

**Item Number:** 9  
**Application No:** 14/00430/MFUL  
**Parish:** Stonegrave Parish Meeting  
**Appn. Type:** Full Application Major  
**Applicant:** W I & M E Armitage (Mr Richard Wainwright)  
**Proposal:** Erection of an agricultural grain store with associated landscaping - retrospective application (revised details to approval 12/00582/MFUL dated 20.09.2012).  
**Location:** Birch Farm The Terrace Oswaldkirk York YO62 5XZ

**Registration Date:**  
**8/13 Wk Expiry Date:** 24 July 2014  
**Overall Expiry Date:** 19 June 2014  
**Case Officer:** Matthew Mortonson **Ext:** 332

#### CONSULTATIONS:

<b>Parish Council - Stonegrave</b>	Concerns
<b>Highways North Yorkshire</b>	No objection
<b>Environmental Health Officer</b>	No views received to date
<b>Tree &amp; Landscape Officer</b>	No further comments to make.
<b>Sustainable Places Team (Yorkshire Area)</b>	This proposal falls outside the scope of matters on which the Environment Agency wish to be consulted
<b>Howardian Hills AONB JC</b>	No observations to make
<b>Neighbouring Parish Council - Oswaldkirk</b>	Concerns

**Neighbour responses:** Mr Jason Stapley,

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#### SITE:

The application site comprises a farmstead with a number of existing agricultural buildings located to the east of the village of Oswaldkirk, within the Howardian Hills Area of Outstanding Natural Beauty. The site itself is actually within the Parish of Stonegrave. The site is accessed from the B1257 to the west of Leysthorpe Hall. The land falls to the south from the B1257 with the site located in a valley approximately 340m to the south of this road.

#### PROPOSAL:

Retrospective Planning permission is sought for the erection of an agricultural grain store with associated landscaping.

The building measures 42.67m x 24.38m and is 10.4m at its highest part. The building has been set into the ground by excavating into the slope and as a result the north elevation of the building will measure 8m high from ground level.

Members will note that this application forms a revision to planning application 12/00582/MFUL as the approved building has not been constructed in accordance with the approved plans in the form of its position, scale and height. In addition, an access has been created in the landscaping / screening located to the north of the building.

The previous planning application granted permission for a building that measured approximately 49m by 24.4m and be 10.8m at its highest part.

Members will note that additional plans have been received to demonstrate the difference on site between the approved scheme and the development as built. For information, the building is sited approximately 5m further north of the previous building although is shorter in length.

## **HISTORY:**

1977: Planning permission granted for the demolition and rebuilding of part of dwelling at Birch House Farm

1992: Planning permission granted for the erection of a general purpose agricultural building for storage purposes and the installation of a grain drier and silo

1998: Planning permission granted for the erection of a building for housing livestock

1999: Planning permission granted for the erection of a farm building, change of use of barns to create one dwelling, change of use of agricultural land to form a paddock, construction of a new access to B1257 and creation of yard to existing farm building

1999: Planning permission granted for modifications of conditions 1, 2, 3, 4, 5 and 6 of the 1998 permission

2001: Planning permission granted for the erection of 2 two-storey extensions, 2 single storey extensions and installation of a dormer window

2002: Planning permission granted for change of use of barns to form dwelling (revised details)

2003: Planning permission granted for the erection a general-purpose agricultural building

2006: Planning permission granted for change of use of agricultural building to form a 6-bedroom dwelling with associated parking and amenity areas (revised details to approval 02/00623/FUL)

2008: Planning permission granted for the erection of agricultural building for housing of cattle and covered storage (retrospective application)

2012: Planning permission granted for the erection of an agricultural grain store

## **POLICY**

National Planning Policy Framework 2012 (NPPF)

National Planning Policy Guidance (NPPG)

Local Planning Strategy; Ryedale Plan adopted 5 September 2013

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

## **APPRAISAL:**

In assessing the impact of this application, Members will note the planning history of the site. As a result of the decision in 2012, the principle of the development has been established. Therefore, the main considerations in the assessment of this application relate to the detail of the alterations / re-siting and the impact the proposal has on the AONB and nearby residents.

With respect to landscape considerations, the main concern surrounds the impact on the Howardian Hills AONB. Officers consider that in the wider landscape context, the revised development is not considered to be substantially different to the previously approved scheme. By virtue of its reduced length the building is sited further from the existing buildings on farm (approx. 25m from the closest) however the building is still seen within the context of the wider farmstead. The AONB Manager has raised no objections to the proposal. Therefore, the proposal is considered to be in accordance with the requirements of Policy SP13 of the Ryedale Local Plan Strategy which seeks to protect Ryedale's landscapes.

