

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Tuesday 10 April 2018 at 6.00 pm  
Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH

**Agenda**

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- 1 **Apologies for absence**
- 2 **Declarations of interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 3 **Minutes** (Pages 3 - 8)
- 4 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 5 **Schedule of items to be determined by the Committee** (Page 9)
- 6 **17/01522/CLEUD - Land on West Side of Thornton Lane Thornton-Le-Dale** (Pages 10 - 19)
- 7 **17/00994/FUL - Brickyard Outbuilding Barton Hill Malton** (Pages 20 - 50)
- 8 **18/00051/MFUL - Manor Farm Back Lane Welburn** (Pages 51 - 66)

- 9 **18/00072/FUL - Meadow House Main Street Scrayingham** (Pages 67 - 74)
- 10 **18/00004/FUL - Land West of Cayley Arms Weasdale to Partings Farm  
Allerston** (Pages 75 - 84)
- 11 **Any other business**
- 12 **List of applications determined under delegated powers** (Pages 85 - 90)
- 13 **Appeals** (Pages 91 - 102)

## Planning Committee

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Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH  
Tuesday 13 March 2018

### Present

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Councillors Joy Andrews, Paul Andrews, Cleary (Vice-Chairman), Farnell (Chairman), Goodrick, Hope, Jainu-Deen, Maud, Elizabeth Shields and Windress

Substitutes:

### In Attendance

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Gary Housden Rachael Balmer Lizzie Phippard and Samantha Burnett

### Minutes

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#### 147 Apologies for absence

There were no apologies.

#### 148 Declarations of interest

Councillor	Item
Hope	10
Chairman	12
Goodrick	14

#### 149 Minutes

#### Decision

The minutes of the Planning Committee held on 13 February 2018 be approved and signed as a correct record.

Voting record

8 For

0 Against

1 Abstain

150 **Urgent Business**

There was no urgent business.

151 **Schedule of items to be determined by the Committee**

The Head of Planning submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

152 **17/01536/MFUL - Land South of Firthland Road Pickering**

**17/01536/MFUL** – Erection of 24no. four bedroom dwellings, 75no. three bedroom dwellings, 15no. two bedroom dwellings and 14no. one bedroom dwellings with associated access, garaging, parking, infrastructure, landscaping and public open space.

**Decision**

**DEFERRED** – For a site visit as recommended.

Voting record

9 For

0 Against

0 Abstention

153 **17/01458/MFUL - Leat House 71 Welham Road Norton**

17/01458/MFUL - Change of use, alterations and extension to office building (Use Class B1) to form 6No. one bedroom and 4No. two bedroom residential apartments (Use Class C3) following demolition of existing conservatory (revised details to approval 16/01848/FUL dated 24.04.2017).

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

Voting record

9 For

0 Against

0 Abstention

154 **17/01500/MOUT - Land off Ruffa Lane Pickering**

17/01500/MOUT - Residential development of up to 11no. dwellings with associated access (site area 0.75ha)

**Decision**

**REFUSED** – as recommended

Voting record

8 For

1 Against

0 Abstention

155 **17/01509/MREM - Land at Rainbow Lane Malton**

17/01509/MREM - Erection of 18no. three bedroom dwellings, 34no. two bedroom dwellings and 4no. one bedroom dwellings with associated infrastructure and landscaping (outline approval 14/00429/MOUTE dated 24.03.2015 refers)

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

Voting record

9 For

0 Against

0 Abstention

156 **17/01327/FUL - Bay Horse Inn Main Street Terrington**

17/01327/FUL - External alterations to include erection of screen wall to east elevation together with erection of detached 1 bedroom managers dwelling following demolition of store building.

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended.

Voting record

9 For

0 Against

0 Abstention

In accordance with the Member's Code of Conduct, Councillor Hope declared a personal, non-prejudicial but not pecuniary interest.

157 **17/01450/FUL - North Yorkshire Highways Depot Manor Vale Lane Kirkbymoorside**

17/01450/FUL - Erection of 6no. three bedroom terraced dwellings along with parking areas and shared amenity space

**Decision**

**DERERRED** – As requested by applicant

158 **17/01494/HOUSE - 24 Castlegate Kirkbymoorside**

17/01494/HOUSE - Erection of a part two storey/part single storey rear extension and terracing of rear garden

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended

Voting record

9 For

0 Against

0 Abstention

In accordance with the Member's Code of Conduct, Councillor Farnell declared a personal, non-prejudicial but not pecuniary interest.

159 **17/01513/FUL - Land off The Chase Norton**

17/01513/FUL - Erection of a two bedroom bungalow together with formation of vehicular access for 3 The Chase

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended

Voting record

9 For

0 Against

0 Abstentions

160 **17/01531/FUL - Outbuilding at Water Meadows Hall Drive Sand Hutton**

17/01531/FUL - Change of use, alteration and extension of existing detached outbuilding to form a two bedroom residential dwelling together with alterations to the driveway layout

**Decision**

**PERMISSION GRANTED** – Subject to conditions as recommended

Voting record

6 For

0 Against

3 Abstention

In accordance with the Member's Code of Conduct, Councillor Goodrick declared a prejudicial interest and left the Meeting for the duration of the item.

161 **Any other business**

There was no other business.

162 **List of applications determined under delegated powers**

The Head of Planning submitted for information (previously circulated) a list which gave details of the applications determined by the Head of Planning in accordance with the scheme of delegated decisions.

163 **Appeals**

Members were advised of the following appeal decisions:

APP/Y2736/D/17/3189398 - 5 Middlecave Drive, Malton YO17 7BB

APP/Y2736/W/17/3187521 - Former Agricultural Compound, Land North of Lakeside Way, Norton.

**Meeting closed 19:20**



## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 10/04/18

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6

**Application No:** 17/01522/CLEUD

**Application Site:** Land On West Side Of Thornton Lane Thornton-Le-Dale Pickering North Yorkshire

**Proposal:** Certificate of Lawfulness in respect of the building works for erection of a field shelter for horses, siting of a container for storage of hay and formation of a gated vehicular access to Thornton Lane were substantially completed more than four years before the date of this application

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7

**Application No:** 17/00994/FUL

**Application Site:** Brickyard Outbuilding Barton Hill Malton

**Proposal:** Removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen

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8

**Application No:** 18/00051/MFUL

**Application Site:** Manor Farm Back Lane Welburn Kirkbymoorside North Yorkshire YO62 7HG

**Proposal:** Erection of general purpose agricultural building with concrete apron and erection of extension to existing general purpose agricultural building.

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9

**Application No:** 18/00072/FUL

**Application Site:** Meadow House Main Street Scrayingham Malton YO41 1JD

**Proposal:** Erection of building forming 2no. stables and tack/feed store (retrospective application)

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10

**Application No:** 18/00004/FUL

**Application Site:** Land West Of The Cayley Arms Weasdale To Partings Farm Allerston Pickering North Yorkshire

**Proposal:** Erection of an agricultural building for the housing of sheep and alterations to existing vehicular access

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# Agenda Item 6

## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

### SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

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**Item Number:** 6  
**Application No:** 17/01522/CLEUD  
**Parish:** Thornton-le-Dale Parish Council  
**Appn. Type:** Cert Lawful exist use or develop  
**Applicant:** Mr Martin Sanderson  
**Proposal:** Certificate of Lawfulness in respect of the building works for erection of a field shelter for horses, siting of a container for storage of hay and formation of a gated vehicular access to Thornton Lane were substantially completed more than four years before the date of this application  
**Location:** Land On West Side Of Thornton Lane Thornton-Le-Dale Pickering North Yorkshire

**Registration Date:** 18 December 2017  
**8/13 Wk Expiry Date:** 12 February 2018  
**Overall Expiry Date:** 7 February 2018  
**Case Officer:** Anthony Winship **Ext:** 267

#### CONSULTATIONS:

**Parish Council** No objection

**Neighbour responses:**

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#### INTRODUCTION:

The applicant in this case, is Mr Martin Sanderson .

This is an application for a Certificate of Lawful Use or Development, for operational development and existing use in respect of :

- (i) the construction of a field shelter for horses ;
- (ii) formation of a gated vehicular access to Thornton Lane;
- (iii) siting of a container for storage of hay.

#### SITE:

The application site is on land on the West Side Of Thornton Lane Thornton-Le-Dale Pickering North Yorkshire.

The site is located outside the defined development limits for Thornton-Le-Dale . Accordingly for the purposes of the adopted Development Plan, the site is within the open countryside.

## **BACKGROUND :**

Section 191 of the Town & Country Planning Act 1990 provides for anyone to apply to the Local Planning Authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under Section 191, the lawfulness of existing operations on, or use of land.

Development or other activity on land is lawful for planning purposes if it is within one of a number of categories including:-

1. "the time for taking enforcement action has expired"

### **TIME LIMITATION PERIODS FOR TAKING ENFORCEMENT ACTION:**

The time limits for taking enforcement action in respect of a breach of planning control are specified in section 171 B of the Town and Country Planning Act 1990 as follows :-

- (i) For operational development, the period of four years from the date operations were substantially completed - section 171 B (1);
- (ii) For change of use of any building to use as a single dwelling house, the period of four years beginning with the date of breach - section 171 B (2);
- (iii) In the case of any other breach of planning control, the period of ten years beginning with the date of breach - section 171 B (3).

## **HISTORY:**

There is no planning history for the site.

### **APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE**

A Certificate of Lawfulness is sought in respect of :

- (i) the construction of a field shelter for horses ;
- (ii) formation of a gated vehicular access to Thornton Lane;
- (iii) siting of a container for storage of hay.

### **SUMMARY OF PRINCIPAL PLANNING ISSUES**

The key questions are :

- (a) Whether or not there has been operational development in (i) and (ii) above ;
- (b) If so whether or not the operational development in (i) and (ii) above is lawful;
- (c) Whether or not the siting of the container for the storage of hay is lawful.

The main issues which require consideration to assess these questions are :

- (1) Has there been operational development ?
- (2) If so when the operational development was commenced and substantially completed ;
- (3) The period of time in which the siting of the container for the storage of hay has taken place .

The relevant time periods are as follows ;

- (i) For the operational development it is four years from the date operations were substantially completed;
- (ii) For the change of use it is ten years prior to the date of the application on 18 December 2017.

The implications of and interaction between the different time periods outlined above may be summarised briefly . If no enforcement notice is served, the operational development will become immune from enforcement action 4 years after it was substantially completed, but any change of use of the land (e.g. from agriculture to an equestrian use - "horsiculture") will become immune from enforcement only after 10 years of continuous use for that purpose following the change of use.

Accordingly when operational development becomes immune from enforcement under the 4-year rule, the use of the building and of the land on which it stands does not thereby become lawful, and will still be governed by the 10-year rule.

#### THE NATIONAL PLANNING PRACTICE GUIDANCE - LAWFUL DEVELOPMENT CERTIFICATES

The National Planning Practice Guidance(NPPG) provides guidance on planning matters including Lawful development certificates. In answer to the question "who is responsible for providing sufficient information to support an application?" the guidance states that :

"The applicant is responsible for providing sufficient information to support an application"

Accordingly the onus of proof in an application for a Lawful Development Certificate is firmly on the applicant. The standard of proof defines the degree of persuasiveness which the evidence in support of an applicant, must attain before a certificate can be granted. The relevant standard of proof in this application is "the balance of probability". This simply means that the applicant must prove that in this case, it is more likely than not to be true.

The NPPG also states that :

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The NPPG also provides guidance on what a lawful development certificate must include if it is granted . The guidance is referred to below under the heading "Limitations."

#### EVIDENCE SUPPLIED BY THE APPLICANT IN SUPPORT OF THE APPLICATION

Evidence has been supplied by Martin Sanderson and Janet Sanderson .

From this evidence the following key facts appear on the balance of probabilities to have been established :

- (i) Martin Sanderson and Janet Sanderson purchased the application site and adjoining land in

- 1996;
- (ii) A container was put on the application site to store hay in 1998 ;
  - (iii) A field shelter was built on the application site in 1999;
  - (iv) Young horses were accommodated in the field shelter which were bought unbroken and trained ;
  - (v) The applications site was in continual use from 1999 - 2006 for the grazing and stabling of between one and three horses ;
  - (vi) In 2006 the application site was used by Sarah and David Walker for the grazing and stabling of horses;
  - (vii) In 2011 the application site was used by Carol Ellis for the grazing and stabling of horses;
  - (viii) The entrance to the field from the road in the digital image was in existence when the applicant bought the field in 1996.
  - (ix) The original gate was wooden which had rotted over the years, which the applicants replaced with a metal one of the same length in 2011 at the same time of a change of tenant.
  - (x) The field was vacated in 2017 ready for sale.

#### OTHER CONSULTEE RESPONSES:

The Parish Council has no objection .  
The local Highway Authority has no objection.

#### APPRAISAL:

To further clarify the nature of this type of application, this is a certificate of lawful use application and for the avoidance of doubt, the planning merits of the use, works or operations referred to in this application for a certificate of lawfulness are not relevant, and are not therefore an issue to consider in the context of this application.

The decision is based on the 'balance of probability' and rests on the evidence submitted, the facts of the case, and on relevant planning law and takes account of the facts presented both in support of the application and against but is not assessed in relation to its principle, location, design or compliance with current planning policies.

According to the applicant, the following development has taken place on the land comprising the application site :

- (i) the construction of a field shelter for horses ;
- (ii) formation of a gated vehicular access to Thornton Lane;
- (iii) siting of a container for storage of hay.

Against this background the position on the principal planning issues identified above may be summarised as follows :

- (1) Whether the field shelter and the access to the highway constitutes "development"

Section 55(1) of the Act provides that

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

Section 55 (1A) adds -

- "For the purposes of this Act "building operations" includes -
- a) demolition of buildings
  - b) rebuilding
  - c) structural alterations to buildings
  - d) other operations normally undertaken by a person carrying on a business as a builder"

A building is defined in Section 336(1) of the 1990 Act as -

"Any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building."

Clarification has been sought from the applicant on the nature of the construction of the field shelter. One side of the the wooden shelter appears to be on a base of breeze blocks with two brick layers above the blocks at one end . The wooden shelter does not appear to be moveable and appears to be a building .

The formation , layout and construction of a road access to is considered to be engineering works .

Therefore the field shelter and the access constitutes development under the 1990 Act.

- (2) If so when the operational development was commenced and substantially completed ;
  - (i) A container was put on the application site to store hay in 1998 ;
  - (ii) A field shelter was built on the application site in 1999;
  - (iii) The entrance to the field from the road in the digital image was in existence when the applicant bought the field in 1996.
  - (iv) The application site has been used for the keeping of horses for equestrian use comprising the keeping of up to three horses for personal use ( including the letting of land for that purpose) for more than ten years prior to the date of application on 18 December 2017.
  
- (3) The period of time in which the siting of the container for the storage of hay has taken place .
  - (i) The application site has been used for the keeping of horses for equestrian use comprising the keeping of up to three horses for personal use for more than ten years ;
  - (ii) For that time the container has been used for the storage of hay in connection with the equestrian use comprising the keeping of up to three horses for personal use ( including the letting of land for that purpose).

The evidence presented on behalf of the applicant appears to prove "on the balance of probability" that it appears that the above development has taken place .

It should be noted that the description of the lawful use recommended in this report for inclusion in the certificate of lawfulness is different to the description in the application. The recommended lawful use specifies equestrian use comprising the keeping of up to three horses for personal use ( including the letting of land for that purpose) whereas the application does not specify equestrian use . The evidence before the District Council supports the conclusion that the lawful use should specify equestrian use comprising the keeping of up to three horses for personal use . The District Council has a legal power to modify the description of the lawful use under section 191 (4) of the Town and Country Planning Act 1990 as amended. It is recommended that the description of the lawful use is so modified to be

consistent with the evidence.

## **CONCLUSION**

It would therefore appear that the evidence provided by the applicant, in support of the application, is, in the absence of any contradictory evidence, sufficient to prove on the balance of probability, that the following development has taken place on the land comprising the application site :

- (i) the construction of a field shelter for horses ;
- (ii) formation of a gated vehicular access to Thornton Lane;
- (iii) siting of a container for storage of hay.
- (iv) Equestrian use comprising the keeping of up to three horses for personal use (including the letting of land for that purpose) .

and that the lawful use has neither been lost, nor abandoned.

The applicant's evidence is therefore considered to be sufficiently precise and unambiguous to allow the granting of a certificate for the following lawful development :

- (i) the construction of a field shelter for horses ;
- (ii) formation of a gated vehicular access to Thornton Lane;
- (iii) siting of a container for storage of hay.
- (iv) Equestrian use comprising the keeping of up to three horses for personal use (including the letting of land for that purpose) .

**RECOMMENDATION:**                      **Approval**

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THORNTON LA



**Report in support of application for Application for**

**Lawful Development Certificate for an Existing use.**

**Field reference East 483169 West 481983 Thornton Lane, Thornton le Dale, Pickering.**

The field was purchased by myself and my wife in 1996 for the grazing of horses and the growing of hay.

**1998** a container was brought on to the field for storage of equipment and hay as there was a need to protect the hay from the elements as soon as possible and to store the hay through the winter months.

**1999** a shelter with two enclosed stable units was attached to the south side of the container. The shelter was built by David Alger and David Wharley.

The same year a wooden post & rail fence with field gate was added to protect the horses from unintended access on to Thornton Lane. (See plan outlined in red and attached photos) And the location of the container and shelter on the scale plan.

Our horses were grazed on this field between the years 1999 to 2006. They were grazed and sheltered on this field between the years 1999 and 2006.

**2006** the field was rented to Sarah & David Walker who used the field for grazing and stabling of horses

**2011** the field was rented from us by Carol Ellis who used the field to graze and stable 3 horses.

The field was vacated in 2017 when we took the decision to put it on the market for sale.

I designed the shelter to be attached to the existing container and to protect two horses.

Confirmation of the date and by its builders are provided below.

David Alger, Mews Cottage, Brook Lane, Thornton le Dale, Pickering YO18 7RZ  Signed  Date 15-12-17	David Wharley, Westgate Barn, Westgate, Thornton le Dale, Pickering. YO18 7SG  Signed  Date 18/12/17
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Walnut Cottage  
Priestmans Lane  
Thornton Dale  
YO18 7RT  
15<sup>th</sup> December 2017

**Letter in support of application for**

**Lawful Development Certificate for an Existing use.**

**Field reference East 483169 West 481983 Thornton Lane, Thornton le Dale, Pickering.**

In 1992 when we moved into Walnut Cottage, a double stable was built to accommodate my horse. Later in 1996 we bought the Thornton Lane field (the subject of this application) for making hay and summer grazing.

In 1998 a container was put on the field to store hay and in 1999 a field shelter was built so that we could accommodate the young horses which I bought unbroken and trained. The field was in continual use for this purpose until 2006.

Unfortunately, in 2005 I was involved in a traffic accident and could no longer ride horses. My last horse (pictured) was sold in 2006.

In summary, I used the field between the years 1999 and 2006 continuously and without challenge for the grazing and stabling of between one and three horses.

Janet Sanderson

15/12/17

I used the above referenced field and field shelter without challenge for the stabling and grazing of my horse between the years 1999 to 2004.

Martin Sanderson

15/12/17

Pictures showing evidence of continual use from 2002 – 2009



Sanderson Horse 2002 – Field Shelter



Sanderson Horse 2002 - Container



Left – Sanderson horse showing shelter and west side of the field.

Below Left – (2009) Tenants horse showing field shelter and container.

Below right – (2009) field shelter left in poor condition after tenant vacated.



# Agenda Item 7

**Item Number:** 7  
**Application No:** 17/00994/FUL  
**Parish:** Barton-le-Willows Parish  
**Appn. Type:** Full Application  
**Applicant:** Mr Thomas Coe  
**Proposal:** Removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen  
**Location:** Brickyard Outbuilding Barton Hill Malton  
**Registration Date:** 25 August 2017  
**8/13 Wk Expiry Date:** 20 October 2017  
**Overall Expiry Date:** 21 March 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

## CONSULTATIONS:

<b>Yorkshire Water Land Use Planning</b>	No response received
<b>Parish Council</b>	No objections
<b>Highways North Yorkshire</b>	Condition recommended
<b>Highways England</b>	No Objection
<b>Environmental Health Officer</b>	Concerns Raised

**Neighbour responses:** Mr Simon Thew, Eileen & Michel Wrenn, M.B. & J Allenby, Mr David Pulleyn,

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## SITE:

The application site relates to a section of the former brickworks at Barton Hill, a small hamlet in close proximity to the A64, which runs to the north. Barton Hill, as a hamlet does not have development limits and so the application site falls within the wider open countryside on a brownfield land site. The Design and Access Statement notes the area within which the application site is located is a former haulage yard and has been used in conjunction with this for over 30 years.

## PROPOSAL:

The proposal seeks permission for the removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen

The application site is known as the Brickyard and has a site history of a brickworks and haulage yard. Access is gained by a laneway from the centre of the hamlet.

## HISTORY:

There is no relevant planning history at the application site.

## POLICY:

National Planning Policy Framework in Paragraph 28 notes that Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to

sustainable new development. To promote a strong rural economy, local and neighbourhood plans should

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings
- Promote the development and diversification of agricultural and other land based rural businesses

In Paragraph 123 the National Planning Policy Framework notes “Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, through the use of conditions.
- Recognise that development will often create some noise and existing businesses and wanted to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and area prized for their recreational and amenity value for this reason.

Policy SP6 Delivery and Distribution of Employment/Industrial Land and Premises noted that in the Wider Open Countryside, New land and buildings for employment will be supported from the following source:

Expansion land for existing major employers/established businesses; small scale conversion of existing buildings of provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9 where;

- They are required in that location and no other suitable sites are available in the locality
- They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts
- They do not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20
- They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16
- The economic benefits to the District outweigh any adverse impacts

Policy SP16 Design notes that Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- Appropriate materials and traditional construction methods and techniques are used.
- Topography and landforms

Policy SP20 Generic Development Management Issues notes the following:

#### Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses. The cumulative impact of new development on the character of an area will also be considered

### Design

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

### Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise. New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted.

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance

### Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads. Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority.

### **APPRAISAL:**

The key considerations in assessing this application are;

- i) The Principle of Development
- ii) Character and Appearance
- iii) Impact upon Amenity
- iv) Impact upon Access and Highway Safety
- v) Other Matters Including Consultation Responses.

#### i) Principle of Development

Planning permission is sought for the removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen that would adjoin the existing building along the western elevation.

The Design and Access Statement submitted in support of this application noted that Mr Coe has worked in Ryedale for over three years as a private chef. He intends to expand to catering, producing up

to 100 covers per week. The work to be carried out on the site will include the preparation of food to be taken to events elsewhere. The submitted information indicates that this would facilitate the employment of at least two staff members on site, with the potential for up to five members of staff. The proposed working hours are 8am to 5pm Monday to Saturday.

It is considered that a development of this type could be acceptable in principle in this location, is it is considered to be acceptable in terms of neighbouring amenity, access and parking, amongst the other considerations outlined in the policy considerations above.

The site itself is located adjoining a neighbouring residential property, The Cottage at a distance of c17 metres from the nearest part of the temporary building, but at a distance of c1.5 metres from the land in the neighbour's ownership. What appears to be residential domestic curtilage of this neighbouring property would be within c6 metres of the temporary building. It is acknowledged that when the adjoining residential dwellings were built, they were originally intended to house workers associated with the brickworks. However, now that the previous industrial uses, including a transport company run from the site appear to have ceased, the nearby residential dwellings enjoy a relatively peaceful location.

Given the concerns in relation to neighbouring amenity which have been negotiated with the applicant throughout the processing of the application (which will be more fully discussed in section iii) it is not considered that this development meets the requirements that would render it acceptable in principle.

Confirmation upon whether other areas within the brickworks site could be used as an alternative was requested, as they would be at a greater distance from the residential properties. Within an email dated 17th December 2017 the applicant confirmed that it would not be possible to use any other areas on site.

ii) Character and appearance

The existing building spans 19.8m in length x 6m in depth and is constructed from corrugated materials, with a curved pitched roof, which appears in a poor state of repair. Given the falling land levels to the east of the site, the overall height ranges from between 3.5m and 3.9m. This would be completed with box profile steel sheeting and box profile wall cladding, both in Merlin Grey and the windows would be replaced with UPVc windows.

The proposed prefabricated temporary building would span 9.7m in length by 3m in width. The Design and Access Statement noted that the portable building is to be used whilst the renovation of the existing building is underway.

The submitted plans indicate that screening would be erected along the northern boundary of the site, in order to screen the development from the neighbouring dwelling, no. 2 Brickyard Cottage.

It is considered that currently, the application building is in a poor state of repair and it is acknowledged that the proposed redevelopment would improve the general appearance and would not be dissimilar in terms of scale. It is however considered that the temporary building would add a significant addition to the application site, in close proximity to a neighbouring dwelling. However it is acknowledged that permission is not being sought for this element as a permanent addition to the site and this could be controlled by a time limiting planning condition.

Revised plans were submitted during the lifetime of this development as a result of concerns raised in relation to protection of neighbouring amenity. The most recent plans indicate that the temporary building would incorporate a new extraction discharge and intake system on the southern elevation and that the permanent building would have a discharge stack, also on the southern elevation, which would rise beyond the ridge height of the building. In this instance this is considered acceptable should it appropriately mitigate the effects which could otherwise be experienced in terms of odour by neighbouring residents. Therefore on balance, it is considered that this would not result in significant harm to the character or appearance of the site as it is located within an existing area of industrial style buildings.

ii) Impact upon Amenity

The nature of the proposed development has required careful consideration of amenity, which could be impacted by a development of this use class.

Within the original Design and Access Statement, the applicant has paid regard to the proposed potential impacts of the development through the submission of a risk assessment based on DEFRA guidance. It is noted that this guidance was removed by the government on the 15th September 2017, but is a useful guide to use in the absence of any other guidance the Council's Environmental Health Team confirm this.

This risk assessment resulted in a rating of a "low to medium" risk being identified.

A consultation response was received from the Environmental Health Officer on the 25th September, who had concerns in relation to the proposal. It was noted *"The above application may give rise to a potential nuisance regarding odour and noise from the extract system affecting nearby residential properties. Therefore, I would recommend suitable mitigation measures in the construction of the extract system be included to mitigate any potential issues."*

The applicant was contacted to provide additional information with regard to the foul waste supply, including the capacity and location of the tank, the means and methods of extraction of the temporary building and position of the cooking units within both areas.

Information was provided on the septic tank, which was confirmed as independent to the application site. The temporary kitchen would have an extraction unit fitted with fine grease filtration filters followed by carbon panels. Plans for the portable cabin were also submitted indicating a discharge stack.

Following a telephone call with the applicant on 16th October 2017, an email was received on the 18th October 2017 to note that a range of higher specification equipment would be installed at the site, in both the temporary kitchen and permanent building, in the form of an 'Ozocube.'

Following review of all submitted information, the Environmental Health Officer was reconsulted with regard to the methods of extraction for the temporary building and the kitchen. The Case Officer and the Environmental Health Officer reviewed the methodology of risk assessment and found that the position of the nearest residential building and domestic curtilage would mean the risk assessment of the proposed use would raise the risk to high, rather than low-medium as the garden of no. 2 Brickyard Cottage would be considered a receptor.

The applicant was advised in accordance with policy, that the Local Planning Authority would have to be certain that potential smells could be effectively mitigated prior to any approval being issued and given the enhanced risk, it may be that the applicant would potentially need to consider more significant methods of extraction to safeguard the protection of the nearby residential properties.

It was also noted that additional information from an extraction specialist should be submitted in support of the application to confirm whether the proposed extraction levels within both the proposed building for conversion and the temporary building would be sufficient to prevent material harm to neighbouring amenity and what would also be sufficient to mitigate against odours, given the level of proposed cooking to be undertaken. A detailed response and a review of the capacity of the proposed measures was requested.

Confirmation upon whether other areas within the brickworks site could be used as an alternative was again requested, at a greater distance from the residential properties.

A response was received from the applicant on the 25th October 2017 noting that they had spoken with a specialist and had altered the plans to accommodate for the need for higher level of odour control and they had included a new risk assessment, confirming the risk to be high. The plans included a new extraction discharge and intake system.



The Environmental Health Officer was reconsulted. It was found that whilst more weight had been given to the potential risk of the proposed use and the level of extraction infrastructure appears increased, there was no supporting information as requested from an extraction specialist. What was submitted was a plan with generic notes, together with an airflow calculation. However, it was noted that this plan indicates that the decibel level of the extract would be 68 dBA and the supply would be 63 dBA, presenting an even higher combined level.

This presented a new issue in terms of amenity as the Environmental Health had confirmed that this level of noise would present significant harm to residential amenity. The acceptable decibel level in this location would be around 50dBA. As decibels increase exponentially, the proposed extraction system could not be supported. It was also noted that this appears to solely be serving the permanent element of the development, rather than both the temporary cabin and the permanent building.

Significant concerns were raised with the applicant that there is unlikely to be an acceptable balance achievable between ensuring that the proposed use has an acceptable and robust extraction system that may appropriately mitigate the identified high odour risk without causing harm to amenity in other ways (for instance through an unacceptable level of noise). The applicant was advised by email on the 1st of November 2017 about these issues and advised that it would not be possible for the Case Officer to recommend the proposal for approval.

An email was received on the 13th November from the applicant with a revised extraction plan for the main building, indicating that this would incorporate high level odour control incorporating carbon filtration and fine filtration that would meet the 50dBA requirement at 3m with extraction and supply silencers.

A response was sent to this email by the Case Officer on the 17th November 2017 following review of the plans with the Environmental Health Officer, noting

*“You have submitted revised plans indicating what would appear to be two new attenuation measures in the form of extraction and supply silencers, which I have reviewed this my colleague from Environmental Health. Alongside the plans is a table indicating what are described as insertion losses over a range of sound pressure levels. You have not supplied a description or calculation as to how this table relates to your proposed installation and as such it is meaningless. What does your statement of ‘50db at 3 meters’ (sic) refer to and how has this been calculated?”*

*Please provide a description of the attenuation of combined sound levels from your entire installation (both supply and extract fan) including calculations. This should provide a description of the sound levels achieved at the curtilage of the nearest sound sensitive property.*

*Additionally, as indicated within our phone call, we will need a scheme which shows adequate extraction for the temporary building in addition to the permanent building. Whilst it may be temporary, it would be present for up to three years and therefore insufficient extraction and noise prevention in this area could not be supported if it were to the detriment of the neighbouring amenity.”*

A response was received on the 3rd December 2017 from the applicant noting:

*“With regards to the recently submitted plans for the extraction system. The insertion losses show the dB reduction over the octave bands the silencer offer. These are the silencers that have been drawn on the plans. The extract and intake system alone without the added acoustic reduction would produce 68 dBA and 63 dBA. The addition of the attenuators (constructed of Galvanised sheet steel casings with 30mm profile flanges that are full compliant with DWTMI at a high pressure rating) including Melinex wrapping infill will reduce the sound levels at a rate according the table on the extraction system plans previously submitted. This would mean a sound level of 50dBA @3metres for the extract and supply fan, the nearest curtilage to both the temporary and permanent buildings being 3 metres. As quoted by LeighTec the ventilation specialists, who manufacture bespoke ventilation systems for the most demanding environments.*

*The table on the plans relates to my plans as it shows the insertion loss that the proposed attenuators will have on the supply and extract system submitted. The table breaks down the insertion loss and shows what effect it will have on the extraction and supply system and that it will reduce the noise level to 50dBA @ 3 metres. Which means that the sound level 3 metres from the source will be 50dBA as requested in your previous email. 3 metres being the curtilage of the nearest property.”*

Within this email, an attachment showing the extract system plan for the temporary building was submitted. This showed a noise level of 55dBA. Whilst this is to serve a building that is temporary in nature, this is still considered likely to potentially result in harm to neighbouring amenity in this countryside location with low ambient noise levels.

This email was supported by a headed letter from Chris Jackson of LeighTec, a Ventilation Systems company who noted that *“the ventilation for the building conversation was designed to meet the requirements of the council and the attached DEFRA report. The silencers proposed have been designed by our acoustic specialist to achieve 50 dBA @ 3 metres as specified by the council. To meet the DEFRA report requirements our system includes; stainless steel baffle filters in the canopy, a site safe carbon filter unit and terminates with a high velocity cowl.”*

This information was reviewed with the Environmental Health Officer who noted that this revised plan for the permanent building appeared to show modelling which could be within the margin of acceptability. They noted that should this be approved (notwithstanding this information) they would still have a duty to investigate if any noise or amenity nuisances arise under their own legislation.

The issue of the noise from vehicle movements potentially impacting surrounding dwellings was still of concern, particularly given that this area can now be characterised as predominantly residential in nature. In an email dated 7th December 2017 the applicant was asked for a commentary on the likely number of vehicles and the maximum sizes of the delivery vehicles that would be present, together with the estimated number of journeys per day over an average week.

It was confirmed by email that the Local Planning Authority still had concerns that there could be significant impacts upon the amenity of the surrounding residential dwellings as a result of the proposed use. In the light of this uncertainty the applicant was advised that the LPA would only consider recommending this development for approval as a temporary permission, given the number of unknowns for a trial period.

In offering a temporary permission the LPA were attempting to propose a reasonable alternative. Giving the applicant an opportunity to prove whether the potential harm could be appropriately mitigated through the proposed extraction systems and via planning conditions, whilst retaining control through the planning system if should it become apparent that this proposed business caused significant harm to the amenity of surrounding residential properties. This would allow the applicant to fairly demonstrate their case. The alternative would be a recommendation for refusal. A timeframe of 12 months was initially suggested to the applicant.

In an email dated 11th December 2017, the applicant responded with the following information  
*Likely number of vehicles and the maximum size of the delivery vehicles that would be present:*

*\* Meat Delivery = Once a week, delivered in a light goods vehicle. The supplier uses a small van.*

*\* Vegetable and Fruit Delivery= Twice a week. The supplier uses light good vehicles to deliver e.g. Transit Van*

*\* Personal Journeys= Daily Monday to Saturday. Personal Journeys to the site in order to work, using a short wheel based light goods vehicle.*

*In summary over an average week including gaining access to the land by right of access in order to work there, and the addition of deliveries, the total number of journey per week to the site will be est. 9, at an average of 1.28 total journeys per day over an average week.”*

The identified level of additional vehicle journeys in this location could be considered acceptable, however it was noted in the Design and Access Statement “that there will be at least 2 staff members with the potential for five.” It is Officer’s opinion that if this scheme were approved for a permanent permission, the level of journeys actually undertaken could be far more significant, if the business

flourishes. This would then fall outside of the control of the Council and could potentially be harmful to neighbouring amenity. The applicant clarified that their journey information was based on the use solely of the temporary building in a trial scenario and this is considered to further support the suggested approach for a temporary permission.

Further detail was sought by the applicant in terms of the temporary permission and a period of 24 months was discussed and justified by the applicant.

On the 5th February 2018, however, confirmation was received from the applicant that they wished to proceed with the planning application in its original form. A phonecall from the applicant also confirmed that they took the view that a temporary permission would not be financially viable given the level of building work required.

This email further noted that “The land surrounding the development and the access lane that will be used has, in the past, been used as a haulage yard using considerably larger vehicles than proposed for the new development. The proposed development will reduce the number of large vehicles currently using the lane as the storage will be changed to the kitchen. However I do understand the need to protect the local residents from any problems that could potentially arise from the use of the lane by the vans or cars. As a current owner of shared access via lane and with the right to use the lane as I choose, I have put together some restrictions that will be implemented should planning be approved:

In additional to the earlier described journeys, these included the following:

- Staff Journeys=Daily Wednesday to Friday. Once construction of the proposed development of the large preparation kitchen is completed there will be staff using the lane if necessary.
- Collection of waste will take place at the top of the lane to mitigate any problems caused by waste collection using the lane. This will avoid the larger waste collection vehicles using the lane and will still give the vehicle space to collect waste whilst not parking on the road.
- Delivery of goods will take place between the hours of 8am and 5pm. The lane will be closed via a locked gate so delivery should not take place outside of these hours.
- Speed restriction on the lane of 5 mph. Shown clearly by speed restriction signs and discussed verbally with local independent suppliers used.

This information was fully reviewed. Whilst the significant efforts of the applicant in attempting to limit the harm by virtue of odours and noise is acknowledged, given that the option of a temporary permission was not taken up by the applicant, significant concerns remain with the proposal. The granting of a permanent permission for the proposed use in this location, at such close proximity to the adjacent residential dwelling (and in particular to the domestic curtilage of The Cottage, Barton Hill) could lead to significant harm to neighbouring amenity.

In terms of traffic movement, the site is accessed in very close proximity to two residential properties, Glenroyd and Avanti and the nature and type of the business may necessitate a significant number of journeys, including staff, deliveries, visitors etc. The details provided on this have not assured the Case Officer that this would not result in harm to the amenity of these nearby properties. Their assertion that this would not be as significant as the previous haulage business operating from this site is noted. However in the intervening years, a peaceful countryside location has been enjoyed by the neighbours, with low ambient noise levels.

It is considered that the issue of potentially harmful odours has been effectively addressed. However the issue in terms of noise nuisance by virtue of the proposed extraction systems also remains and how any associated noises would be experienced could be exacerbated by the relatively isolated countryside location, where background noise levels can be very low.

In terms of privacy, given the proximity of the application site to the neighbouring residential property, instances of overlooking could be experienced. The Design and Access Statement noted that the boundary of the plot will be covered with a 6 foot high solid panelled fence. It was noted that this would increase privacy whilst also blocking a proportion of the existing industrial site. Should this application

be recommended for approval it would be possible to condition the boundary treatments at the application site and this would be considered acceptable to mitigate potential loss of privacy.

It is therefore considered that this proposal would have a materially adverse impact upon the residential amenity of the occupiers of the neighbouring residential properties by virtue of unacceptable levels of noise and this would be discordant with Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy.

iii) Impact upon Access and Highway Safety

The site can be accessed via public transport given its proximity to the A64 and the North Yorkshire Highways Officer has recommended approval for the application, subject to a condition that an acceptable level of off street parking facilities is retained for the proposed use.

Highways England have also confirmed no objection to the proposal.

It is therefore not considered that this proposal would result in harm in terms of access or highway safety.

iv) Other Matters Including Consultation Responses.

The Parish Council have noted no objection to the proposed development.

Mr Simon Thew of Glebe House, Barton Le Willows has noted that he is supportive of the plans and the following points which have been summarised;

- This would provide local employment through small business development
- It will add to the integrated community which includes housing, employment and local services.
- The site has easy access to the a64 and traffic will not impact the village.
- This would enhance a run down and vacant site
- This is in keeping with the local plan and would enhance the local community

Mr David Pulleyn of Ashlea Barton Hill, has forwarded a letter of support noting the following summarised points:

- Local trade should be encouraged given the decline of local enterprise in rural areas.
- This proposal would have no additional visual impact on the surrounding are and has good access
- This would see an old established site being utilised by a new business and would convert an outdate building into a more substantial and sustainable building.

Eileen and Michael Wrenn, of 1 Station Cottage Barton Hill has written to support the proposals. The response acknowledged that there was a letter of objection submitted in relation to this proposal and she wished to highlighted that herself and her husband were happy about the plans. The letter concluded by noting that they wish planning permission to be granted.

- Mr and Mrs Allenby of The Cottage, Barton Hill have forwarded a letter of objection in respect of the proposals, which are summarised below;
- Concerns over the development and the life span of the large prep kitchen following the three year period
- Concerns over the reintroduction of windows facing Mr Allenby's property (The Cottage, Barton Hill to the north of the application site) which would result in a loss of privacy in the garden through overlooking. Concerns that this could be split into further units.
- In regards to the proposed hours of operation, concern was raised that this is over 60 hours a week and the impact that this would have upon the enjoyment of their property.
- Concern was also raised in relation to the smells and noise created with this enterprise and whether they would not be able to open windows or doors during warmer weather at his

- property and throughout the residential dwellings closeby.
- Mr Allenby raised concerns over potential for vermin due to the siting of three waste bins.
- The plans indicate the drainage will be by septic tank. Mr Allenby raised concerns that this should be a completely independent system as it would not be suitable to tap into their system.
- Objection to the proposed delivery of goods and related vehicles using the laneway adjoining their garden.
- It was noted that more storage structures are appearing on site.
- There could be opportunity to use a purpose built unit elsewhere.
- Concerns that this would be subdivided in the future with no control or restriction.
- Concerns over property values
- Concerns over boundaries moved by the applicant's grandparents, concern over access to drains to for rodding, how will this access be secured following the screen which is proposed to be carried out
- Concerns that this would be a three year project and the associated inconvenience this would cause.

These responses and the aspects highlighted are acknowledged. With regard to the consultation response noting objection, a number of aspects have already been addressed within the report above. The future sub division of the unit cannot be considered within this proposal and we must consider the proposal as it is submitted. The aspects relating to drainage (if this application is approved) would be dealt with at Building Control Stage. However it is noted that a new independent system is proposed. Appropriate bin storage and separate Environmental Health legislation could aid in protecting against vermin. The specific loss of property values cannot be controlled through the planning system, as it is not a material planning consideration.

Following readvertisement of the plans, a further consultation response was received from Mr and Mrs Allenby

- We reiterate all comments made in previous letters
- The building appears to be split into two, with a partition wall.
- The new filtration system is noted, potential issue with the placement of the chimney on the northern and southern end.
- Questioned whether the industrialisation of this building if granted will lead to the further industrialisation of the whole site, which has recently been increasingly used for the storage of large stillages and their contents, noting a HGV licence in existence until May 2021.

It is noted that Mr Allenby pointed out an issue with the elevations of the chimney. This was a small discrepancy on the submitted plans in terms of chimney placement. Rather than the chimney forming a 'mirror image' on the north/south and east/west elevations, it is shown in the same location. The Case Officer contacted Mr Coe has amended the plans accordingly.

It is not considered that this proposal for a catering preparation kitchen within the former haulage site would alter the current use of the wider site. The wider site itself may benefit from certain use classes, but the limited red line indicating the extent of the site location is all that can be considered in the determination of this application. Any future applications will be considered fully on their own merits.  
Conclusion

In conclusion, the proposed development is considered to be contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy and is consequently recommended for refusal.

**RECOMMENDATION:**                      **Refusal**

- 1 It is considered that the proposed development by virtue of its location and use would be likely to result in significant material adverse impacts upon the amenities of present and future occupiers of the neighbouring dwelling The Cottage, Barton Hill, by virtue of increased noise and disturbance within the domestic curtilage.

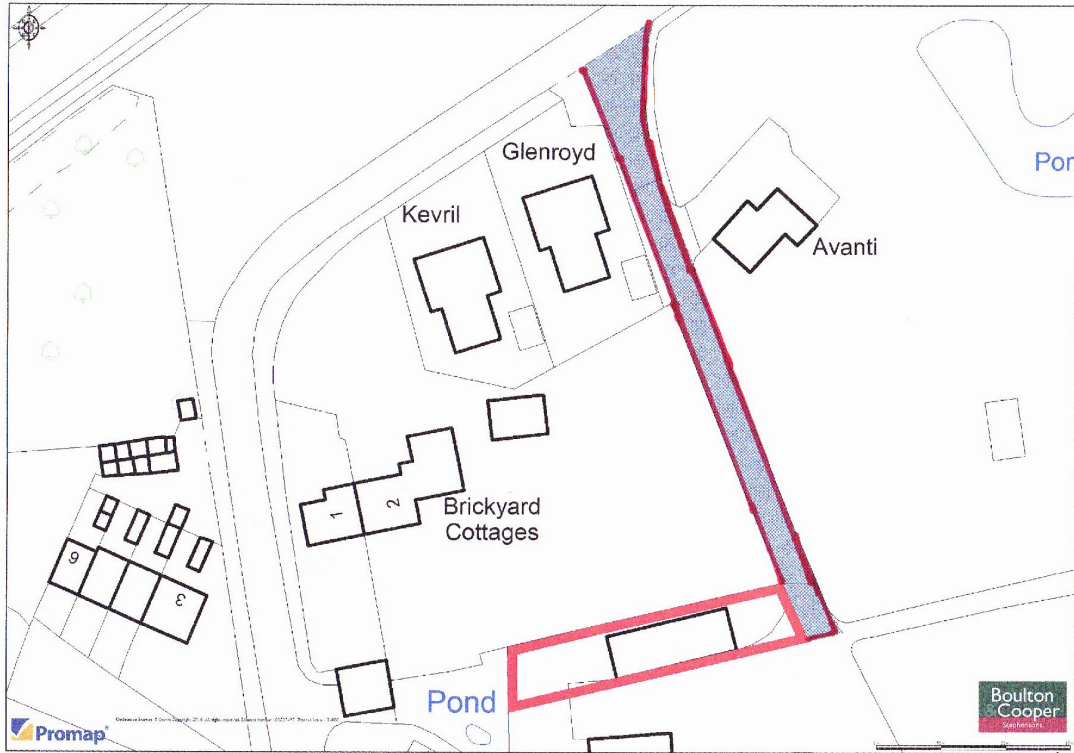
The proposal is therefore contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

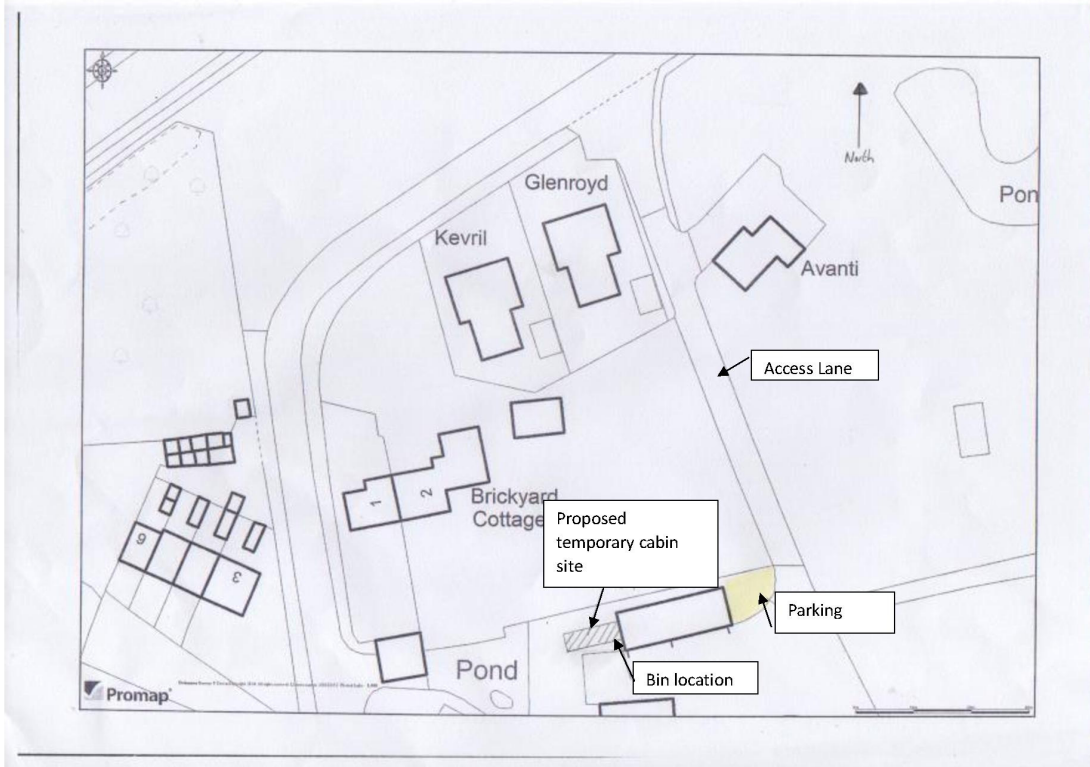
- 2 It is considered that the proposed development by virtue of its location and use is likely to result in significant material adverse impacts upon the present and future occupiers of surrounding dwellings by virtue of increased noise and disturbance associated with increased levels of vehicular movements traveling to and from the site.

The proposal is therefore contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

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Date Valid 29/08/2017

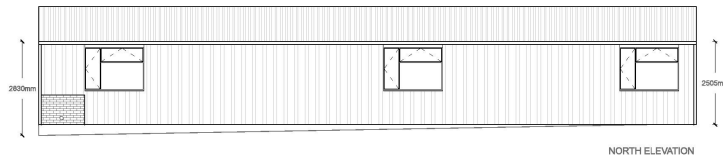
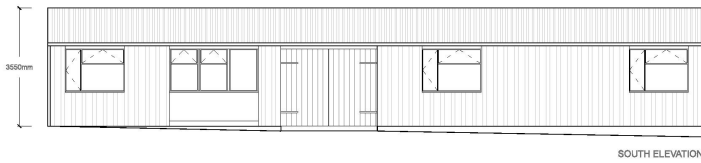
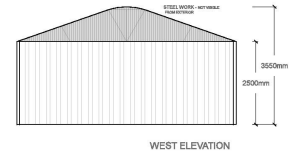
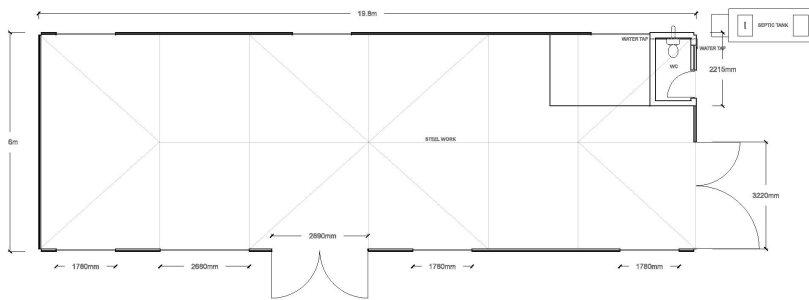






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Date Valid 29/08/2017



## Henrietta Tilly

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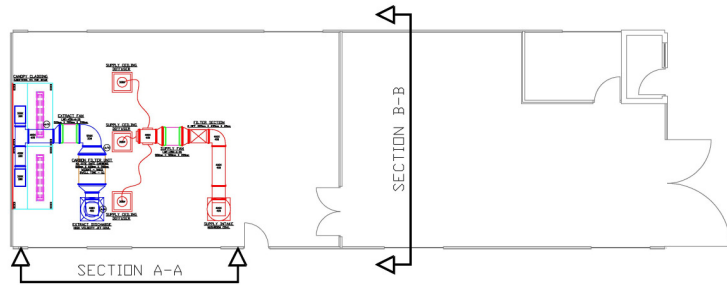
Client **Tom Coe**  
**Thornton House, York YO60 7TE**

Project **Barton Hill**  
**York YO60 7JZ**

Drawing  
**Existing Plans and Elevations**

Drawing Number	BL.001	Scale	1:100 @ A3	Rev.	A
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**CANDOPY LAYOUT**  
1:50 @ A1



**CANDOPY INFORMATION**

EXTRACT ONLY CANDOPY  
3000 X 3000 X 300

2000 UNDERSIDE OF CANDOPY FROM FINISHED FLOOR LEVEL.

EXTRACT FLOW RATE 1.5M<sup>3</sup>/S AT 100 PA  
SUPPLY FLOW RATE 0.9M<sup>3</sup>/S AT 40 PA

2 EXTRACT SPIGOTS @ 500 X 300  
SPIGOTS ARE 800M TALL WITH 20WEG CONNECTION

SPIGOTS FIXED IN FACTORY- YES

NUMBER OF BAFFLE FILTERS-0

LIGHTING- 2 QTY 4 FOOT LED LIGHTS.  
EACH LED LIGHT REQUIRES DOWY SUPPLY AND WILL BE SUPPLIED WITH A 15M TAL.

FINAL CONNECTION OF CANDOPY LIGHTS TO LIGHTING CIRCUIT TO BE DONE BY ELECTRICAL CONTRACTOR 24VY REQUIRED.

CLASSINGS- 3METERS TO THE REAR

INFILLS-TBC

CANDOPY APPROVED- YES...../NO.....

COMMENTS:.....

SIGNED:.....

DATE:.....

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ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE STATED

BS4173 WAS INTRODUCED IN MAY 2001. IT IS A STANDARD REQUIREMENT TO HAVE THE ARTIST AND SUPPLY LIST CHECKED WITH THE GIB SITE WHERE GIB APPROVALS ARE ISSUED WITHIN THE MONTH.

**FAN AND FILTER INFORMATION**

EXTRACT FAN  
REF: LMF-450-4-1B  
M3: 1.1  
FLO: 0.1  
MOSE LEVEL AT SOURCE 48 DBA

SUPPLY FAN  
REF: LMF-450-4-1B  
M3: 1.1  
FLO: 0.1  
MOSE LEVEL AT SOURCE 63 DBA

CANDOPY FILTERS  
STAINLESS BAFFLE FILTERS  
388 X 388 X 45

FIRE FILTERS  
FORM FILTERED PANEL FILTERS  
SIZE 2 OFF 385 X 495 X 45

**CONTROL PANEL INFORMATION**

SUPPLY REQUIRED 20AMP 1PH4N

ENCLOSURE DIMENSIONS  
255 X 180 X 90

STEEL CONSTRUCTED ENCLOSURE WITH GRAY TEXTURED POLYESTER POWDER PAINT. GALVANIZED ENCLOSURE IS 19G6 BAZZED AND FITTED WITH LOCKABLE DOOR.

**DUCTWORK**

DUCTWORK CONSTRUCTED FROM GALVANIZED STEEL IN ACCORDANCE WITH DN144 WHERE POSSIBLE. DOBBY TYPE FRANGES ARE USED AT ALL JOINTS UNLESS OTHERWISE STATED. INSIDE DUCTWORK IS GALVANIZED. COMPARTMENTATION FIRE RATED DUCTWORK MUST BE USED. FIRE DAMPERS MUST NOT BE USED ON EXTRACT.

**SUPPLY AIR**

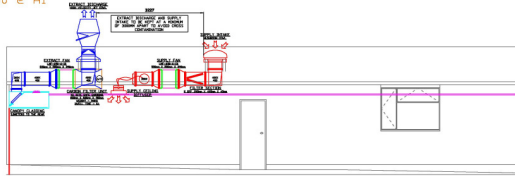
IF NOT INCLUDED WITHIN THE KITCHEN VENTILATION PACKAGE, TO BE PROVIDED BY OTHERS. TO BE PROVIDED IN ACCORDANCE WITH BS 5409 PART 1. THE AIR IS NOT TREATED, ANALYSED AND DISINFECTED MAY BE CALLED IN COOL MONTHS. SEE APPROVALS LIST BEING RELEASED TO THE KITCHEN HONEY WEG TO BE ISSUED FROM THE KITCHEN NEGATIVE AIR PRESSURE BY OTHERS.

**CANDOPY**

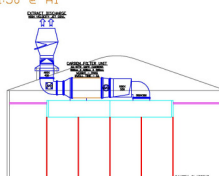
CANDOPY CONSTRUCTED FROM 0.8MM 304 GRADE STAINLESS STEEL, COMPLETE WITH BAFFLE FILTERS AND COOL WHITE LED LIGHTS (RATED AS 100 PA TO UNDERSIDE UNLESS STATED OTHERWISE). CANDOPY TO BE SEALED WITH FOOD SAFE SILICONE. ALL BUILDERS WORK OVERHANGS TO BE FORMED PRIOR TO INSTALLATION. SUSPENDED CEILING WHERE FITTED TO BE INSTALLED FOLLOWING CANDOPY INSTALLATION.

- ALL OVERHANGS TO BE FORMED BY MAIN CONTRACTOR INCLUDING ALL BUILDERS WORKS FOR VENTILATION SYSTEMS AROUND ROOMS OF OVERHANGS BY OTHERS
- MAIN CONTRACTOR TO NOTIFY THE GIB WITHIN 10 DAYS OF THE OVERHANGS BEING IN PLACE OF ALL LOWER PLASTER WORK, TIMBER, TILES AND SERVICES TO ENABLE STAINLESS STEEL WALL CLADDING TO BE FITTED
- WALLS TO THE REAR OF ROOM ARE TO BE OF A NON-COMBUSTIBLE/FIRE RATED MATERIAL
- PRIOR TO STAINLESS STEEL WALL CLADDING BEING FITTED, COMPARTMENTATION FIRE RATED DUCTWORK MUST BE USED. FIRE DAMPERS MUST NOT BE USED ON EXTRACT.
- MAIN CONTRACTOR TO PROVIDE A FIT ALL FLASHING & SEALING MATERIALS FOR DUCTING THROUGH ROOF
- FORMS SUPPLY TO INTERLOCK PANEL TO BE PROVIDED BY MAIN CONTRACTOR. LTS TO MAKE PANEL, STRUT AND INTERNAL INSULATION PANELS
- WHERE ANY OVERHANGS TO BE FORMED PRIOR TO THE OVERHANGS WITH A CANDOPY, ROOM VENTILATION IS TO BE CALCULATED AND NOTIFIED TO THIS WEBSITE

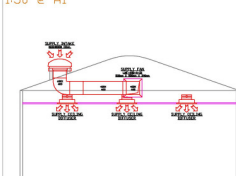
**CANDOPY CROSS SECTION SECTION A-A**  
1:50 @ A1



**FRONT ELEVATION SECTION B-B**  
1:50 @ A1



**FRONT ELEVATION SECTION B-B**  
1:50 @ A1

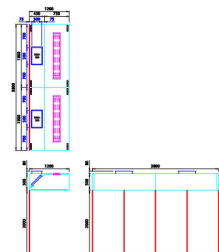


**CANDOPY AIRFLOW CALCS**

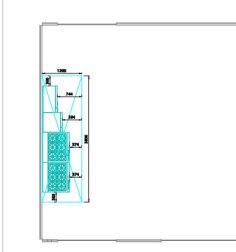
**LTS Thermal Convection Airflow Calculation Results**

Project	Barton Hill	Date	23-10-17						
Ref:	BL007 Rev A	Model	Wall Canopy						
Canopy ref									
Item	Description	Plan	Plan	Plan	Area	Gas KW	Sub	Notes	
Down Range	800	800	0.7200	0.30	0.252				
Connection Duct	800	280	0.3480	0.30	0.1218				
Connection Duct	800	430	0.3440	0.30	0.1204				
								Canopy Factor	Total m <sup>3</sup> /s
								0.7400	0.4942
								20% Safety Factor	@ 60
								Extract Volume	1.72 m <sup>3</sup> /s
								Supply Volume	0.92 m <sup>3</sup> /s

**CANDOPY/SPIGOT DIMENSIONS**  
1:50 @ A1



**CANDOPY OVERHANGS**  
1:50 @ A1



Revised	Revision note	Date	Signature	Checked
A	PROPOSED LAYOUT FOR PLANNING	23/10/17	PS	PS
B	DETAILS ADDED TO DRAWING	23/10/17	PS	PS

**Leigh Tec Systems Ltd**  
Anderson Road  
DN14 6UD  
UK

Tel: 01405 752401  
Fax: 01405 752402  
Email: office@leightec.com  
Web: www.leightec.com

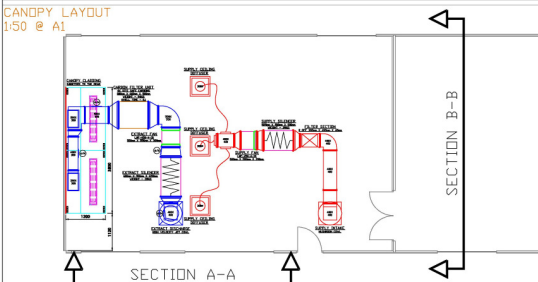
**CLIENT** BARTON HILL  
YD60 7JZ

Client Project

**PROPOSED LAYOUT DRAWING**

Title: 1:50 @ A1 PS 23/10/17 8982 B  
Scale: Drawn Date Drawing Number Revision

Smt.	Description	Type and Model Code	Dimensions (mm)			Insertion Loss (dB)							VUL (dB/10%)	PL (Pa)	G10	Noise Criteria	Features			
			W	H	L	6	12	24	36	48	24	36						48	7	
A7701	Exhaust	Atmosphere side	Rectangular	LS01V/CULISM	400	500	1000	6	10	17	24	31	8	5	1.12	53	1	20dB(A) at 3m	Medium weight steel	
A7702	FAI	Atmosphere side	Rectangular	LS01V/CULIS	525	500	900	4	8	13	23	25	30	11	7	0.85	52	1	20dB(A) at 3m	Medium weight steel



SOUND LEVELS  
50dB(A) @ 3METERS

**CANOPY INFORMATION**

**EXTRACT ONLY CANOPY**  
3000 X 1500 X 300

2000 UNDESIRED OF CANOPY FROM FINISHED FLOOR LEVEL.

**EXTRACT FLOW RATE:** 120m<sup>3</sup>/s AT 300 PA  
**SUPPLY FLOW RATE:** 800m<sup>3</sup>/s AT 40 PA

2 EXTRACT SPIGOTS @ 500 X 300  
SPIGOTS ARE BOMM TALL WITH ZOMEZ CONNECTION

**CANOPY FILTERS**  
NUMBER OF BATLE FILTERS-9  
LIGHTING- 2 OFF 4 FOOT LED LIGHTS.

EACH LED LIGHT REQUIRES 240V SUPPLY AND WILL BE SUPPLIED WITH A 1.5M TALL FINAL CONNECTION OF CANOPY LIGHTS TO LIGHTING CIRCUIT TO BE DONE BY ELECTRICAL CONTRACTOR 240V REQUIRED.

CLADDING- 3.8METERS TO THE REAR

LIGHTING- 2 OFF 4 FOOT LED LIGHTS.

CLADDING- 3.8METERS TO THE REAR

INFILLS-TEC

CANOPY APPROVED- YES...../ND.....

COMMENTS:.....

SIGNED:.....

DATE:.....

COMPONENT IN THIS DRAWING IS THE PROPERTY OF LEIGHTEC SYSTEMS LTD. IT MUST NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF LEIGHTEC SYSTEMS LTD.

854173 was introduced in May 2001. It is a standard requirement to have the extract and supply fan interlocked with the gas valve where gas appliances are installed within the kitchen.

ALL DIMENSIONS ARE IN mm UNLESS OTHERWISE STATED

**FAN AND FILTER INFORMATION**

**EXTRACT**

EXTRACT FAN  
REF: LMF-450-4-1B  
KW: 1.1  
FC: 2.3  
NOISE LEVEL AT SOURCE: 68 DBA BEFORE ATTENUATION

**SUPPLY**

SUPPLY FAN  
REF: LMF-450-4-1B  
KW: 1.1  
FC: 2.3  
NOISE LEVEL AT SOURCE: 63 DBA BEFORE ATTENUATION

**CANOPY FILTERS**

STAINLESS BATLE FILTERS  
380 X 380 X 45

**FIRE FILTERS**

FRONT-RELATED PANEL FILTERS  
SIZE 2 OFF 380 X 480 X 45

**DUCTWORK**

DUCTWORK CONSTRUCTED FROM GALVANIZED STEEL IN ACCORDANCE WITH DN144 WHERE POSSIBLE. DOBBY TYPE FRANGES ARE USED AT ALL JOINTS UNLESS OTHERWISE STATED.

INSIDE DUCTWORK IS TO BE PAINTED WITH ANTI-RUST PAINT. PAINT IS TO BE APPLIED TO INSIDE OF DUCTWORK MUST BE USED ON EXTRACT.

**CONTROL PANEL INFORMATION**

SUPPLY REQUIRED 20AMP 1PHASE ENCLOSURE DIMENSIONS 255 X 180 X 90

**STEEL CONSTRUCTED ENCLOSURE WITH GRAY POWDER POLYESTER POWDER PAINT. PAINT IS TO BE APPLIED TO INSIDE OF ENCLOSURE. ENCLOSURE IS TO BE LOCKABLE.**

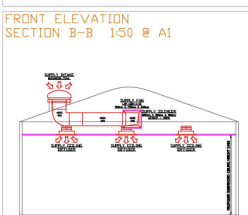
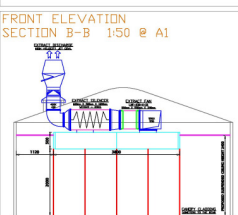
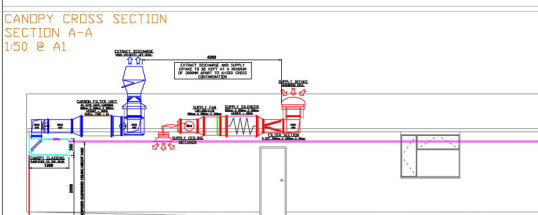
**INFILLS-TEC**

CANOPY APPROVED- YES...../ND.....

COMMENTS:.....

SIGNED:.....

DATE:.....



• ALL OPENINGS TO BE FORMED BY MAIN CONTRACTOR REQUIRE ALL BUILDERS WORKS FOR VENTILATION SYSTEMS AROUND ROOMS OF OPENINGS BY FORMER

• MAIN CONTRACTOR TO REMOVE THE OLD WALL OF THE ROOM AND EQUIPMENT IS TO BE CLEAN OF ALL LOOSE PLASTER WORK, TIMBER, TILES AND SERVICES TO ENABLE STAINLESS STEEL WALL BEING FITTED

• WALLS TO BE BUILT BY OTHER TRADE TO BE A NON-COMBUSTIBLE/FIRE RATED MATERIAL

• PRIMER TO STAINLESS STEEL WALL CLADDING BEING FITTED

• ALL SYSTEMS CONDUITS AND CABLES NOT TO BE SITES ARE TO BE COVERED OUT BY OTHERS OR LITE CAN PROVIDE THIS SERVICE

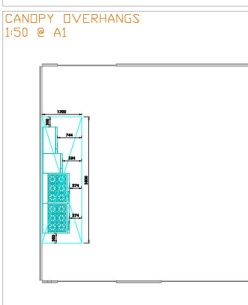
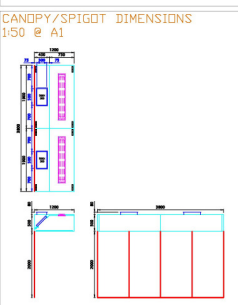
• MAIN CONTRACTOR TO PROVIDE A FIT ALL FLASHING & SEALING MATERIALS FOR DUCTING THROUGH ROOF

• FORMS SUPPLY TO INTERLOCK PANEL TO BE PROVIDED BY MAIN CONTRACTOR LITE TO WIRE PANELS, TEST AND RETAIL INTERLOCK PANEL

• WHERE ANY OVERHANGS TO BE FORMED AT THE OVERHANGS WITH A CANOPY, ROOM VENTILATION IS TO BE CALCULATED AND FITTED TO THIS AREA

**CANOPY AIRFLOW CALCS**

LTS Thermal Convection Airflow Calculation Results									
Project	Barton Hill			Date	23-10-17				
Ref:	BL007 Rev A			Model	Wall Canopy				
Canopy ref									
Item	Description	Plan	Plan	in <sup>2</sup>	Coe	Gas KW	Sub	Notes	
1	Open Range	800	800	0.7200	0.30	0.252			
2	Open Range	800	800	0.7200	0.30	0.252			
3	Connection Open	800	280	0.3400	0.30	0.1218			
4	Connection Open	800	430	0.3400	0.30	0.1218			
							Canopy Factor	Total m <sup>3</sup> /s	
							0.7600	200	0.85
							20% Safety Factor		
		Extract Volume	1.72 m <sup>3</sup> /s						
		Supply Volume	0.85 m <sup>3</sup> /s						



**Revised Revision table**

Rev	Revision	Date	Signature/Checked
A	PREPARED LAYOUT FOR PLANNING	25/09/17	PS
B	DETAILS ADDED TO DRAWING	25/09/17	PS
C	SILENCERS ADDED TO DRAWING	25/09/17	PS

**Leigh Tec Systems Ltd**  
Anderson Road  
Goole  
DN14 6UD  
Tel: 01405 752401  
Fax: 01405 752402  
Email: office@leightec  
Web: www.leightec.com

**CHEF TOM COE**      **BARTON HILL**  
Client      Project

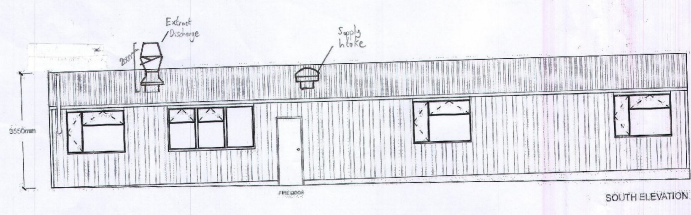
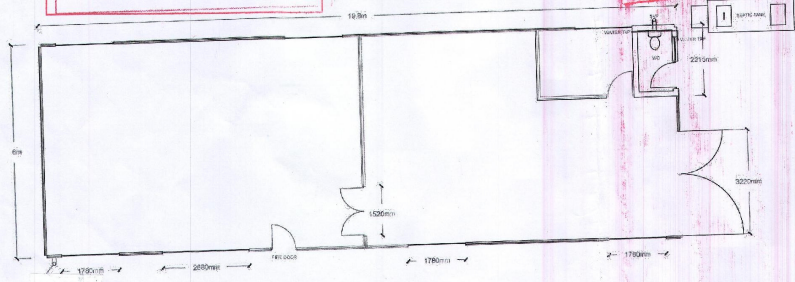
**PROPOSED LAYOUT DRAWING**

Title: 1:50 @ A1      PS      23/10/2017      8982      C  
Scale      Drawn      Date      Drawing Number      Revision

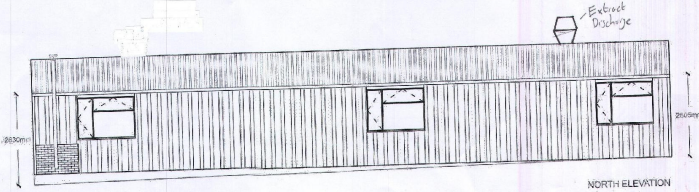


**REVISE**

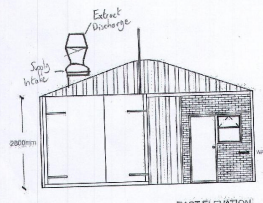
THIS COPY HAS BEEN MADE BY OUR WITH THE  
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STATED OTHERWISE, THIS COPY IS NOT TO BE COPIED  
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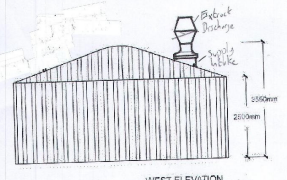
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

### Henrietta Tilly

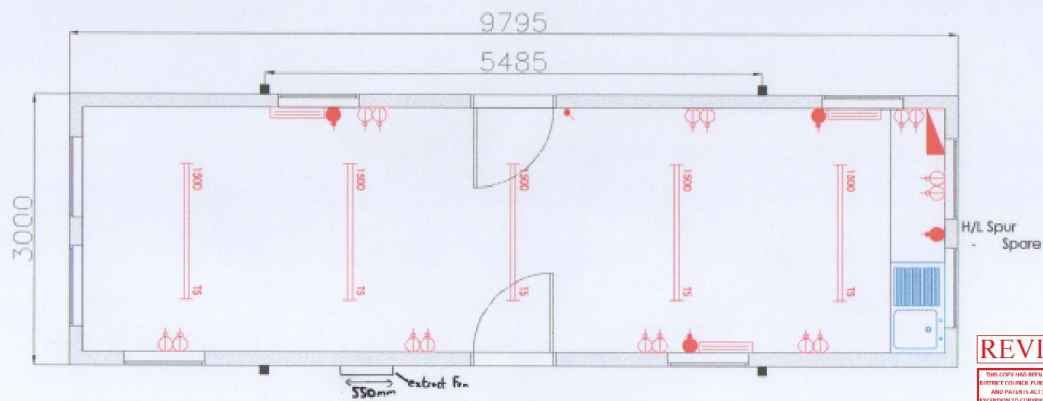
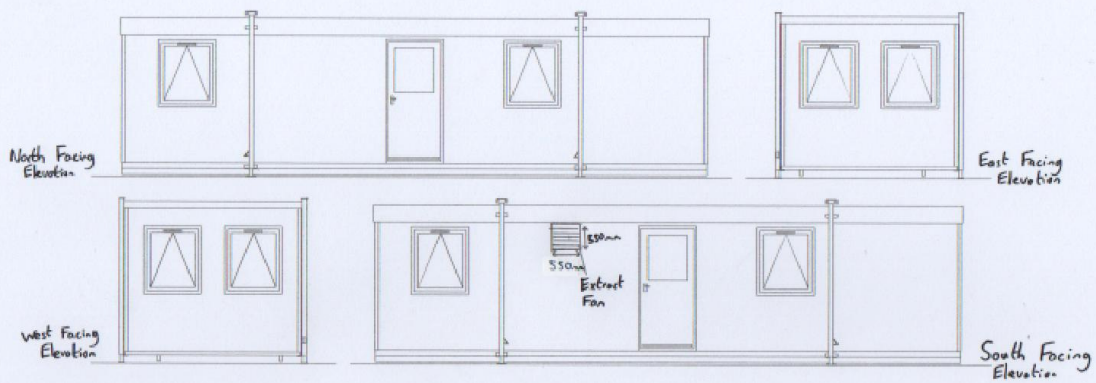
High Cringle House  
Chop Gate  
Stokesley  
North Yorkshire TS97JJ  
Tel: 07572925401  
E: whitwell6@hotmail.co.uk

Client **Tom Coe**  
Thornthorpe House, York YO60 7TE

Project **Barton Hill**  
York YO60 7JZ


Drawing  
**Proposed Plans and Elevations**

Drawing Number	BL.011	Scale	1:100 @A3	Rev.	A
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**REVISED PLAN**

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<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE				 <p>Britcab Ltd          Moor Lane Ind. Estate          Thadthorpe          York          YO61 1SR          01759 301725</p>	<p>SCALE 1:50 (A4)</p> <p>THIS DRAWING IS PROPERTY OF BRITCAB LTD.          IT MUST NOT BE COPIED IN WHOLE OR IN PART OR          SENT TO A THIRD PARTY WITHOUT WRITTEN CONSENT</p>	<p>DRAWN GCR</p> <p>DRG. No.</p>	<p>DATE 11/11/16</p> <p>Plan Layout</p>
REV	DESCRIPTION	DATE								

### Risk Assessment for Odour at Barton Hill

Odour control must be designed to prevent odour nuisance in a given situation. The following score methodology is suggested as a means of determining odour control requirements using a simple risk assessment approach. The odour control requirements considered here are consistent with the performance requirements listed in this report.

Impact Risk	Odour Control Requirement	Significance Score *
Low to Medium <b>High</b> Very High	Low level odour control <b>High level odour control</b> Very high odour control	Less than 20 <b>20 to 35</b> More than 35

\*based on the sum of contributions from dispersion, proximity of receptors, size of kitchen and cooking type:

Criteria	Score	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into Courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge at below 10 m/s.
	<b>Moderate</b>	<b>10</b>	<b>Discharging 1m above eaves at 10-15 m/s.</b>
	Good	5	Discharging 1m above ridge at 15 m/s.
Proximity of receptors	<b>Close</b>	<b>10</b>	<b>Closest sensitive receptor less than 20m from kitchen discharge.</b>
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge.
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge.
Size of kitchen	Large	5	More than 100 covers or large sized take away.
	Medium	3	Between 30 and 100 covers or medium sized take away.
	<b>Small</b>	<b>1</b>	<b>Less than 30 covers or small takeaway.</b>
Cooking type (odour and grease loading)	Very High	10	Pub (high level of fried food) , fried chicken, burgers or fish & chips.
	High	7	Kebab, Vietnamese, Thai or Indian.
	Medium	4	Cantonese, Japanese or Chinese.
	<b>Low</b>	<b>1</b>	<b>Most pubs, Italian, French, Pizza or steakhouse.</b>

**Risk Assessment Score 22**

Land South of Glenroyd

Barton Hill

**Removal of asbestos cladding from existing building and replacement with steel cladding. Change of use from storage to industrial use as a catering preparation kitchen. Temporary siting of a portable building for 3 years to be used as a preparation kitchen whilst work is undergoing on the development of existing building**



### Design and Access Statement

Picture above: existing building



This design and access statement forms part of the planning application for removal of asbestos cladding from existing building and replacement with steel cladding. Change of use from storage to industrial use as a catering preparation kitchen. Temporary siting of a portable building to be used as a preparation kitchen whilst work is undergoing on the development of existing building. The aerial view (photo A) notes the location of the existing structure and the proposed development.



Photo A

### **Existing design and use**

Currently the building is an asbestos cement bound cladding, supported by steel. It houses a W.C. and has its own independent water supply and independent fowl waste supply. Half of the floor is currently concrete. There are 6 existing windows, 4 facing south and 3 facing north. Double doors facing south and double doors facing east. There are 2 parking spaces to the east of the building. The current building has formed part of the haulage yard to the south and been used in conjunction with this for over 30 years. Previous to that it was a brickyard.

See existing plans and elevations.

### **Proposed Business**

I have worked in the Ryedale area for over 3 years as a private chef. The service I have provided has been primarily for the local area. It has included various food demonstrations including Malton Food Market and appearances on local radio stations. I am now looking to expand to catering, yet maintain the low intensity high quality style of food that has been a success so far.

The site at Barton Hill would fit the needs of the business perfectly and it will encourage activity in the countryside that strengthens the rural economy. A major part of my work as a private chef has been to use locally sourced produce, primarily my suppliers have been from Malton and Norton and this has accounted for over 80% of food supplies and is something I feel very strongly about. It would continue to work towards the aims of the Fitzwilliam (Malton) Estate to rebrand Malton as "Yorkshire's food capital"

I intend to achieve compliance with all aspects of Food Standard Agency and regulation (EC) No 852/2004 of the European parliament and of council. Implementing practices outlined by the food standards agency, using SFBB and Safe Catering Plan in order to maintain safety management procedure and food hygiene regulation. I have a First Class Pass Diploma in Food and Wine from Leiths School of Food and Wine where hygiene practices were a fundamental part of the course. I have Level 2 award Food Safety in Catering, Level 2 Award Health and Safety in Workplace and certified attendance of COSHH course. All of which will be used to achieve standards set out by both European and National Regulations regarding food.

The food prepared will be for an average of 100 covers a week.

The work carried out on the site includes the preparing of food to be taken to events elsewhere.

*'Expansion land for existing major employers/ established businesses; small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9' (Ryedale Plan-Local Plan Strategy SP6)*

I propose a small scale conversion of an existing building that will support the rural economic activity.

The business will have the potential to provide employment for the rural area. The intention is to have at least 2 staff members on site with the potential for 5. Adequate parking will be provided. (See plans)

Ryedale Plan-Local Plan Strategy SP5 states:

*Other employment areas across the District play an important role in the Ryedale economy providing important local job opportunities.' It then goes on to say 'Whilst not specifically allocated in the Local Plan Sites Document, the expansion of existing businesses across Ryedale will be supported in principle.'*



Proposed working hours are 8am-5pm Monday to Saturday.

Delivery of goods to the site will take place using the lane to the north of the site that is 3.70m wide, that is covered either side with various high grown vegetation (see picture above). Expected delivery will be from light goods vehicles no larger than supermarket delivery vehicles. Delivery of goods will take place within the hours 8am-5pm. The site has right of access down this lane.

### **Consideration to Neighbouring Sites**

Great consideration has been put in place to accommodate neighbouring sites in accordance with SP20 of the Ryedale Plan- Local Plan Strategy.

*'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.'*

Also in accordance with DEFRA Minimum Requirements For Odour Control, *'for new premises or premises covered by planning conditions restricting the impact of odour the system shall be designed to prevent harm to the amenity'*

And in accordance with DEFRA Requirements for noise control:

*'For new premises or premises covered by planning conditions restricting the impact of noise the system shall be designed to prevent an acoustic impact on the external environment and therefore harm to the amenity, as well as ensuring that noise exposure of kitchen staff does not constitute a hearing hazard. For existing premises not covered by planning conditions restricting the impact of noise, the system shall be designed to avoid statutory nuisance and shall comply with the principles of Best Practicable Means. To achieve these objectives the noise control system shall include:*

- *control of noise at source to the greatest extent and*
- *control of noise to the environment by taking acoustic considerations into account within duct, grille and termination design.*

The nearest neighbouring residential property is over 20m from the boundary of the proposed development.

### **Odour Control**

Risk Assessment, based on DEFRA guidelines.

<b>Dispersion</b>	<b>Proximity of receptors</b>	<b>Size of kitchen</b>	<b>Cooking type</b>	<b>Total score</b>
<b>10</b> (Discharging 1m above eaves)	<b>5</b> (Closest sensitive receptor between 20 and 100m from kitchen discharge)	<b>3</b> (Between 30 and 100 covers or medium sized takeaway)	<b>1</b> (Most pubs, Italian, French, Pizza or Steakhouse)	<b>19</b>

Based on the sum of contributions from dispersion, proximity of receptors, size of kitchen and cooking type the impact risk is low to medium and requires a low level odour control, which may include, fine filtration followed by carbon filtration will combat odour risk.

The cooking techniques used on the site are, sous vide, boiling, roasting, blanching.

The style of food being prepared on site is Modern British style cuisine. No deep fat frying will take place on the premises. The discharge stack from the extraction unit will be 1m above the eaves of the building as shown on the plans.

The extraction system will include fine filtration followed by carbon filtration.

Maintenance of this system will take place every 6 months.

**Noise Control**

Equipment used on the site will include:

Stand mixer  
Food processors  
Up right fridge (42dB)  
Up right freezer/Chest freezer (43dB)  
Convection oven  
Extraction units over ovens

The potential for noise caused by the extraction unit will be reduced by using a silencer on the extraction unit to prevent noise problems. Insulation within the building will reduce the noise level leaving the premises.

Maintenance of this system will take place every 6 months.

**Privacy Control**

The boundary of the plot will be covered with a 6ft solid wood panel fencing, to maintain privacy for the neighbouring land. Any potential loss of privacy from the existing north facing windows will be solved by this addition. The fencing will also increase privacy for any south facing views to the plot as it will block out a proportion of the view of the existing industrial site.

**Design, use, location and proximity to neighbouring land uses**

The design of the new building will be a benefit to the local rural area as asbestos cement bound cladding will be removed and new steel cladding will be put in its place, this will be more aesthetically pleasing for the area. The use will have no adverse impact on the amenity of present or future occupants as it is changing from storage for haulage to a high spec preparation kitchen. The location of the proposed building is identical to the existing one and thus will not change in terms of proximity to neighbouring land. Where a possible visual impact may be an issue a new 6 ft. solid wood panel fencing will be erected on the boundary to neighbouring land.

One area that has been addressed whilst compiling the application is the possible view from the rail crossing. The pictures below show the visibility from the crossing. Whilst hidden for the majority it is still visible. With the renovated building it will look better from this point of visibility.

Various views from the rail crossing at Barton Hill



**Proposal information**



Existing building east facing.



Existing building south facing.



Existing building and boundary north side

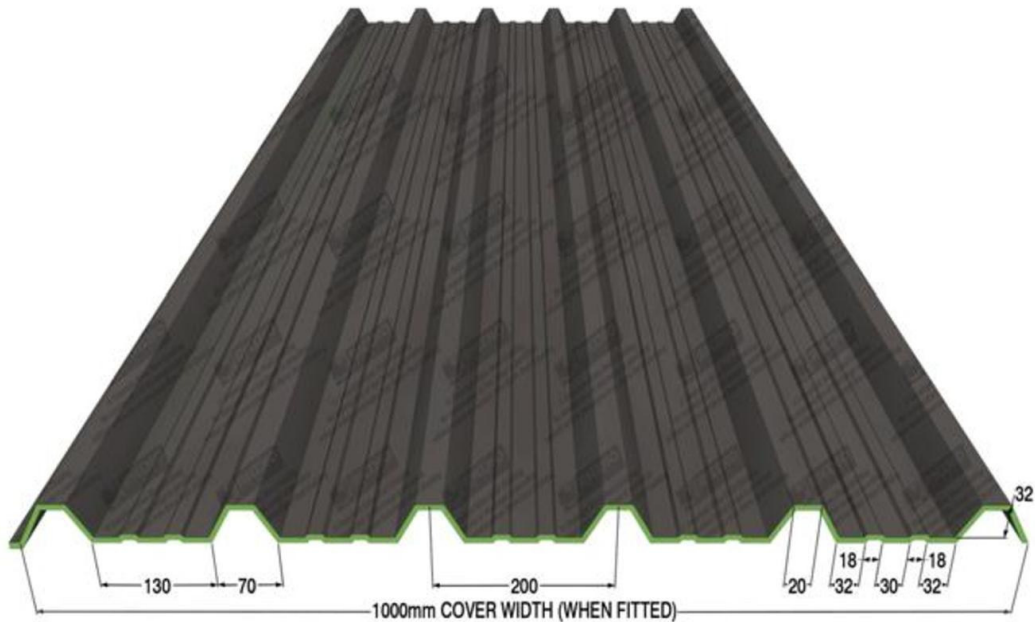
See plans for details regarding the alterations to the existing building, and proposed kitchen layout.

The proposal is to renovate the above existing building using steel cladding (see specifications below)

**BOX PROFILE ROOFING SHEETS SPECIFICATIONS**

Galvanised steel box profile 32/1000 roofing sheets. They consist of six profiles and five valleys where the water runs, each profile is 32mm deep and at 200mm centres from peak

to peak. For extra support and stability, two extra swages are rolled into every valley of the sheet.



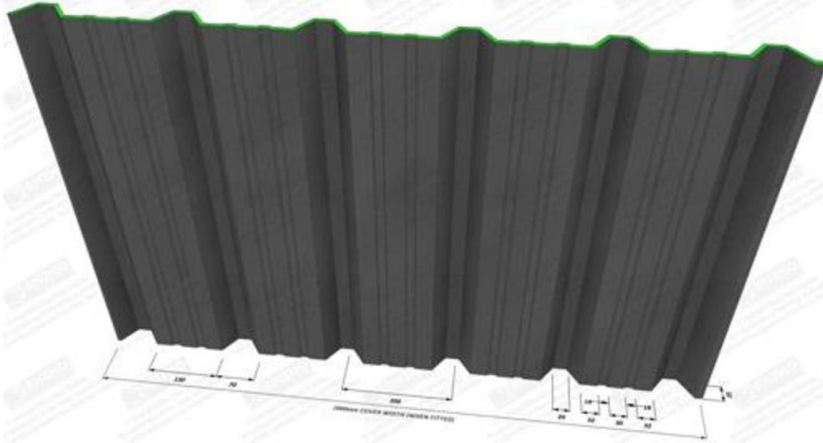
#### BOX PROFILE WALL CLADDING SHEET SPECIFICATIONS

Galvanised steel box profile wall cladding sheets are manufactured as the reverse profile to the box profile roofing sheets with the flat part of the sheet facing out and the smaller profiles facing into the building, this creates the illusion of a flat wall effect even though the sheets are profiled, with the advantage of the fixings being concealed within the small profiles of the sheets.

The box profile 32/1000 wall cladding sheets are available in two gauges (thicknesses): 0.5mm and 0.7mm, however, 0.5mm is the recommended gauge for side cladding.

They consist of six small profiles which will be facing into the building and five flats facing out of the building, each profile is 32mm deep and at 200mm centres from peak to peak. For extra support and stability, two extra swages are rolled into every flat of the sheet.





### Colour

The proposed colour is Merlin Grey for the roof and walls.

Windows will be replaced with UPVC windows.

### Waste

Waste water will be disposed of using a new bio septic tank system. A grease separator will be fitted to prevent any kitchen waste being disposed of in the tank.

Refuge waste will be disposed of using commercial waste collection services. See plans for location of storage of refuse bins.

Recyclable waste will be disposed of using recycling service where possible.

**The portable building to be used whilst the work is ongoing on the recladding of the existing building**

The installation of a prefabricated workspace unit from where I intend to work as a caterer, whilst work on the building is ongoing. Food will be prepared on the site and then taken to clients venues. See plans of the portable building. The prefabricated cabin will be made of the following:

Cabin construction

- Timber used for structural frame.
- Insulation varies and but usually up to 100mm of fibreglass insulation. Applicable to walls and roof
- Internal wall construction of a vinyl faced plasterboard attached to timber framework.
- UPVC or timber skirting (varies)
- Floor construction of plywood over boarded timber or steel floor joists (varies).
- Floor insulated with up to 100 mm of fibreglass insulation or more commonly thermal foil insulation
- Floor covering to be either vinyl polyfloor or carpet.
- External walls are usually 9mm plywood with plastisol steel covering. Plastisol is sheet steel with a plastic painted coating 0.5mm thickness
- Roof blankets vary with make and manufacture. Timber construction roof with heavy duty vinyl roof covering.
- UPVC double glazed windows
- Composite steel door or Kirnkroft steel door.

**Item Number:** 8  
**Application No:** 18/00051/MFUL  
**Parish:** Welburn (Kirkbymoorside) Parish Meeting  
**Appn. Type:** Full Application Major  
**Applicant:** Mr William Shaw  
**Proposal:** Erection of general purpose agricultural building with concrete apron and erection of extension to existing general purpose agricultural building.  
**Location:** Manor Farm Back Lane Welburn Kirkbymoorside North Yorkshire YO62 7HG

**Registration Date:** 16 January 2018  
**8/13 Wk Expiry Date:** 17 April 2018  
**Overall Expiry Date:** 1 March 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

## CONSULTATIONS:

<b>Parish Council</b>	No response
<b>Highways North Yorkshire</b>	No objection
<b>Lead Local Flood Authority</b>	No response
<b>Environmental Health Officer</b>	No objection

**Neighbour responses:** No responses received

---

## SITE:

Manor Farm, Welburn lies to the east of Back Land and south of the A170, outside of Development Limits in the wider open countryside, as defined in The Ryedale Local Plan. The application site relates to an undeveloped grassed area within an established farmstead.

Directly to the north of the site, is an area occupied by a mix of modern and traditional farm buildings and a further modern farm building is located to the south east of the application site at a distance of c10m. The site is effectively screened to the south, west and east by mature trees.

It is noted within the planning statement that Home Farm is an arable farming enterprise extending in excess of 2000 acres. The existing access to the farmstead is to the north of the application site.

## PROPOSAL:

This application seeks permission for the erection of general purpose agricultural building with concrete apron and erection of extension to existing general purpose agricultural building.

## HISTORY:

The following applications are considered most relevant to the current proposal:

75/00364/OLD: 3/145/3/PA construction of a bulk food hopper for ready use feed at Welburn Manor Kirkbymoorside York (Approved)

77/00372/OLD: 3/145/3A/PA construction of an agricultural building at Manor Farm Welburn (Approved)

97/00197/FUL: Erection of extension to existing grain store (Approved)

## **POLICY:**

### The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP9 - Land Based Rural Economy

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

### National Planning Policy Framework (NPPF) (2012)

Chapter 3. Supporting a prosperous rural economy

Chapter 7. Requiring good design

## **APPRAISAL:**

The main considerations within the determination of this application are:

- i. The principle of development
- ii. Character, Form and Impact upon Area of High Landscape Value
- iii. Impact upon Amenity
- iv. Impact upon Setting of a Grade II Listed Building
- v. Impact upon trees and ecology
- vi. Other matters, including consultation responses.

### i. The Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore, Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework is supportive of sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings.

In this case, the site is located within the open countryside in an existing farmstead and it relates to the erection of general purpose agricultural building with concrete apron and erection of extension to existing general purpose agricultural building to support an existing and established farm business.

The agent has provided a Design and Access Statement which gives an overview of the proposed development, this notes; "Welburn Manor Farm is the centre of the Welburn farming operation run by William Shaw. The farmstead comprises approximately 567 hectares of arable farming land and 243 hectares of grassland grazed by sheep and beef cattle. Occupying the northern corner of the farmyard is a late 20th Century general purpose agricultural shed. The proposal involves adding an extra bay to the south-eastern end of the building and the erection of a new general purpose building alongside the north eastern elevation of the existing one. The results will increase the versatility and scale of the existing farming operation."

The Design and Access Statement continues: "The proposals will allow a well-established farming operation to continue to flourish and provide economic growth to the area. As a result of the proposal it is likely that an extra part time employee will be required, when combined with a second proposed building on another part of the farmstead (the subject of a separate planning application) this should translate to one additional full time employee."

In this instance given that this is an existing and established farm, the principle of a further general purpose building and extension to an existing building in order to support the agricultural activity is acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy.

ii. Character and Form

This application relates to the erection of an agricultural storage building measuring c48m x c24m in footprint. This would be located directly beside an existing agricultural building, at a distance of c1m. This building would incorporate an eaves height of c5m and a maximum height of c8.4m, which is slightly lower in terms of height proportion than the closely adjoining building.

The proposed extension would add a further 4.8m long bay to the south east of the existing building, increasing the footprint of the building by 102.5 square metres. This would maintain the existing height proportions and see the continuation of construction materials of the existing building.

The proposed new building would incorporate a simple modern agricultural appearance, incorporating concrete panels to c2.6m, with Yorkshire boarded timber cladding from the eaves to 2.4m below. The roof will be constructed of profiled fibre cement in natural grey, with GRP rooflights. These materials are details on the submitted plans and given that a conditions listing the approved plans will be recommended, it is not considered necessary to duplicate this requirement.

The main opening would be located on the south eastern elevation, to be accessed by a new concrete apron. A further opening is present on the rear north western elevation.

Whilst the overall structure is significant in footprint and height, it is considered that its scale is justified given the existing and established farm business. It is noted that the surrounding farm buildings incorporate a broad range of heights and footprints and it is not considered that the proposed building, whilst large in scale would appear incongruous. The proposed building is positioned in close proximity to the existing buildings supporting the farm, so would not appear isolated and would be read in the context of the farm. The structure would not be readily visible from the south, west or north of the by virtue it's positioning. It is also considered that the proposed materials are acceptable in this farmyard setting.

It is considered that the proposal satisfies the requirements of Policy SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iii. Impact upon Amenity

The closest residential properties to the site are 1 and 2 Manor Farm Cottage to the west of the farm, directly adjacent to the main road. Welburn House is located to the north west of the farm.

It is not considered that these properties would experience any impacts by virtue of overshadowing, given the distances from the proposed development. It is furthermore not considered that there would be any loss of amenity as a result of the proposed development, given that this is an existing farmyard and other buildings serving the same purpose are in closer proximity to these residential properties.

It is acknowledged that some views of the structure may be experienced by the occupiers of Welburn House. However it is considered that given the position of the proposed developments within an existing farm with a range of agricultural buildings already present, this would not result in any significant additional harm to amenity.

The Design and Accesss Statement notes that "External lighting will be limited to downward facing LED flood lights on the south eastern elevations only. There will be no lighting on the side or rear elevations." This is considered acceptable and a condition is recommended to ensure that no other lighting will be installed at the site without prior approval of the Local Planning Authority.

This proposal satisfies the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon Setting of a Grade II Listed Building

The location of the proposed new agricultural building in Welburn Manor Farm is in fairly close proximity to the grounds of Welburn Hall, which incorporates the Grade II Listed Hall, and a sundial, garden pavilion and stables which are also listed. The proposed building would be located c100m from the Hall.

It is considered that this additional agricultural building within this village farm would not harmfully impact upon the setting of the Listed Building or associated listed structures. The new building is positioned at a distance of 1m from an existing farm building of a similar scale. Given that this is a in a long established village farm, which has historically been established in close proximity to the Hall it is not considered a further agricultural building would alter the setting of the listed building.

Furthermore, the orientation of the farm building means it also maintains the linear pattern of development, which further aids in limiting any visual relationship with the Hall. It is also visually separated by a band of trees and hedging.

This proposal satisfies the requirements of Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy.

v. Impact upon trees and ecology

Due to the proximity of the proposed development within 100m of a pond, the Council's Senior Specialist Countryside was consulted and following review of the submitted arboricultural report provided the following response:

“The proposed development is within 100m of a pond to the east giving it the potential to form terrestrial habitat for protected great Crested Newts. However the existing site habitat is closely mown amenity grassland which is suboptimal for amphibians. I recommend that an informative for Great Crested Newt be attached to any permission granted

The Tree survey report indicates that the new building will not require any of the existing trees to be removed and delineates suitable root protection zones to ensure the trees are protected during the construction period. I recommend the following condition be attached to any permission granted.” This condition related to tree protection zones and will be fully detailed below.

Subject to the recommended conditions, it is considered that the proposal would result in no harm to trees or ecology, in accordance with SP14 (Biodiversity) of the Ryedale Plan, Local Plan Strategy.

vi. Other Matters, including consultation responses

No responses have been received from the Parish Council in relation to this proposal.

The proposed development would have no impact upon the existing access arrangements at Home Farm and North Yorkshire Highways have responded to confirm no objection to the proposal.

The Principal Environment Specialist confirmed no objection to the proposal.

No response was received from the Parish Council or the Lead Local Flood Authority. They were consulted as the site falls within the Ryedale 100 year flood area, but it does not fall within the Environment Agency's Flood Zone 2 or 3 designations.

In light of the above considerations, subject to the recommended conditions, this proposal is considered to satisfy the relevant policy criteria outlined within Policies SP1, SP2, SP9, SP12, SP14, SP16, SP19 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

**RECOMMENDATION: Approval**

- 1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location Plan (Drawing no. YOBU 406056-01/B)  
Site and Block Plan (Drawing no. YOBU 405066/02)  
Site and Block Plan As Proposed (Drawing no. YOBU 405066/03)  
Building 1 Elevations Etc As Proposed (Drawing no. YOBU 405066/04)  
Proposed Elevations (Drawing no. 293)  
Proposed Elevations (Drawing no. 294)  
Proposed Elevations (Drawing no. P17-012522 Rev 01)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of the development hereby permitted, temporary tree protection fencing should be positioned at the location specified within Appendix A of the Aboricultural Report (January 2018) using the method of construction specified in Appendix B of that report. This fencing shall remain in position until the completion of the development.

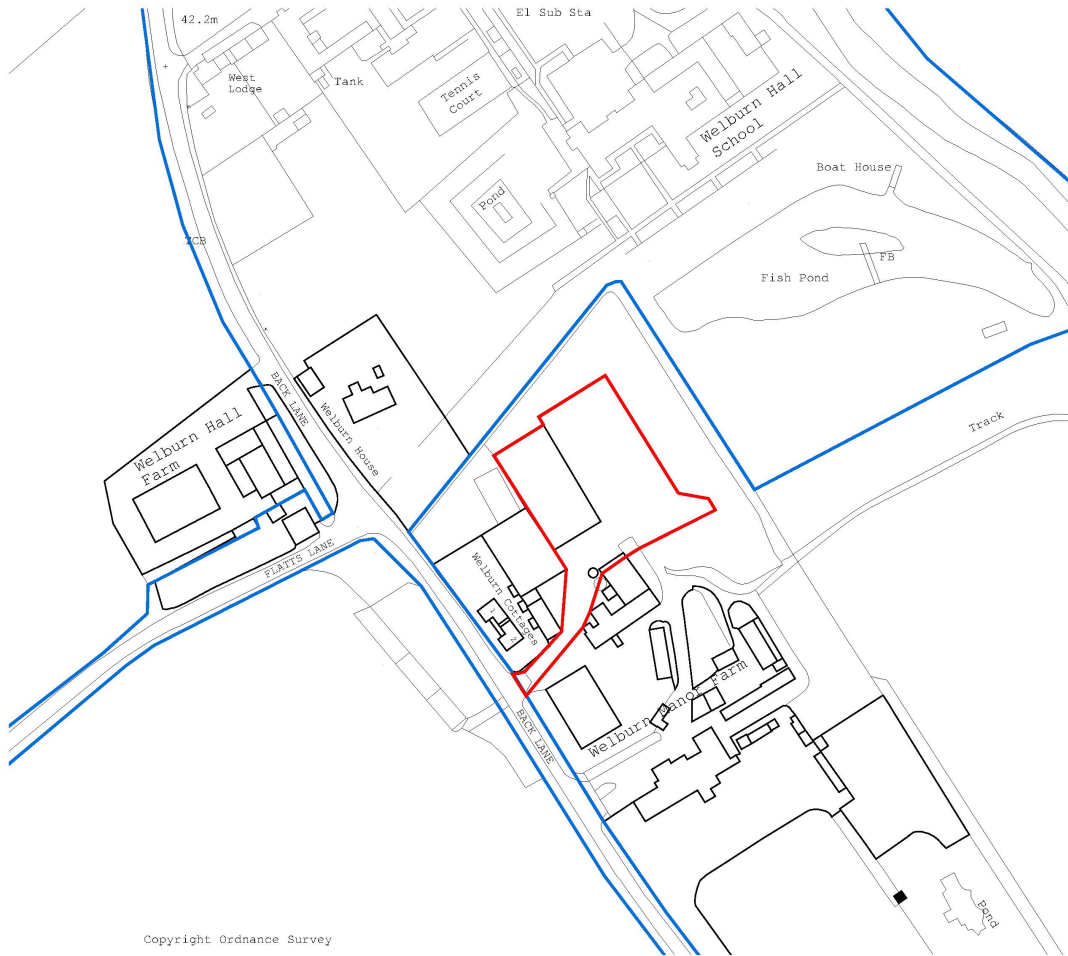
Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to local plan policy SP13, coupled with paragraphs 17,117, and 118 of the National Planning policy Framework 2012.

- 4 Unless otherwise approved in writing by the Local Planning Authority, no other lighting that downward facing LED floodlights positioned along the south eastern elevations of the proposed development shall be installed.

Reason: In the interests of residential amenity and the character of the open countryside in accordance with SP16 of the Ryedale Plan, Local Plan Strategy.

**INFORMATIVE(S)**

- 1 Great crested newts are protected by both the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2017). Killing, injuring, capturing, handling or possessing the species is prohibited, as is damage to their habitats and trade in the species. Should any great crested newts or evidence of great crested newts be found prior to or during the development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given Natural England's contact details



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**REVISIONS**

REV	NOTE / DRAWN BY	DATE
A	AMENDMENT TO RED LINE AREA	02.02.18
B	AMENDMENT TO RED LINE AREA	16.01.18



Date Valid 16/01/2018

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**PROJECT TITLE**  
 PROPOSED AGRICULTURAL BUILDING  
 WELBURN MANOR FARM  
 BACK LANE, WELBURN

**CLIENT**  
 MR. W. SHAW

**DRAWING TITLE**  
 LOCATION PLAN

**SCALES @ A3** PROJECT / DWG / REV NO.  
 1:1250 YOBU 406056 - 01 / B

**DRAWING STATUS**  
 PLANNING

**DRAWN BY** CHECKED BY DATE  
 AMCR AMCR DEC 2017



River House  
 17 Museum Street  
 York  
 YO1 7DJ  
 01904 617899





**NOTES**  
 The Applicant and the Design Team warrant that the information provided in this application is true and correct to the best of their knowledge and belief. The Applicant and the Design Team warrant that the information provided in this application is true and correct to the best of their knowledge and belief. The Applicant and the Design Team warrant that the information provided in this application is true and correct to the best of their knowledge and belief.

**REVISIONS**  
 REV 1: 15/01/2018  
 REV 2: 15/01/2018



Date Valid 15/01/2018

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PROJECT TITLE  
 NEW AGRICULTURAL BUILDING  
 WELBURN MANOR FARM  
 WELBURN  
 CLIENT  
 MR W. SEAW

PROJECT FILE  
 SITE & BLOCK PLAN

SCALE: 1:1250 PROJECT SHEET NO: 01

DATE: 15/01/2018

DESIGNED BY: AMR

CHECKED BY: AMR

DATE: 15/01/2018





**NOTES**

The Applicant and the Design Team are responsible for ensuring that the proposed development complies with all applicable planning and building regulations and that the proposed development is in accordance with the relevant planning and building regulations. The Applicant and the Design Team are responsible for ensuring that the proposed development is in accordance with the relevant planning and building regulations. The Applicant and the Design Team are responsible for ensuring that the proposed development is in accordance with the relevant planning and building regulations.

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REV NO. DATE BY



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PROJECT TITLE  
NEW AGRICULTURAL BUILDING  
WELBURN MANOR FARM  
WELBURN

PROJECT NO.  
17560

PROJECT SHEET NO.  
Y001 405066 / 03

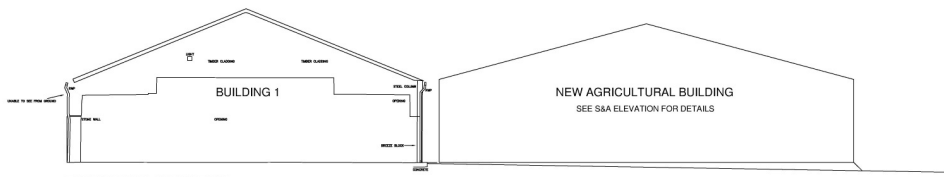
DESIGN STAGE  
PLANNING

DRAWN BY  
AMR

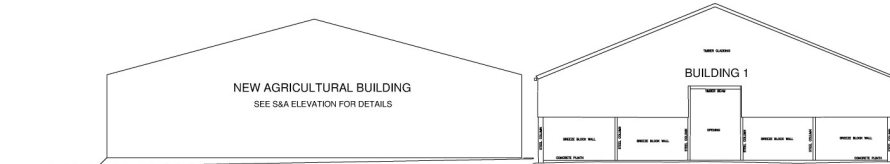
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AMR

DATE  
JAN 2018

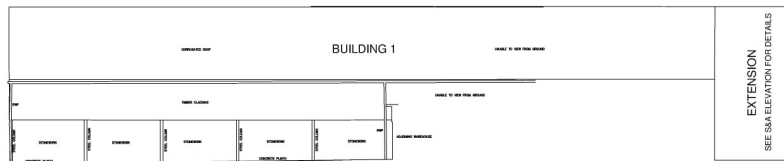




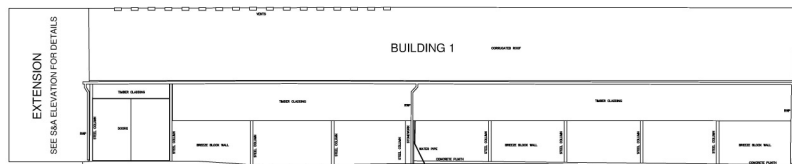
ELEVATION TO SOUTH EAST



ELEVATION TO NORTH WEST



ELEVATION TO SOUTH WEST



ELEVATION TO NORTH EAST

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**REVISIONS**  
 REV: 0001 / DRAWN BY: DATE: 11/11/18

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PROJECT TITLE  
 NEW AGRICULTURAL BUILDING  
 WEBBER MANOR FARM  
 WELLSBLEN  
 CLIENT  
 MR W. SHAW

TECHNICAL TITLE  
 BUILDING 1 ELEVATIONS ETC  
 AS PROPOSED  
 SCALE: 1:100 PROJECT DWG: 001  
 SHEET NO: 04

DESIGNED BY  
 AMR  
 CHECKED BY  
 AMR  
 DATE  
 JAN 2018





SIDE ELEVATION 1



SIDE ELEVATION 2



ROOF PLAN



GABLE ELEVATION 1



GABLE ELEVATION 2

Date Valid 16/01/2018

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**NOTES:**  
 BUILDING SIZE:  
 - 25.000M WIDE (O/S STEEL)  
 - 48.000M LONG (10Mx3.000M BAYS)  
 - 8.000M HIGH TO EAVES  
 - ROOF PITCH 15°

VERTICAL CLADDING TO BE TIMBER SPACED BOARDING 2.000M BELLOW EAVES TO BOTH SIDE ELEVATIONS, AND TO THE GABLE PEAK ONLY TO BOTH END ELEVATIONS.

ROOF TO BE CLAD WITH PROFILE 8 FIBRE CEMENT NATURAL GREY COLOUR, COMPLETE WITH OPEN PROTECTED RIDGE & BARGE BOARDS TO GABLES.

LOWER WALLS TO BE SELF COLOURED CONCRETE PANELS TO BOTH SIDE ELEVATIONS OF THE BUILDING.

DO NOT SCALE - IF IN DOUBT ASK	
NO.	DATE
1	00/00/00
2	00/00/00
REV	DESCRIPTION

CLIENT:  
 MR. SHIFF  
 PROJECT:  
 PROPOSED BUILDING NEAR WELBURN  
 DRAWING TITLE:  
 PROPOSED ELEVATIONS

DRG NO: 283	REVISION:
DATE: 23/11/17	SCALE:
DRN: DH	CHK'D:

S & A FABRICATIONS  
 HARROGATE ENTERPRISE PARK  
 BRIMSDEN CIRCLE  
 COL. BURHAM, WILT. BH6  
 TEL: 01303 80000  
 FAX: 01303 80000  
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SIDE ELEVATION 1



GABLE ELEVATION 1



SIDE ELEVATION 2



ROOF PLAN

**NOTES:**  
**BUILDING SIZE:**  
 -- 20.500M WIDE (O/S STEEL)  
 -- 4.800M LONG (1/4 BAY)  
 -- 5.000M HIGH TO EAVES  
 -- ROOF PITCH 22.5°

VERTICAL CLADDING TO BE TIMBER SPACED BOARDING 2.000M BELLOW EAVES TO BOTH SIDE ELEVATIONS, AND TO THE GABLE PEAK ONLY TO END 1 ELEVATION.

ROOF TO BE CLAD WITH PROFILE 8 FIBRE CEMENT NATURAL GREY COLOUR, COMPLETE WITH OPEN PROTECTED RIDGE & BARGE BOARDS TO GABLES.

LOWER WALLS TO BE SELF COLOURED CONCRETE PANELS TO BOTH SIDE ELEVATIONS OF THE BUILDING.

Date Valid 16/01/2018

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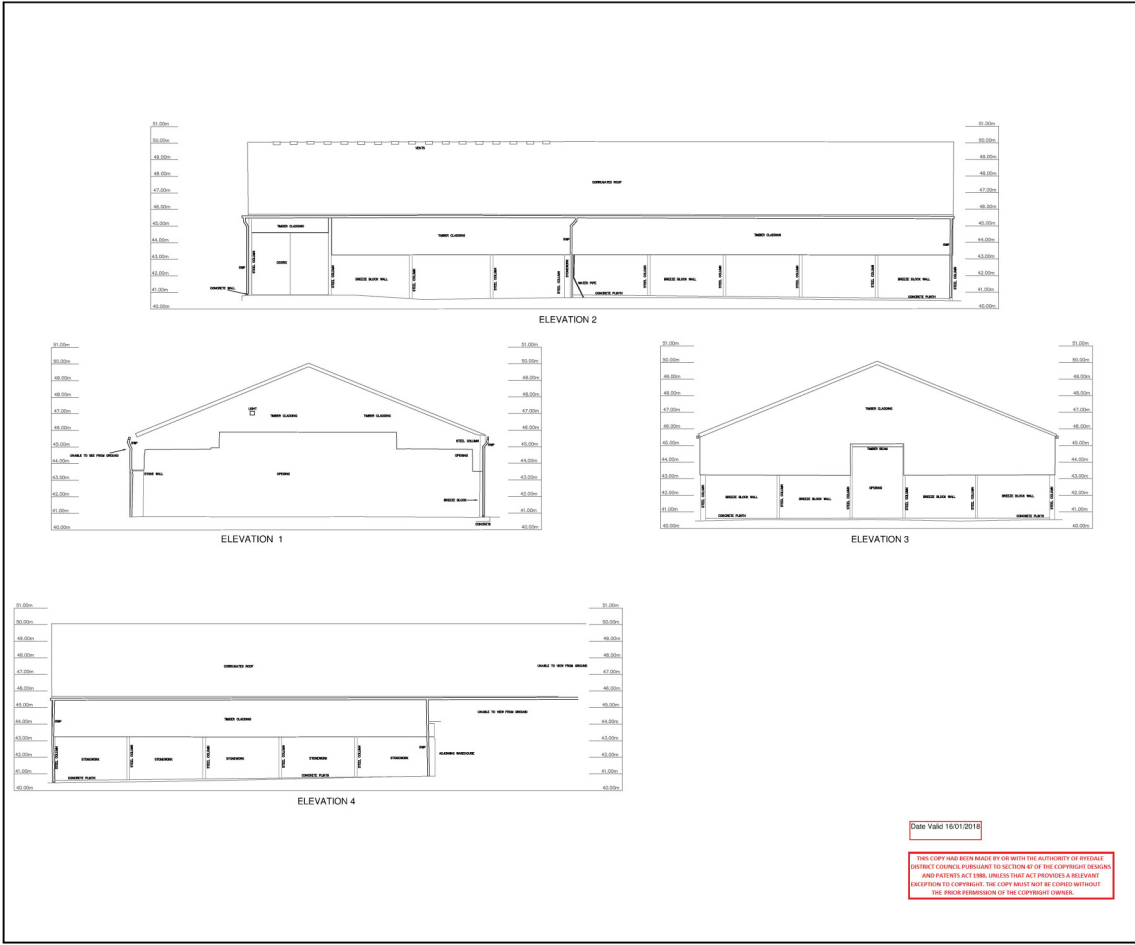
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REV	DESCRIPTION	DATE
01		06/06/20
02		06/06/20

**CLIENT:**  
 MR. SHIFF  
**PROJECT:**  
 PROPOSED BUILDING NEAR WELBURN  
**DRAWING TITLE:**  
 PROPOSED ELEVATIONS

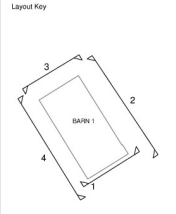
DRG NO: 204	REVISION:
DATE: 23/11/17	SCALE:
DRN: DH	CHK'D:

**S & A FABRICATIONS**  
 HARMS ENTERPRISE PARK  
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 TEL: 01833 800040  
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Datum : OS Level Datum  
 Using the OS GPS Network and applying  
 OSGM02 National Geoid Model to obtain  
 local area corrections.



Rev	Date	Drawn	Description	Check

Client MR W SHAW

Site WELBURN HALL FARM FLATTS LANE  
 KIRKBYMOORSIDE, YO62 7HH

Title ELEVATIONS

Revised	M/E	M/C	Drawn	M/E	M/C
Rev	By	Date	Rev	By	Date
01	1100	14/01/2016	01	AT	01

Date Valid 16/01/2016

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## Design & Access Statement

Welburn Manor Farm Agricultural Building, Back Lane, Welburn



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# Design & Access Statement

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## New Agricultural Building & Extension

Welburn Manor Farm,  
Back Lane,  
Welburn,  
YO62 7HG

for

Mr W Shaw

# Design & Access Statement

Welburn Manor Farm Agricultural Building, Back Lane, Welburn



## 1. Introduction

Welburn Manor Farm is the centre of the Welburn farming operation run by William Shaw. The farmstead comprises approximately 567 hectares of arable land and 243 hectares of grassland grazed by sheep and beef cattle. Occupying the northern corner of the farm yard at Welburn Manor Farm is a late 20<sup>th</sup> Century general purpose agricultural shed. The proposal involves adding an extra bay to the south-eastern end of the building and the erection of a new general purpose building alongside the north eastern elevation of the existing one. The results will increase the versatility and scale of the existing farming operation.

This statement includes information on the following:

- Design and appearance
- Assessment of the site and its surroundings
- Use & Amount
- Layout
- Scale
- Landscape
- Access

## 2. Site Assessment

The site is the northern corner of a typical mixed farmyard comprising a mixture of traditional and modern farm buildings accessed off Back Lane in Welburn. The land is relatively flat.

An existing late 20<sup>th</sup> Century agricultural building occupies the northern corner. It is steel framed with concrete block and Yorkshire boarded walls and a profiled, fibre cement sheeted roof. It measures 21.35m wide by 42.4m long and is approximately 5.1m high at the eaves, with a 22 degree roof pitch. The gross external floor area GEFA is 905m<sup>2</sup>.

To the south-east of this is farmyard and to the north-east is a field, bounded to the north and east by trees and hedges. The far eastern part of the field (outside the red line area) also contains several mature trees and further details of these are included in a separate tree survey report. The size of the new building has been deliberately chosen to keep well clear of the root protection areas of the trees.

## 3. Proposals

The extended and new buildings will be for general agricultural use. At various times of the year they could house grain, animal feed, beef cattle or other livestock. They could be used for lambing, sheep shearing, maintenance or other farm storage.



## Design & Access Statement

Welburn Manor Farm Agricultural Building, Back Lane, Welburn



The proposed extension and new building are shown on the plans. The extension will add a further 4.8m long bay to the south-east of the existing building. The height and width will match the existing and the new south-east elevation will match the existing one, being open fronted except for a close timber boarded gable above the eaves level. The extension will add a GEFA of 102.5m<sup>2</sup> to the existing 905m<sup>2</sup>, bringing the total up to 1,007.5m<sup>2</sup>.

The new building will be parallel to the existing north-east facing elevation, set 1m away and at the same floor level. Constructed like the existing, it will have 10 steel framed bays giving a total length of 48m and a width of 25m (across outer faces of steelwork). Timber cladding on the steelwork will increase these distances slightly. The GEFA will be 1,200m<sup>2</sup>.

The new building will be 5m high to the eaves, with a roof pitch of 15 degrees giving a ridge height of approximately 8.4m.

The materials used in the construction of the extension and new building will be similar to the existing, these being as follow:

- Painted steel frame.
- Roofing sheets of Profile 6 fibre cement in a natural grey colour. Ventilated crown ridge and gable barge boards. All roof slopes will have evenly spaced GRP rooflights.
- Side elevations will have vertical, Yorkshire boarded timber cladding from the eaves to 2.4m below. Self-coloured concrete panels will make up the bases of the walls.
- The gable elevations will have Yorkshire boarded peaks, with the south eastern elevations being open below and the north western elevation (of the new building) having concrete panels and galvanised steel gates.

To the south-east of the new building will be a 6m concrete apron.

New post and wire stock fencing will be installed.

External lighting will be limited to downward facing LED floodlights on the south-eastern elevations only. There will be no lighting on the side or rear elevations.

As stated earlier, the size of the new building has been deliberately chosen to keep well clear of the root protection areas of the trees at the far side of the field.

### 4. Justification

The proposals will allow a well established farming operation to continue to flourish and provide economic growth to the area. As a result of the proposal it is likely that an extra part-time employee will be required; when combined with a second proposed building on another part of the farmstead (the subject of a separate planning application) this should translate into one additional full time employee.

The proposed location is on an already developed site with good access. The appearance, scale and massing of the extension and new building will blend in with those already existing.

## Design & Access Statement

Welburn Manor Farm Agricultural Building, Back Lane, Welburn

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### 5. Access

The access arrangements will remain as existing.

Disabled access will be available via level thresholds.

**Item Number:** 9  
**Application No:** 18/00072/FUL  
**Parish:** Scrayingham Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Paul Hanson  
**Proposal:** Erection of building forming 2no. stables and tack/feed store (retrospective application)  
**Location:** Meadow House Main Street Scrayingham Malton YO41 1JD

**Registration Date:** 24 January 2018  
**8/13 Wk Expiry Date:** 21 March 2018  
**Overall Expiry Date:** 1 March 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

## CONSULTATIONS:

<b>Parish Council</b>	No response received
<b>Environmental Health Officer</b>	No objection, conditions recommended
<b>Countryside Specialist</b>	No objection, conditions recommended

**Neighbour responses:** Mrs V Gill, Mrs Susan King,

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## SITE:

The application site relates to a section of agricultural land adjoining the residential curtilage of Meadow House to the west, in the village of Scrayingham. The application site falls outside of the Village Development Limits.

Part of the rear of the application site falls within Flood Zone 2, however no part of the stable falls within this designation. The site falls within the Wolds Area of High Landscape Value.

## POLICIES:

Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP13 Landscapes  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## HISTORY:

The following applications are the most relevant planning history associated with the site:

17/01348/HOUSE: Erection of orangery extension to rear of dwelling, extension to existing garage to form additional parking with games room above and erection of a detached bike garage. Approved

18/00237/AMEND: Minor non-material amendment to approval 17/01348/HOUSE dated 02.01.2018 for Erection of orangery extension to rear of dwelling, extension to existing garage to form additional parking with games room above and erection of a detached bike garage - addition of dormer window and side entrance door to bike garage (Pending Consideration)

## PROPOSAL:

The proposal seeks retrospective permission for the erection of building forming 2no. stables and tack/feed store (retrospective application)

## APPRAISAL:

The key considerations in assessing this application are;

- i) Principle of the Development
- ii) Character, Form and Impact upon Area of High Landscape Value
- iii) Impact upon Amenity
- iv) Impact upon the setting of the nearby Grade II Listed Building
- v) Other Matters Including Consultation Responses.

### i) Principle of the Development

The proposal relates to the retrospective erection of a block comprising 2 stables and a store within an agricultural field to the rear of the residential curtilage associated with Meadow House.

It is not considered that the siting of the building relates to a material change of use of the land to equestrian, but rather relates to the retention of a small scale stable building within a field that maintains its agricultural use. It is noted that the grazing of horses on agricultural land would not constitute a material change of use of the land and it is also considered that a stable of this size would not necessarily form a material change of use of the land.

Therefore it is considered that the retention of the stable would not fundamentally discord with Local Planning Policy. However it is considered necessary to recommend an informative ensure the applicant is aware that this application does not permit any extension of their current domestic curtilage. A separate full planning application would be needed to extend the curtilage from its current position.

### ii) Character, Form and Impact Upon Area of High Landscape Value.

Retrospective planning permission is sought for the erection of a stables, positioned along the southern boundary of a paddock adjoining the residential curtilage of Meadow House. In accordance with Policy SP13 (Landscapes) the Council will carefully consider the impact of development proposals on the Wolds Area of High Landscape Value (AHLV).

This building incorporates a traditional wooden construction, with a corrugated steel roof covering in black in an 'L' shaped design. This building spans 10.9m in length with a maximum width of 7.4m. The pitched roof design incorporate an eaves height of 2.25m and a ridge height of 3.2m.

The building is positioned along the southern boundary of a paddock, in close proximity to existing mature landscaping and as such, does not appear isolated in the wider paddock.

No horses are currently present on site, however during a site meeting the applicant confirmed they would be obtaining a Shetland pony.

It is not considered that this development, (which is relatively modest) in scale results in significant harm to the character of the agricultural field or the wider Area of High Landscape Values subject to appropriate planning conditions.

Whilst the building is situated in relatively close proximity to neighbouring properties, it is offset to the south, adjoining mature landscaping. New landscaping has been planted along the northern and eastern boundary of the paddock which in time will also mature and further limit views. The Council's Senior Specialist Countryside has been consulted in regard to this application and has recommended a condition to ensure that should the newly planting hedging fail along the northern or eastern boundary of the site it must be replanted in the next available planting season for a period of three years from the date of decision. It is considered that this will aid in ensuring the field remains appropriately landscaped.

It is noted that there is storage for tack and feed available within the stables and this would aid in reducing the impact of the development upon the designated landscape area. A condition will be recommended to prevent the outdoor storage of equestrian paraphernalia within the application site. A further condition is recommended to prevent inappropriate lighting of the proposed development, requiring that any external lighting is agreed in writing with the Local Planning Authority.

iii) Impact upon Amenity

One formal letter of objection has been received with regard to this development (from the occupier of Primrose Cottage). The objections are summarised below:

- When buying their property, they were advised that this field could be used for agricultural use only and would not allow for the erection of a stable, only a temporary moveable structure. Any permanent stable would have to be erected in the domestic curtilage. They paid a premium for property due to this and it will now be devalued and subject to an eyesore.
- Paddock is not large enough to graze one equine, stables for two have been built and land cannot support this.
- Land is waterlogged with poor grazing, will cause a ‘mudbath.’
- Harm to the natural wildlife, with wildlife attracting hedging having been removed and replaced with more ornamental landscaping, which is out of character.
- The extensive previous works undertaken to the property are more than capable of housing the possession that the owner is currently using it for.

In response to this, the Local Planning Authority receives many applications for planning permission for stables on agricultural land and this type of development often cannot be solely limited to being situated within a property’s domestic curtilage. Whilst the application site is outside of development limits, this would not preclude this type of application being made or permission being granted, as this is assessed on material planning considerations. The issue of potential devaluation of land is not a material planning consideration and no weight can be attached to this in the determination of this proposal.

The Local Planning Authority cannot comment on the extent of land required to acceptably home horses or if land would be capable of meeting their specific needs. In this instance, whilst not a material planning consideration, the applicant has confirmed that they are in the process of purchasing a Shetland pony further underlining how the LPA cannot be prescriptive in this matter. Furthermore horses could be grazed in this land without permission, if no stable was present. Therefore it is not considered that any weight can be given to the potential for mud levels in this field.

The Council’s Senior Specialist Countryside has been consulted with regard to this development. It is noted that whilst a previous hedgerow may have been present, this is now removed. However the applicant has replanted this and this is considered acceptable. As detailed above, this new hedgerow will be conditioned for retention and any plants that die within a three year period from the date of decision shall be replaced. Whilst the letter of objection highlights that hedging has been removed and replaced with ‘more ornamental’ landscaping the Countryside Specialist is generally satisfied with the current replanting mix.

The previously approved developments within the residential curtilage of the property are considered a separate matter, given that they relate to domestic garaging and detached bike garage. The Local Planning Authority are obliged to consider the stable for that use only.

One formal letter of support has been received with regard to this development (From the occupier of River View). The letter notes the following:

\* “In our opinion the erection of this building enhances the paddock and hides a very ugly fence.”

With regard to the letters of representation it is considered that the issues raised have been effectively addressed. Furthermore in terms of residential amenity, the stable would be located at a sufficient distance from the closest neighbouring residential property, Meadow House (c26m at the nearest point.)

The recommended conditions in terms of landscaping/future replanting, storage of equestrian paraphernalia and lighting will - in addition to protecting the character of the area, will also prevent harmful impacts upon the visual amenity. However the Council's Environmental Health Team have been consulted and recommend a further condition to prevent the burning of manure to prevent harm to residential amenity.

Given that this stable would solely be for domestic use associated with Meadow House, it is considered that this proposed building would not necessitate an undue number of journeys causing disruption to residential amenity. A condition is recommended to ensure that this development remains for domestic purposes associated with Meadow House only.

iv) Impact upon the setting of the nearby Grade II Listed Building

The Old Rectory, adjoining the site to the south is a Grade II Listed Building.

It is not considered the proposed development would result in any harm to the significance of this protected building, due to the distance and the existing mature landscaping visually separating the two buildings, together with the limited scale of the stable building.

The Council's Senior Specialist Building Conservation has been consulted with regard to this proposal. They have reviewed the submitted information and verbally confirmed no objection to the proposed development.

v) Other Matters Including Consultation Responses

As noted, one letter of objection has been received from a neighbouring property, which have been fully explored in section iii. It is considered that this raises material planning considerations which have been fully addressed. One letter of support has also been received.

The Parish Council have not responded in relation to this application.

In the light of the above and subject to the relevant conditions, the proposal is considered to meet the relevant policy criteria outlined within Policies SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

**RECOMMENDATION: Approval**

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Stable Block Plan as Built - Block Plan (Drawing no. 2365:8 Rev A)  
Stable Block as Built - Floor Plans and Elevations (Drawing no. 2365:10)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby permitted shall only be used for personal/domestic use in association with the property currently known as Meadow House. The use of the site or the facilities should not be used in any way which would relate to a commercial enterprise.

Reason: In the interest of preserving the character and tranquillity of the area in line with Paragraph 123 of the National Planning Policy Framework.

- 4 Unless otherwise agreed with the Local Planning Authority there shall be no outside storage of any equestrian paraphernalia.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 and SP20 of the Local Plan Strategy.

- 5 No external lighting shall be installed to serve the stable or agricultural land adjoining Meadow House without the prior written approval of the Local Planning Authority.

Reason: Lighting in this location within the Wolds Area of High Landscape Value is considered to conflict with the aims of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing with the Local Planning Authority, the replacement hedge to the north and east of the site shall be maintained in situ. Any plants that die within three years of the date of the decision notice must be replaced with a suitable species to be agreed with the Local Planning Authority.

Reason: To preserve hedges on the site in the interests of visual amenity and the character of the area, having regard to SP14 to the Ryedale local plan, coupled with paragraphs 17, 117 and 118 of the National Planning Policy Framework 2012

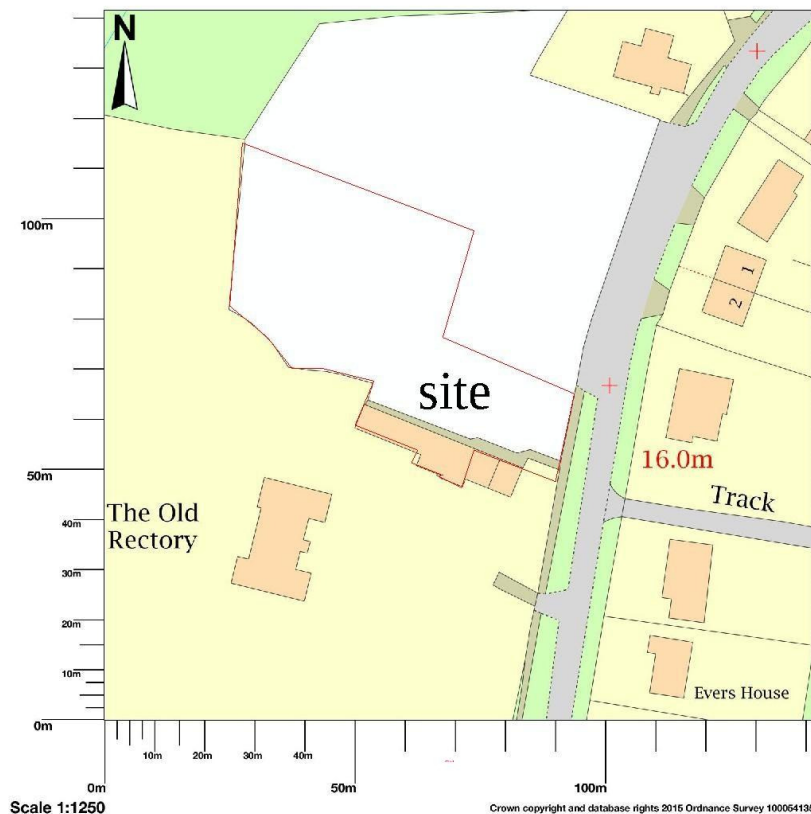
- 7 There shall be no burning of stable waste on site.

Reason: In the interests of the amenity of neighbouring properties, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

#### **INFORMATIVE(S)**

- 1 The stables hereby approved are located in the agricultural field to the rear of Meadow House, this agricultural field does not form domestic curtilage associated with the residential dwelling. Formal planning permission would be required for that change of use.

## Meadow House, Scrayingham, York, YO41 1JD



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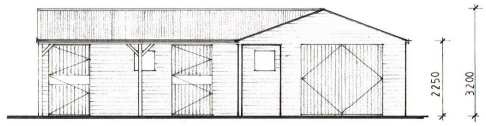
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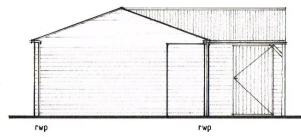
revision	description	date
A	Stable block added	01/2018

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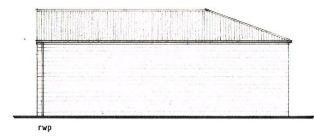
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project	Meadow House, Scrayingham,		
project	YO41 1JD		
title	Stable Block as Built		
title	Block Plan		
<b>A. L. Turner + Associates</b> 1 LORING ROAD, RAVENSCAR, SCARBOROUGH, YO11 0AY 01795 397207 <a href="http://www.alturner.co.uk">www.alturner.co.uk</a>			
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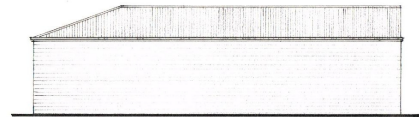
North Elevation



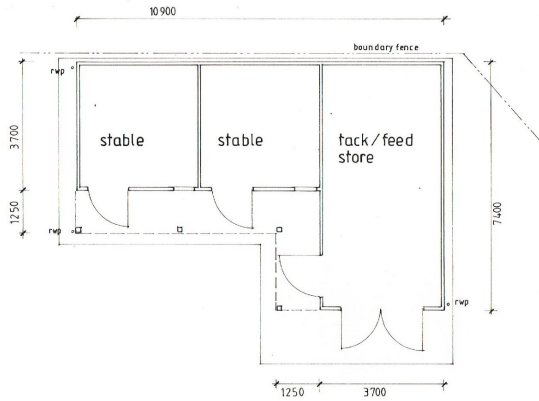
East Elevation



West Elevation



South Elevation



Plan

**External Materials**

**Walls** – horizontal stained and preserved timber boarding. Posts and brackets in 100x100mm stained timber.  
**Roof** – 20° pitch covering in corrugated steel sheet in colour black.  
**Eaves** – black PVC gutting.  
**Doors** – vertical stained and preserved timber boarding with galvanised steel ironmongery.  
**Windows** – obscured polycarbonate panels.

revision	description	date

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client	P. Hanson
project	Meadow House, Scrayingham, YO41 1JD
site	Stable Block as Built

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017575 397307			
www.alturnerandassociates.co.uk			

date of 2018	scale 1:1000	drawn AS	checked ALT
issue as built	drawing no. 2365	rev. 10	

Date Valid 24/01/2018

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**Item Number:** 10  
**Application No:** 18/00004/FUL  
**Parish:** Allerston Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Oliver Stead  
**Proposal:** Erection of an agricultural building for the housing of sheep and alterations to existing vehicular access  
**Location:** Land West Of The Cayley Arms Weasdale To Partings Farm Allerston Pickering North Yorkshire

**Registration Date:** 16 January 2018  
**8/13 Wk Expiry Date:** 13 March 2018  
**Overall Expiry Date:** 14 February 2018  
**Case Officer:** Gary Housden **Ext:** 307

## CONSULTATIONS:

<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Concerns raised relating to the access and building scale
<b>Yorkshire Water Land Use Planning</b>	Await response

**Neighbour responses:** Mr Garry Martin, Mr T Wright, Ms Elaine Scorer,

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## SITE:

The application site is located in the Parish of Allerston to the north of the A170 and on rising land to the west of The Cayley Arms public house. The applicant owns two small parcels of land totalling approximately 1.7 hectares. At present vehicular access appears to be gained via the smaller easternmost parcel of land. A gated entrance is shown on the south eastern corner of the larger parcel of land and this application proposes to renew the entrance onto the A170. The site is in open countryside beyond the village development limits it is also identified as an area of High Landscape Value. The applicant resides in the village at a property known as Springwood Cottage some approximately 730 metres away from the site.

## PROPOSAL:

The application seeks permission for the reception of an agricultural building for the housing of sheep with alterations to the existing vehicular access. The building is proposed to be located in the north east corner of the western parcel of land on a relatively high part of the site. The land rises south to north and to limit the visual impact the applicant proposes to cut the building into the hillside to lessen its impact. At the time of the most recent site inspection there were no livestock on the site.

The building measures some 12 metres by 18 metres its eaves and apex heights of 5.2 and 8.7 metres respectively. It is proposed that the building will have a grey corrugated steel roof with Yorkshire Boarding and local stone used for the walls. The long elevation of the building will face south towards the A170.

Although not described in the development the applicant has confirmed that a stone track would be installed in the field from the gateway position. Plans, elevations and a brief Design and Access Statement are appended to this report for Members information.

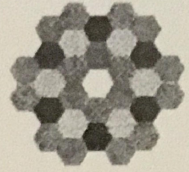
## HISTORY:

There is no planning history that is relevant to the consideration of this application.



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Title number **NYK274407**  
Ordnance Survey map reference **SE8783SW**  
Scale **1:2500**  
Administrative area **North Yorkshire : Ryedale**



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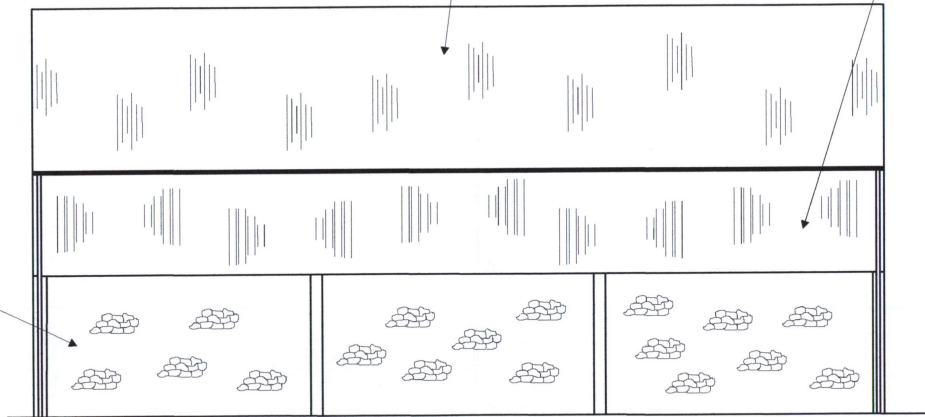


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Yorkshire Boards

Grey Corrugated Steel Sheets

Local Stone  
Random Walled



North Elevation

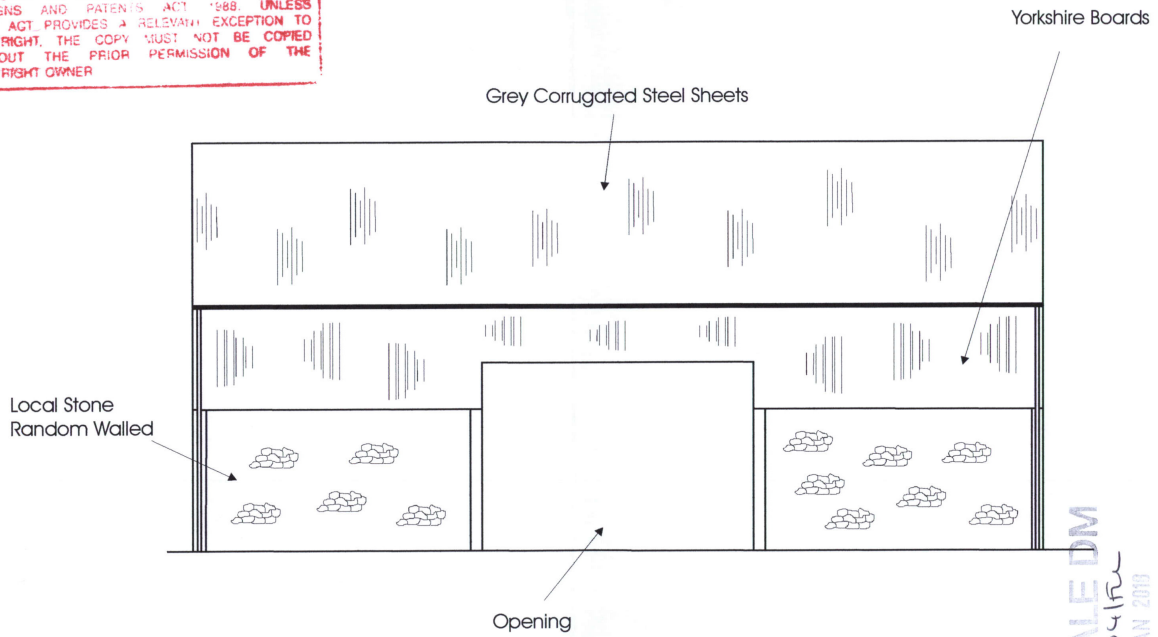
RYEDALE DM  
18/00004/FU  
10 JAN 2018  
DEVELOPMENT  
MANAGEMENT

Proposed Sheep Building for O G Stead, Allerston.

15th December 2017

Scale 1 : 100

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South Elevation

RYEDALE DM  
1810000415  
10 JAN 2017  
DEVELOPMENT  
MANAGEMENT

Proposed Sheep Building for O G Stead, Allerston.

15th December 2017

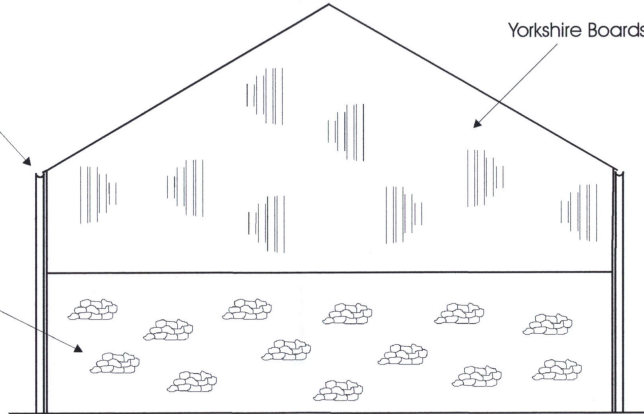
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150mm black plastic gutter and fall pipes all drained to soak away

Yorkshire Boards

Local Stone Random Walled



West Elevation

RYEDALE DM  
18/00004/TU  
10 JAN 2018  
DEVELOPMENT  
MANAGEMENT

Proposed Sheep Building for O G Stead, Allerston.

15th December 2017

Scale 1 : 100

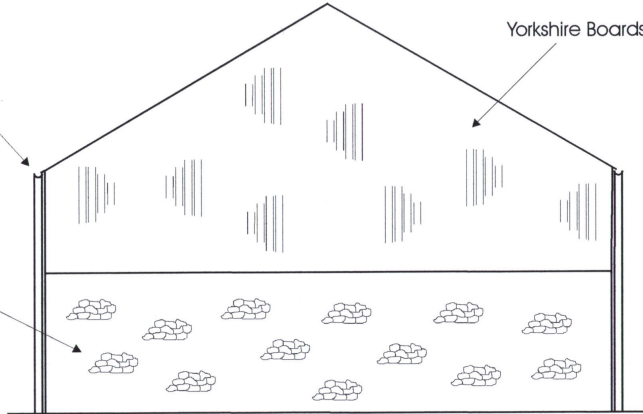


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150mm black plastic gutter and fall pipes all drained to soak away

Yorkshire Boards

Local Stone Random Walled



East Elevation

RYEDALE DM  
18100004 JFC  
10 JAN 2010  
DEVELOPMENT  
MANAGEMENT

Proposed Sheep Building for O G Stead, Allerston.

15th December 2017

Scale 1 : 100

## Design and Access statement

Proposed sheep building at allerston

### Design

As shown on site and elevation plans the proposed development has being designed similar to other agricultural buildings in the immediate area, the building is designed for livestock purposes (sheep) with the option to create mezzanine floor for the storage of breeding and feed, so additional buildings are not needed . To allow for a sustainable and eco friendly project we are proposing to use a local steel manufacturer one mile away who would supply the frame, purlins, roof sheets and cladding, the roof material being natural grey fibre cement or box profile and walls natural stone and Timber.

### Landscaping

Taking into account the local surroundings we propose that seen as though the land is a gentle slope and is incredible wet at the best of times we propose to situe the shed where stated on site plan, therefore the gentle slope is approximately 0.9m in 6m, so as 12m wide we would be excavating the proposal into the ground approximately 2.5/3m at the north side to Create level going and reduce visual impact on the surrounding area working with SP13 landscapes of the Ryedale local plan strategy in mind. There for the north side is screened by embankment with the other elevations screened with hedges and embankment, we also propose that to provide extra screening a woodland belt can be planted down the east and west boundaries if deemed necessary,

### Planning policy

The national planning policy framework introduced March 2012.

Provides a presumption in favour of sustainable development, paragraph 28 of NPPF provides support for economic growth and development of agricultural business.

“ supporting a prosperous rural economy

28. Planning polices should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, to promote a strong rural economy local and neighbourhood plans should :

- Support the sustainable growth and expansion of all types of business and enterprize in rural areas, both through conservation of existing buildings and well designed new buildings.
- Promote the development and diversification of agriculture and other land-based rural businesses

The proposal is to create the sustainable development of agricultural business and expansion of agricultural enterprize , the development is therefore compliant with the aims of national policy in the NPPF

### Access

To provide adequate access to site we propose to renew the existing gate and access which with lack of maintenance has become unusable . There is approximately 100 m visibility east and 170m west on the A170 and is well within a 40mph speed limit . As stated on the plan in green, the proposal would require and approved and reputable contractor(Stockdale construction) to carry out the works eg. Curb, excavation , concrete/tarmac to the highways regulations and standards.

**From:** oliver stead  
**Sent:** 21 February 2018 19:28  
**To:** Development Management  
**Subject:** 18/00004/ful

Dear sir/madam

I would like to clear up some queries in response to comments made.

The application is as described alterations to existing access , in order to improve access because currently the access to both fields is terrible, this would be done to highway specifications, access from the gateway to proposed building would require a stone track which would be installed, further to improving the field the water currently comes down the larger field seeping out onto the road, down the road drain and comes out off the six inch pipe north off the a170 into the watercourse . after clearing up some brash closer examination has revealed there is **3 x 18 inch** pipes , the water flow is around just under halfway in two pipes and around a quarter in the other, they are without a doubt suitable, as stated in the minutes at the parish council meeting, we plan to put a normal land drain in to eliminate the problem of the water seeping onto the road , there will not be 200 sheep in the proposed building, so bedding is suitable for disposal of waste .

**Summary**

I hope this has cleared up many unanswered questions, and will do all I can to make that stretch off a170 cleaner, e.g in better weather clean up hedges and install suitable drainage .

**From:** Allerston & Wilton Parish Council  
**Sent:** 09 February 2018 15:40  
**To:** Development Management  
**Subject:** 18/00004/FUL and 18/000030/HOUSE

Hello

**18/00004/FUL JOSHUA MURPHY**

Mr Oliver Stead

Erection of agricultural building for the housing of sheep and alterations to existing vehicular access. Land west of the Cayley Arms Allerston Pickering.

These plans were discussed in full by the Parish Council.

**Access – there were some concerns about the new access as the land is very wet and the area of the planned hard standing often is running with water. The Parish Council feels that drainage is required to stop excessive water running onto the highway which could cause problems in icy weather on an area of road where crashes are not unusual.**

**Building – some Councillors felt the building was very big for the plot and very tall for a field barn. There are concerns from neighbours.**

**Overall the Councillors felt that Mr Stead had done a lot of research to put the access in a better place for road visibility and cited the shed in an appropriate place due to the fact the field is very wet. He said drainage will need to be installed. The barn will be clad in stone and wood to make the view of it more acceptable.**

**The majority of Councillors approved this development.**

**18/00030/HOUSE JOSHUA MURPHY**

Mr & Mrs Martin

Erection of single storey extension to south elevation following demolition of existing conservatory 1 The Court Allerston YO18 7PR

This development is to enable Mr and Mrs Martin to care for a relative with decreasing mobility, the Council had **no objections to these plans.**

Lesley

Lesley Myers

Clerk to Allerston and Wilton Parish Council

Waterways

Main Street

Allerston

Pickering

North Yorkshire

YO18 7PG

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

29<sup>th</sup> March 2018

---

1.

**Application No:** 17/01229/FUL **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Mr Andrew Richardson  
**Location:** Old Gas Compound Sawmill Lane Helmsley North Yorkshire YO62 5DQ  
**Proposal:** Erection of extension to existing workshop and offices to provide additional storage

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2.

**Application No:** 17/01230/FUL **Decision: Approval**  
**Parish:** Helmsley Town Council  
**Applicant:** Mr Andrew Richardson  
**Location:** Old Gas Compound Sawmill Lane Helmsley North Yorkshire YO62 5DQ  
**Proposal:** Erection of a building for use as a workshop and for storage

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3.

**Application No:** 17/01279/FUL **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Ben Collard  
**Location:** Rivermead Nursing Home 123 Scarborough Road Norton Malton YO17 8AA  
**Proposal:** Erection of single storey extension to provide an additional 5no. bedrooms and communal seating area.

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4.

**Application No:** 17/01436/HOUSE **Decision: Approval**  
**Parish:** Leavening Parish Council  
**Applicant:** Mr Philip Schofield  
**Location:** Sycamore House 16 The Rise Leavening Malton YO17 9TA  
**Proposal:** Erection of rear glass canopy

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5.

**Application No:** 17/01459/LBC **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Willow Developments Ltd (Mr Wayne Butler)  
**Location:** Leat House 71 Welham Road Norton Malton YO17 9DS  
**Proposal:** External alterations to all elevations to include demolition of existing conservatory and single storey extensions, removal of fire escape, 1no. new window opening, alterations to some windows and doors and re-rendering of east elevation wall together with alterations to internal layout to form 10no. residential apartments (revised details to approval 16/01849/LBC dated 24.04.2017)

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6.

**Application No:** 17/01483/HOUSE **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** Mr & Mrs Paul Welton  
**Location:** 2 Main Street Gilling East Helmsley YO62 4JH  
**Proposal:** Erection of two storey side extension together with erection of single storey rear link extension to existing outbuilding to form additional domestic living space, following the demolition and building of existing outbuilding

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7.

**Application No:** 17/01543/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Martin Timmins  
**Location:** The Lilacs 89 Eastgate Pickering North Yorkshire YO18 7DY  
**Proposal:** Erection of part two storey/part single storey rear extension with raising of the ridge and eaves height of the existing dwelling and demolition of existing front single storey extension

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8.

**Application No:** 18/00010/FUL **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr & Mrs D Dale-Sunley  
**Location:** Land Off Common Lane Wombledon Kirkbymoorside North Yorkshire  
**Proposal:** Erection of a general purpose agricultural building

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9.

**Application No:** 18/00012/FUL **Decision: Approval**  
**Parish:** Amotherby Parish Council  
**Applicant:** BATA Limited  
**Location:** Zetechnics Main Street Amotherby Malton North Yorkshire YO17 6TA  
**Proposal:** Erection of extension to existing industrial building (Use Class B1).

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10.

**Application No:** 18/00018/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr Matthew Brooke  
**Location:** 2 Priorpot Way Norton Malton North Yorkshire YO17 8AL  
**Proposal:** Erection of detached garage following removal of existing shed.

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11.

**Application No:** 18/00015/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Miss Susan Bell  
**Location:** 4 Crown Square Kirkbymoorside YO62 6AY  
**Proposal:** Replacement of bay window to the front elevation with timber double glazed bay window.

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12.

**Application No:** 18/00024/73A **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** Stirling Ventures Ltd (Mr Julian Pilling)  
**Location:** Valley Farm Yearsley To Coulton Road Gilling East North Yorkshire YO62 4HS  
**Proposal:** Variation of Condition 17 of approval 15/01105/FUL dated 23.11.2015 to replace drawing numbers AR20 01C, AR50 01, AR50 02 and AR50 03A with drawing numbers AR20 01F, AR50 01E, AR50 02C and AR50 03D.

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13.  
**Application No:** 18/00030/HOUSE **Decision: Approval**  
**Parish:** Allerston Parish Council  
**Applicant:** Mr & Mrs Martin  
**Location:** 1 The Court Main Street Allerston Pickering YO18 7PR  
**Proposal:** Erection of single storey extension to south elevation following demolition of existing conservatory

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14.  
**Application No:** 18/00032/FUL **Decision: Refusal**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs M Simmons  
**Location:** Building Adjacent To Beverley House Scarborough Road Norton Malton North Yorkshire  
**Proposal:** Erection of a 4 bedroom dwelling attached to the existing double garage following demolition of former coach house, together with alterations to existing vehicular access and formation of a driveway within the site to serve Beverley House.

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15.  
**Application No:** 18/00033/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Clerk To Malton Council  
**Location:** War Memorial Yorkersgate Malton North Yorkshire  
**Proposal:** Installation of an additional stone memorial name plaque

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16.  
**Application No:** 18/00037/FUL **Decision: Approval**  
**Parish:** Sherburn Parish Council  
**Applicant:** Mr John Slack  
**Location:** Sherburn Ings Farm Station Road Sherburn Malton North Yorkshire YO17 8PS  
**Proposal:** Erection of an agricultural storage building for straw

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17.  
**Application No:** 18/00038/HOUSE **Decision: Refusal**  
**Parish:** Stonegrave Parish Meeting  
**Applicant:** Mr & Mrs Brown  
**Location:** Lodge House Spring Hill Stonegrave Helmsley YO62 4LL  
**Proposal:** Erection of two storey extension to east elevation and part two storey/part single storey extension to west elevation

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18.  
**Application No:** 18/00039/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr & Mrs Cummings  
**Location:** Hall Garth 4 Dale End Kirkbymoorside YO62 6ED  
**Proposal:** Erection of single storey rear extension

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19.  
**Application No:** 18/00044/HOUSE **Decision: Approval**  
**Parish:** Weaverthorpe Parish Council  
**Applicant:** Mr John Lake  
**Location:** Harkaway Cottage Main Road Weaverthorpe Malton North Yorkshire YO17 8EY  
**Proposal:** Alterations to existing side extension to include raising of roof height and replacement of flat roof with pitched roof.

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20.

**Application No:** 18/00047/FUL **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Mr Harper  
**Location:** Land At OS Field No 7562 Nawton Road Wombledon Kirkbymoorside North Yorkshire  
**Proposal:** Erection of a general purpose agricultural building to include the housing of livestock.

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21.

**Application No:** 18/00050/FUL **Decision: Approval**  
**Parish:** Leavening Parish Council  
**Applicant:** Mr Robert Holtby  
**Location:** OS Field 1792 Leppington Lane Leavening Malton North Yorkshire  
**Proposal:** Erection of an extension to an existing agricultural building for general purpose agricultural storage and housing of livestock and erection of a new agricultural building for housing and lambing of sheep

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22.

**Application No:** 18/00052/HOUSE **Decision: Approval**  
**Parish:** Slingsby Parish Council  
**Applicant:** Mr & Mrs M Fairweather  
**Location:** 7 Porch Farm Close Slingsby Malton YO62 4BQ  
**Proposal:** Erection of single storey rear extension.

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23.

**Application No:** 18/00056/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr R Smith  
**Location:** Land Off Swineherd Lane Kirkbymoorside  
**Proposal:** Change of use of agricultural land to form a temporary car park for a period of 24 months.

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24.

**Application No:** 18/00058/LBC **Decision: Approval**  
**Parish:** Hovingham Parish Council  
**Applicant:** Mr Andrew And Mrs Ann Moutrie  
**Location:** Deer Keepers Lodge Parkside Lane Hovingham Helmsley North Yorkshire YO62 4JD  
**Proposal:** External alterations to include erection of a part two storey/part single storey extension including garaging and raised terrace to south elevation following removal of existing rear wall, wood store and garden wall to include some regrading of land, erection of retaining walls and areas of resurfacing in a mix of materials (revised details to approval 17/01214/LBC dated 02.01.2018 - raising eaves and ridge height of two storey element by 450mm)

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25.

**Application No:** 18/00062/HOUSE **Decision: Approval**  
**Parish:** Sherburn Parish Council  
**Applicant:** Miss J Robinson  
**Location:** 11 Church View Sherburn Malton YO17 8PW  
**Proposal:** Erection of a part two storey/part single storey side extension with additional bedroom within roof space together with a single storey side and rear extension and installation of 2no. rooflights to front roofslope and 2no. rooflights to rear roofslope (revised details to refusal 17/01124/HOUSE dated 19.12.2017)

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26.

**Application No:** 18/00063/FUL **Decision: Refusal**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Haw  
**Location:** Land At West Of Kirklands Carter Lane Kirkbymoorside North Yorkshire  
**Proposal:** Erection of detached 3 bedroom dwelling with attached garage.

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27.

**Application No:** 18/00064/CLOPUD **Decision: Refusal**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr John Cooper  
**Location:** Low Hagg House Starfitts Lane Fadmoor Kirkbymoorside North Yorkshire YO62 7JF  
**Proposal:** Certificate of Lawfulness for a proposed use or development in respect of the erection of a detached double garage for the domestic use of Low Hagg House

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28.

**Application No:** 18/00069/FUL **Decision: Approval**  
**Parish:** Harton Parish Meeting  
**Applicant:** InstaVolt Limited (Mr Paul Hicks)  
**Location:** Coastways Service Station York Road Harton Malton North Yorkshire YO60 7SE  
**Proposal:** Installation of 2no. rapid electric vehicle charging stations together with associated equipment

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29.

**Application No:** 18/00071/HOUSE **Decision: Approval**  
**Parish:** Norton Town Council  
**Applicant:** Mr & Mrs K Howe  
**Location:** 24 St Nicholas Street Norton Malton YO17 9AQ  
**Proposal:** Erection of single storey rear extension

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30.

**Application No:** 18/00075/HOUSE **Decision: Approval**  
**Parish:** Bulmer Parish Council  
**Applicant:** Mr Stephen Rigg  
**Location:** Saltwick Main Street Bulmer Malton North Yorkshire YO60 7BN  
**Proposal:** Erection of a single storey rear extension

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31.

**Application No:** 18/00076/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Crombie Wilkinson Solicitors LLP (Mr Orlando Bridgeman)  
**Location:** Crombie Wilkinson 3 Market Place Malton North Yorkshire YO17 7LP  
**Proposal:** Installation of iron handrails on altered entrance steps together with installation of an iron wall bracket with illuminated hanging name sign

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32.

**Application No:** 18/00079/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** NatWest  
**Location:** 27 Yorkersgate Malton North Yorkshire YO17 7AA  
**Proposal:** Internal installation of wi-fi cabling and 2no. wi-fi access points

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33.

**Application No:** 18/00095/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mrs Gordon  
**Location:** 100 Westgate Pickering YO18 8BB  
**Proposal:** Replacement of 3no. timber single glazed front windows with 3no. timber double glazed sliding sash windows

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34.

**Application No:** 18/00097/HOUSE **Decision: Approval**  
**Parish:** Lillings Ambo Parish Council  
**Applicant:** Dr John Hollowood  
**Location:** Toft Farm Goose Track Lane West Lilling North Yorkshire YO60 6RP  
**Proposal:** Erection of an oak framed entrance porch extension

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35.

**Application No:** 18/00101/HOUSE **Decision: Approval**  
**Parish:** Thornton-le-Clay Parish Council  
**Applicant:** Mr & Mrs R.N Wilkinson  
**Location:** The Coach House Low Street Thornton Le Clay North Yorkshire YO60 7TG  
**Proposal:** Conversion of integral garage to form internal room, together with erection of bay window replacing garage door and erection of porch linking adjacent bay windows together with erection of brick boundary wall and timber entrance gates

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36.

**Application No:** 18/00107/LBC **Decision: Approval**  
**Parish:** Harton Parish Meeting  
**Applicant:** Sir Frederic Strickland-Constable  
**Location:** Willow Bridge Bossall To Carr Plantation Bossall Malton YO60 7NR  
**Proposal:** Internal and external alterations to former livestock shed with granary above to form a one bedroom self-contained residential annex (revised details to consent 17/00485/LBC dated 20.06.2017).

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37.

**Application No:** 18/00145/DNO **Decision: Prior Approval Granted**  
**Parish:** Norton Town Council  
**Applicant:** Wilco Motor Spares (Mr Kevin Shortis)  
**Location:** 43 Parliament Street Norton Malton North Yorkshire YO17 9HE  
**Proposal:** Demolition of two storey office building

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## Appeal Decision

Site visit made on 18 December 2017

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> March 2018

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### Appeal Ref: **APP/Y2736/W/17/3186316**

### **54 Westlands, Pickering, North Yorkshire YO18 7HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Philip Catterall against Ryedale District Council.
  - The application Ref 17/00482/HOUSE, is dated 10 March 2017.
  - The development proposed is To re-erect the same wind down mono-pole mast (with minor modification of the masthead unit and aerials) which received planning permission from the Local Planning Authority under reference 98/00085/FUL on 9 April 1998. The original development was completed in April 1998 but was dismantled in January 2000. It is now intended to re-erect the mast one metre further away from the western elevation of the property than the previous position. This is due to the building of a conservatory adjacent to where the mast was previously located.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of radio mast and aerials to the rear of the property at 54 Westlands, Pickering, North Yorkshire YO18 7HJ in accordance with the terms of the application, Ref 17/00482/HOUSE, dated 10 March 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Buy A Plan Site Location Plan, Site Layout Plan, Revised Elevation Drawings dated 23 June 2017, Amended Plan for Shorter Mast View from South, Amended Plan for Shorter Mast View from West, Sight Lines on the East Side of 54 Westlands.
  - 3) The mast and antenna shall not exceed 12m in height. When not in operation the mast and two antenna which are the subject of this permission shall be maintained in the lowered position as indicated on the revised elevation drawings dated 23 June 2017.

### Procedural Matter

2. Although the Council did not make a decision on the application under the statutory timescales, they have submitted evidence in response to the proposal for consideration in determining the appeal. The original plans submitted were superseded in June 2017 by amended plans which reduced the height of the mast to 9m lowered and 12m raised, and I have determined this appeal based on those plans.

## **Main Issues**

3. The main issues are the effect of the proposed development on the character and appearance of the appeal property and the area, and on the living conditions of nearby residents with regard to disruption and health risks.

## **Reasons**

### *Character and Appearance*

4. The appeal property is a detached two storey dwelling in an area of mixed style dwellings including some bungalows. The appellant lived at the appeal property until 2000 and in 1998 obtained planning permissions 98/00812/FUL for a radio mast aerial 7.8m tall and 98/00085/FUL for a 12.2m radio mast and aerials. The appellant sold the property in 2000 and the mast was removed. The new owners purchased adjoining land and extended the garden area.
5. In 2016 the appellant repurchased the appeal property including the larger garden and wishes to erect a single radio mast with two aerials. When operative the mast and aerials would be 12m high but when lowered would be 9m high. The appellant supplied photographs showing the two original aerials at the appeal property in 1998 viewed from the street. These show the appeal property with a two aerials visible several metres above the roof. I noted at my site visit that by 2017 several properties in the vicinity have one or more large TV aerials or other such equipment and satellite disks visible in the streetscene.
6. The appellant's existing TV aerial projects about 2.5m above the roofline, and is 10m in height measured from ground level. The new mast would be behind the dwelling. When at full height it would be about 2m higher than existing aerials. The mast at full height would be noticeable and it would have a metallic utilitarian appearance. However it would have that in common with such structures in general. In the lowered position it would be largely at the same height or lower than other surrounding aerials and equipment. Viewed from the frontage at present the proposal would not have any adverse effect set amongst the current streetscene.
7. The rear of the property is set in large gardens with mature trees and shrubs. The gardens are larger since when the appellant last owned the property. The mast would run close to the downpipe and brickwork of the rear of the dwelling and the top section would be seen above the roof. It would be visible at 12m and at 9m in views towards the rear of the house and could predominate. However, as the development would be located towards the centre of the rear elevation, there would be a reasonable distance between it and the adjacent detached properties. From their rear gardens the mast and aerials would be visible, but I consider that because of the height restriction and the two aerials, its size and scale would not be excessively dominant because it consists of a series of relatively slim metal components that do not create a solid profile.
8. The nearest dwellings are large detached and sited some distance from the rear of the appeal site, and further separated by their own intervening gardens so that the mast and aerials even at 12m height would not have an adverse impact because of the distances involved and the mature trees and vegetation around the rear generally. It would be in the lowered position unless in use, and viewed amongst other aerials and receiving equipment. Pickering Town Council objected to the visual impact of the development. I appreciate that if

there were to be a proliferation of masts and aerials, or excessive height, this could become more dominant and unsightly. However due to the size, height and siting of the proposed radio mast and aerials, I consider that the visual impact of this mast and aerials would preserve the character and appearance of the appeal property and the surrounding area.

9. Pickering Castle is in a Conservation Area but lies a short distance away from the appeal property separated by several houses. It is raised on a hill above the town. I consider that at the height of the castle and distance involved the mast would be generally indistinguishable from general views, including surrounding TV and other receiving equipment. It would also be a relatively slim and permeable structure rather than having a solid profile. Consequently I am satisfied that views from or towards the castle would not be adversely affected by the radio mast.
10. On the basis set out above I consider that there would be no unacceptable adverse impact from the development on the character and appearance of the appeal property or the area. I conclude therefore it would not conflict with Policies SP16 and SP20 of the Ryedale District Council Ryedale Plan-Local Plan Strategy 2013 (LP), since these aim to secure appropriate development that respects its location.

#### *Living Conditions of Residents*

11. Policy SP20 of the LP refers to the amenity and safety of residents including risks to health. The Council advise that there is no proven link to harm arising from these activities. The radio mast is not a mobile phone installation and the radio equipment installed is only capable of about half the power that the appellant's Amateur Full Radio Licence permits him to use, thereby reducing the risk. It would also be situated at the recommended separation distance from other properties.
12. I have carefully considered the comments of residents regarding disturbance from the effect of radio activities on TV reception or other electrical interference. I can appreciate that there is a level of concern and disturbance arising from such incidents. With the exception of one incident of triggering a burglar alarm, it appears there is no evidence linking the radio activity to specific problems with local signal reception or electrical interference.
13. The appellant states that he uses the equipment hundreds of times in a year but there are few reports of interference or other incidents. On that basis there would not appear to be any direct correlation between his radio activity and domestic local incidents in general. If there were any interference, it would not be at a significant level because the evidence from objectors to the development refers only to occasional incidents. No questions have been raised of any other interference with national or commercial electrical equipment.
14. The radio activities are also under separate regulation by Ofcom, which would provide an added safeguard for residents with regard to any difficulties arising from the radio activities. Overall, I am satisfied that the proposal would not harm the living conditions of local residents.
15. I conclude that there would be no conflict with Policies SP16 and SP20 of the LP with regard to their aim to protect the living conditions and well-being of residents.

**Other matters**

16. I find, on the basis of the evidence before me, that the proposal would not have an adverse impact on local wildlife.

**Conclusion**

17. For the reasons given above I conclude that the appeal should be allowed, and planning permission should be granted for the development subject to conditions that are necessary in the interests of certainty and to minimise the impact of the development.

*S Jones*

INSPECTOR



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## Appeal Decision

Site visit made on 29 January 2018

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2018

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**Appeal Ref: APP/Y2736/W/17/3189453**

**The Old Manse, 19 Middleton Road, Pickering, North Yorkshire YO18 8AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Gillman for Austin Brooks Property Consultants against the decision of Ryedale District Council.
  - The application Ref 17/00119/FUL, dated 30 January 2017, was refused by notice dated 17 May 2017.
  - The development proposed is Erection of a three bedroom dwelling with parking and amenity areas.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 23 February 2018.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the site would be suitable for housing, and the effect of the proposed development on the character and appearance of the surrounding area, including on the significance of the Pickering Conservation Area as a heritage asset.

### Reasons

#### *Housing Location*

3. The appeal site is a large Edwardian style detached property fronting onto Middleton Road. The topography rises up along Potter Hill away from the town centre of Pickering, and runs along the top of the rise, overlooking properties below. There is a continuous frontage of properties along Potter Hill and Middleton Road, and the area is fairly densely developed.
4. The Old Manse has been developed as a guesthouse and restaurant business, with a rear conservatory and sitting out terrace alongside a relatively wide access leading past the property to an area of car parking behind the hotel and in front of the proposed dwelling. As shown on Plan PL04 Rev C, the proposal is to build a dwelling in the rear garden plot.
5. Ryedale District Council have set out their housing strategy in their development plan. Pickering is a Local Service Village and in Policy SP2 of the

Ryedale District Council Ryedale Plan-Local Plan Strategy (LP) new housing development is directed primarily to housing land allocations or other specified locations. It is not disputed that the proposal would not fall into the other categories in Policy SP2, but the appellant considers it is infill development because it would be on the existing garden to the Old Manse.

6. However, infill development is defined in Policy SP2 of the LP as 'small open sites in an otherwise continually built up frontage'. This development would not be on an open plot between existing dwellings along the continually built up frontage of Middleton Road. It would not have any frontage onto Middleton Road. Consequently I consider it would not meet the criteria in Policy SP2 with regard to infill development and would be harmful to the aims of the policy to direct housing development primarily to the most appropriate locations within the area.
7. Having said that, I appreciate that the development would provide housing, however the Council does not have a housing shortage at present and in any event one dwelling would make only a limited contribution to housing provision overall. The appellant states that there is previous backland development close by. Properties along the east side boundary are more closely spaced and reflect some limited previous backland development. The proposal would be lower in height than the Old Manse and would sit behind it. In that respect the proposed dwelling and its plot size would be more akin to those dwellings. However, the previous developments are of some longstanding and do not reflect the priorities in the current development plan.
8. Consequently I conclude that the development would conflict with the aims of Policy SP2 of the LP and that there are no other matters that would overcome that harm with respect to the suitability of the site for housing.

#### *Character and Appearance*

9. The appeal site was formerly the manse for the Wesleyan Chapel built as part of the Methodist movement. It has a large plot proportionate to the size of the Old Manse which runs a similar length to the neighbouring terraces, and the long plots give an open and spacious character to this part of the top of the hillside, which is relatively flat across the rear. A detached property 'Brown Eaves' backs onto the eastern side boundary with No 19 roughly level to the proposed site of the new dwelling.
10. Although the proposal lies outside the CA, I must consider whether it would affect the significance of the CA in accordance with the National Planning Policy Framework (the Framework). Although there is no conservation area appraisal for Pickering, the CA is largely constructed in local stone or traditional materials. It reflects the historic development of Pickering and its castle from its origins to the arrival of the railway and afterwards. The CA runs along the south boundary of the proposed development. There are Listed buildings inside the CA. However, there is no evidence of an adverse effect on their setting, which is not in contention in this appeal.
11. As shown on Plan PL02 the dwelling would be one and a half storeys high with a pitched roof and rooflights, and an external chimney piece. It would lie behind the Old Manse. At present the Old Manse has a large footprint in a large plot, in generally green and spacious surroundings. The existing vegetation is shown on the Topographical Survey Drawing No Y395-S-1.



12. Although there would be space within the depth of the garden to accommodate the dwelling proposed, it would occupy almost the full width of the plot and lie in close proximity to No 23 and Brown Eaves. The upper section of the development would be visible from the two storey properties and the rear gardens on Middleton Road above the boundary. The division of the plot to create a further dwelling would be harmful as the area surrounding the Old Manse would be significantly reduced by the proposed development, and the car parking and hard surfacing associated with the new dwelling would further encroach upon the open land to the rear. The location and scale of the proposal would therefore be harmful to the character and appearance of the area. It would result in a significant adverse impact on the spacious plots and open green character that characterise the area, particularly along this section of Middleton Road.
13. There is a steep but short drop at the rear boundary to the south. I agree that there would be limited views of the proposed development from the CA over the short distance uphill at the foot of the south boundary. However, due to the elevated position the development would be visible in wider views towards and from the CA and from the upper floors of the dwellings on the A170. I find that the prominence of the appeal site and the erosion of the green and spacious character of surrounding development in close proximity to the CA buildings would not have a positive effect on the significance of the CA as a whole.
14. I understand that the development would have financial benefits for the owner of the Old Manse, and would contribute to funding retirement. The development could contribute to local employment if a local builder was employed for the construction of the dwelling. As above, the Council have an adequate supply of housing and in any event, the addition of one further dwelling would not contribute significantly to housing need. Consequently, I do not consider that these matters outweigh the harm identified to the character and appearance of the area and to the significance of the CA.
15. Although the appellant suggests screening of the development by the vegetation and trees could be retained by the imposition of a suitable condition, I consider this would not be adequate to address the harm that I have identified above. It would also not address the location of the development in terms of its suitability for housing. I conclude that the development would conflict with Policies SP12, SP16 and SP20 of the LP, since these aim to secure high quality design that reflects the characteristics of its location, including the significance of heritage assets.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*S Jones*

INSPECTOR



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## Appeal Decision

Site visit made on 30 January 2018

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> March 2018

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**Appeal Ref: APP/Y2736/W/17/3184405**

**Land East of The Forge, Mill Lane, Ampleforth YO62 4EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Seeger against the decision of Ryedale District Council.
  - The application Ref: 16/01875/FUL, dated 18 November 2016, was refused by notice dated 17 March 2017.
  - The development proposed is a change of use of greenhouse from horticultural use to a single 3 bedroom dwelling together with establishment of a residential curtilage.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is whether the appeal site is a suitable location for a new dwelling having regard to the development plan and access to shops, services and other facilities.

### Reasons

3. The appeal building is a relatively large, timber framed, glasshouse set amongst a group of traditionally constructed buildings that previously formed a farm steading but have now largely been converted to residential use. The building sits on an irregularly shaped site of approximately 0.14 hectares.
4. Policy SP1 of the Ryedale Local Plan – Local Plan Strategy 2013 (the Local Plan) sets out a locational strategy for new development based on a hierarchy of settlements and seeks to direct new development to the identified Principal Towns, Market Towns and Service Villages. Although Ampleforth is identified as a Service Village, it is common ground that the appeal site is outwith the development limit of the village and, consequently, it falls within the area classed as the open countryside for the purposes of the policies in the Local Plan. Policy SP1 restricts development in such areas to that which is necessary to support the rural economy and communities, secures significant improvements to the environment; or which is justified through the neighbourhood planning process. I have not been advised whether there is a neighbourhood plan in place and it is not argued by the appellant that a dwelling at the appeal site is required to support the rural economy or maintain the local community. Nor is it suggested that significant environmental improvements would be achieved as a result of the development.

5. Local Plan Policy SP2 refines this locational strategy and, in the open countryside areas, is permissive of new build dwellings where there is an essential need to support the land based economy, and of conversions of redundant or disused traditional rural buildings where this would lead to an enhancement of the local setting or provide for local needs occupancy. The proposal is for the creation of a new dwelling, however, whilst it is stated that the adjoining land is in horticultural, agricultural and forestry use, I have no substantive evidence before me that a dwelling is required in connection with these uses.
6. Although it is suggested that the building is becoming redundant, it is not argued that it is in fact redundant or disused. I saw when I visited the site that, whilst the building was not being used to its full potential, there were a large number of cacti and other plants present within it and it was neither redundant nor disused. On the basis of the evidence and from what I saw when I visited the site, the appeal proposal does not meet the relevant criteria in Local Plan Policy SP2 and would consequently conflict with and undermine the Council's adopted spatial strategy.
7. Policy SP9 of the Local Plan allows for the conversion of traditional agricultural buildings to residential use in order to sustain and diversify the land based economy in the district. There is some dispute between the parties over whether the appeal building is a traditional building and whether the works proposed constitute conversion or re-building. The Council state that the policy was intended to refer to older stone or brick built agricultural buildings that are no longer suited to modern agricultural practices and methods. However, neither the Policy itself, nor its supporting text, explicitly set this out. It is also suggested that glasshouses such as the appeal building are not a prevalent building form in the area. Nevertheless, there is merit in the appellant's argument that constructing buildings on timber frames is a centuries old building tradition.
8. In respect of whether the proposal amounts to conversion or rebuilding, this is a matter of fact and degree. Although it was clearly designed as a purpose built glasshouse, the appeal building is constructed on a substantial and robust timber frame with double glazed units between the framing elements. A structural report was submitted with the application which concludes that the timber framing and foundations of the building are adequate and suitable for conversion to a residential use. The basic findings of this are not challenged by the Council although it is noted that there would need to be some alterations to the timber framing to accommodate proposed window openings that are wider than the gaps between the uprights of the frame. From the submitted drawings this is undoubtedly the case, however, there is no evidence that this would undermine the structural integrity of the timber frame or require substantial remedial works as a consequence.
9. The appellant also states that the existing frame and double glazing units would be overclad with timber cladding and stone and a pantile roof would be laid on the existing rafters and purlins. I saw when I visited the site that parts of the north elevation of the building are currently overclad with horizontal timber boarding with the gaps between the framing infilled internally with timber panels. This overcladding would significantly alter the appearance of the building but the existing structure of the building would remain below. The works required to create a dwelling house would be quite extensive,

nevertheless, as these would not require any substantive demolition of, or reinforcement to, the existing structure to create the proposed dwelling, I find that this would not amount to rebuilding.

10. The conversion of buildings is allowed under Policy SP9 subject to occupancy conditions set out in Local Plan Policy SP21. The Council suggest that the appellant would not meet the local occupancy requirements of Policy SP21 part a). This section of the Policy refers specifically to new housing in those villages which are classified by the Local Plan as non-service villages. The wording of the Policy does not extend to new dwellings in those parts of the district classified as open countryside. Part c) of Policy SP21 addresses new residential development in the countryside, outside of the development limits, to support land based activity, such as that permissible under Policy SP9. Part c) states that in these circumstances conditions would be applied restricting occupancy to a person employed full time in agriculture, forestry or other enterprise for which a dwelling is considered essential. It is not argued that the dwelling is essential in connection with a land based activity on the site or that it is necessary for someone to be resident at the site on a full time basis in connection with the existing use of the appeal site or the adjoining land.
11. On the basis of the evidence, the proposal is for an open market dwelling house. Within this context, whilst the appeal proposal would represent a conversion of a building, it is not for the purposes of supporting the land based economy as envisaged by Policy SP9 and the proposal would, therefore, conflict with this policy.
12. The appeal proposal would be contrary to Policies SP2 and SP9 of the Local Plan. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration and Paragraph 49 of the Framework requires that the proposals for new housing be considered in the context of the presumption in favour of sustainable development.
13. The presumption in favour of sustainable development set out in Paragraph 14 of the Framework requires that planning applications be determined in accordance with the development plan, unless this is silent, absent or relevant policies are out of date.
14. The appellant suggests that the Local Plan is not consistent with current policy in the Framework and, more specifically, that it is not consistent with the permitted development rights for the conversion of agricultural buildings to a residential use as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Framework does not change the statutory status of the development plan as the starting point for decision making. In any event, the Local Plan was adopted after the publication of the Framework and, consequently, sets out what constitutes sustainable development within the district. Although the provisions of the GPDO may indicate a more relaxed approach to conversion of farm buildings than has historically been the case, the appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty. The permitted development rights under Part Q of the GPDO do not operate in Areas of Outstanding Natural Beauty and, as a result, I do not consider that this renders

the Policies in the Local Plan out of date. Policies SP2, SP9 and SP21 therefore still seek to control new rural housing on a basis that is consistent with the Framework.

15. It is not argued that the Council cannot demonstrate that it has a deliverable five year supply of housing land and, whilst it is suggested that the development will support the on-going sustainability of Ampleforth, there is no evidence before me that would indicate that the existing services and facilities in the village would be under threat if the development did not proceed.
16. Whilst Ampleforth has a reasonable range of services and facilities, these are located approximately one kilometre from the appeal site. Whilst I accept that this is within walking or cycling distance, I saw when I visited the site that the road to the village is narrow and unlit, and there is no continuous footway from the appeal site to the village. This would, in my view, be likely to deter regular use by pedestrians and cyclists particularly during the winter months when daylight hours are restricted. The future residents of the dwelling would therefore be likely to be mainly dependent on the use of private motor vehicles to meet their day to day needs. Although Ampleforth is identified in the Local Plan as a service village that is capable of accommodating some extra growth, the local plan expects this to be within the defined settlement limits and not beyond them.
17. I have noted that the Council have not raised concerns in respect of the effect of the proposed development on the landscape and scenic beauty of the Area of Outstanding Natural Beauty or on the setting of the nearby Listed Building. I also note that there have been no concerns raised by the Council in respect of the living conditions of the occupiers of nearby residential properties, ecology, drainage, highways and flood risk. From what I have read and from what I saw when I visited the appeal site, I have no reason to reach a different conclusion on these matters. Nonetheless, none of these matters, either singly or collectively, is sufficient to outweigh the conflict with the development plan.
18. I conclude that the appeal site is not a suitable location for a new dwelling having regard to the development plan and access to shops, services and other facilities. It would not comply with the relevant requirements of Policies SP2 and SP9 of the Local Plan.

### **Conclusion**

19. I have found that the proposal does not comply with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside. In these circumstances the presumption in favour of sustainable development requires that the application be determined in accordance with the development plan and therefore the appeal must fail.
20. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