In considering residential amenity, Members will note that a detailed objection has been received from the residents of the adjacent residential dwelling currently known as 'The Old Stone Barn'. The observations raised surround the following issues:

i) The position of building

The building has been built 5m further north than approved. Whilst this siting does mean that the building would be slightly more prominent when viewed from the nearby residential dwelling, the distances involved ensure that this siting would not be materially harmful. For information Members will note that the position of the building has not moved any closer toward the residential dwelling. At its closest point the proposed development is sited approximately 32m from the dwelling, and then 52m from the kitchen/French doors facing towards the building.

Additional screening in the form of a more substantial boundary fence (2.4m high) and the planting of Birch trees, would ensure any additional impact would be mitigated. The impact of the proposal is not considered to be such that would warrant refusal of the planning application. Members will note that the conditions of the previous approval to protect residential amenity will be repeated.

ii) The driveway / access

A key concern raised from residents is in relation to vehicles parked overnight in the area of hardstanding located in between to the boundary shared with 'The Old Stone Barn' and the proposed building.

In response to these concerns, the applicant has stated that these vehicles are not related to the concerned building, and that vehicles have only been parked in this area on occasion due to various mechanical failures. The applicant further advised that prior to the erection of the grain store the hard standing area was frequently used to park both farm machinery and cattle wagons.

In considering this issue, Members will note Paragraph 206 of the NPPF which states '*Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*'

This farm has an established use with various planning permissions having been granted on the site over recent years. None of the previous planning permissions have sought to restrict overnight parking within the site. Therefore, it would unreasonable to condition overnight parking on the site which related solely to this development. As such, a condition would not be enforceable and therefore fail to meet the tests identified in P206 of the NPPF and the NPPG. Nevertheless, following discussions with the planning consultant, as a gesture of good will, the applicant has provided a further plan which identifies an area for overnight parking that is a suitable distance from the residential dwelling. An informative is recommended to direct any overnight parking into this area.

iii) Planting scheme

In advance of the submission of this application, the Council's Tree and Landscape Officer provided detailed advice to the applicant to ensure appropriate screening and species.

The planting scheme as part of this current proposal is considered to be more substantial than the previous approval in terms of the screening to the nearby residential property and overall it is considered to be acceptable. A condition is recommended to ensure the retention of this element of the application into the future (20 year period).

To conclude, subject to the recommended conditions, the application is considered to be acceptable and in accordance with the requirements of the Ryedale Local Plan Strategy. The application is therefore recommended for approval.

**RECOMMENDATION:                      Approval**

1            The building, the subject of this approval shall only be used for the storage of machinery used and produce grown at Birch House Farm or other land owned and farmed by the applicant.

Reason:- To ensure that the levels of activity associated with the development are compatible with the site and surrounding area in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

2            Use of machinery and vehicles for deliveries, uploading and offloading, and use of conveyors or any other associated activities in connection with the use of the grain store shall not be permitted outside the hours of 8am to 10pm Monday to Saturday and 8am to 1pm Sundays.

Only cereals crops produced by the applicant shall be stored in the grain store.

Reason:- To ensure that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life, of nearby residential occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

3            The proposals for the landscaping of the site shown on Drawing No. EN2075-SP2 Revision A (date stamped 19 June 2014), shall be completed in the first planting season following the commencement of the development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of twenty years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason:- To enhance the appearance of the development hereby approved and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

4            Within 1 month of the date of this permission, the boundary treatment shared with the application site and the residential dwelling currently known as 'The Old Stone Barn' shall be completed in accordance with Drawing No. EN2075-SP2 Revision A (date stamped 19 June 2014).

Reason:- To ensure that all reasonable steps are taken to mitigate and minimise adverse effects on health and quality of life, of nearby residential occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

5            Any vehicles related to the use of the development hereby permitted that are required to park overnight on site shall park within the hatched area identified on Drawing No. EN2075-SP Rev A (date stamped 19 June 2014).

Reason: In the interest of residential amenity in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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

Site Plan Drawing No EN2075-SP Revision A  
Landscaping and Planting Scheme Drawing No EN2075-SP2 Revision A  
Proposed Elevations Drawing No EN2075-F Revision B

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

**INFORMATIVE:**

- 1 The applicant is advised that any vehicles related required to park on site overnight shall park within the hatched area identified on Drawing No. EN2075-SP Rev A (date stamped 19 June 2014).

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties