

**Item Number:** 10  
**Application No:** 18/00042/MFUL  
**Parish:** Welburn (Kirkbymoorside) Parish Meeting  
**Appn. Type:** Full Application Major  
**Applicant:** Mr William Shaw  
**Proposal:** Erection of a general purpose agricultural building to include housing of livestock with concrete apron together with erection of a covered yard area for storage of straw between two existing agricultural buildings  
**Location:** Land Adj To A170 New Road To Kirkdale Lane Kirkbymoorside North Yorkshire  
  
**Registration Date:** 16 January 2018  
**8/13 Wk Expiry Date:** 17 April 2018  
**Overall Expiry Date:** 13 April 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

#### CONSULTATIONS:

<b>Parish Council</b>	No response received
<b>Public Rights Of Way</b>	No response received
<b>Health And Safety Executive</b>	Do not advise against
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Environmental Health</b>	No objections
<b>Countryside Officer</b>	Recommend conditions

**Neighbour responses:** No response received

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#### SITE:

The application site relates to a parcel of agricultural land, identified as 'Westfield' within the Design and Access Statement, a 16 hectare parcel of farm land associated with the Welburn farming operation. The site lies to the south of the A170 Kirkdale Road, outside of Development Limits in the wider open countryside, as defined in The Ryedale Local Plan, approximately 0.5km to the west of Kirkbymoorside.

Two modern agricultural buildings are present, together with a traditional stone barn. The land levels slope gently to the south of the site and a disused railway line runs along the south of the site, from east to west.

#### PROPOSAL:

This application seeks permission for the erection of a general purpose agricultural building to include housing of livestock with concrete apron together with erection of a covered yard area for storage of straw between two existing agricultural buildings

#### HISTORY:

There is no planning history associated with the application site.

## **POLICY:**

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

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP9 - Land Based Rural Economy

Policy SP13 - Landscapes

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 Wider Landscape
- iii. Impact upon Amenity
- iv. Impact upon Access and Highway Safety
- v. 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 to include the housing of livestock with concrete apron and the erection of a covered yard area for storage of straw between two existing agricultural buildings 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; *"Westfield is a 16 hectare parcel of farm land associated with 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. At Westfield there are two modern general purpose agricultural sheds, as well as a small stone barn. The proposal is too erect a third building for housing stock and place a roof over the yard between the two modern buildings to create a straw storage barn/covered yard. These proposals 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.

It is noted that the new proposed agricultural building would be located in the path of the former railway line between Pickering and Kirkbymoorside. Local Plan Policy SP10, Physical Infrastructure and Community Facilities notes that the Council will support: *“The use of former railway lines and tracks for recreational purposes (including walking, cycling and horse riding) or for potential public transport use should the opportunity arise in the longer term. Development which may prejudice the ability for former railway lines/tracks to be used or reused for these purposes will not be supported”*

This policy replaced Policy T11, Disused Railway Lines of the previous Ryedale Local Plan (2002 and 2004) which noted: *“On the disused railway lines identified on the Proposals Map, development which would prejudice their future use as possible cycle/footpath/horse riding routes or for potential public transport use will not be permitted. The District Council will encourage assessment of the use, where practicable, of these disused railway lines for the creation of new routes for cyclists, walkers and horse riders and, in the longer term, for their use by public transport. Proposals which would be materially detrimental to wildlife will not be advanced.”*

Concerns were originally raised with the agent to highlight that a building in this location could potentially limit the reuse of this former railway line in the future and could also give rise to impacts upon the potential recreational use of the line in the future, should it be utilised for a more formalised cycle or walking route. The agent was asked to consider whether the proposed building could be alternatively sited within their other agricultural land or elsewhere within the site at Westfield. The agent confirmed it would be difficult to relocate at the Westfield site, due to the cut and fill that would be necessary as a result of the land levels, whilst confirming that the proposed location would allow for efficiencies on site when feeding and handling animals. It was noted that “efficient farming is necessary in the current climate when prices are suppressed by supermarkets and other bulk buyers.”

Maintaining the current position of the new building, but incorporating a demarcated ‘bypass route’ on the submitted plans was put forward by the applicant as a potential solution. This area would remain undeveloped and unmarked but would be protected for potential future recreational uses.

Mr North, Strategic and Performance Officer (Rail) from North Yorkshire County Council was consulted with regard to this issue and he noted that he was unaware of any proposals to reopen to the railway line between Pickering and Kirkbymoorside and the Local Planning Authority have no knowledge of this being likely. It was further noted that in the event a new railway was proposed it would probably have a different alignment. If the land was required this would be undertaken in full consultation with the owner.

It is therefore concluded in the light of Mr North’s comments that in the event of a new railway being considered, a realignment of the route would be possible. The presence of the new barn as proposed would not have a directly prejudicial impact on the delivery of a future railway track. The proposed ‘bypass strip’ also overcomes the potential prejudicing of the track as a future recreational route. The rerouting of this ‘bypass strip’ around the proposed building would not result in harm to potential future users. The Council’s Solicitor has been consulted and has confirmed that a planning condition will be acceptable to ensure that this strip of land must remain available in the future.

Whilst the positioning of the proposed agricultural building is partly located on the line of a disused railway line, it is considered that on balance given that an acceptable section of land will be safeguarded for future recreational activities (and any future railway re-operating would be likely to incorporate a wider reroute) this proposal therefore remains acceptable in light of Policy SP10, Physical

ii. Character, Form and Impact upon Wider Landscape

The new covered yard would be formed by the erection of a cover between the two existing buildings supported by the installation of a new steel frame with roofing above. The overall covered space would span c.18.3 metres x c.27.4 metres. The barn would extend c.7 metres to the eaves and approximately 9.5 metres to the ridge. The roof would be also constructed of profiled fibre cement in natural grey, with GRP roof lights and would incorporate timber boarded apexes along the gable elevations.

This covered area would extend slightly higher than the two modern agricultural buildings it would adjoin. However this maintains an open appearance and would also form a visual group within this farmyard.

The new agricultural building would measure c.73.2 metres x c.27.5 metres in footprint. This would be positioned to the south of the existing modern agricultural buildings at a distance of c.10 metres. This building would incorporate an eaves height of c.6 metres and a maximum height of c.9.7 metres.

The proposed new building would incorporate a simple modern agricultural appearance, incorporating timber cladding to 4.8 metres below eaves. The roof will be constructed of profiled fibre cement in natural grey, with GRP roof lights.

Whilst the overall structure is significant in footprint and height, it is considered that the scale is justified given the existing and established farm business. It is noted that whilst the new building is larger than the two modern farm buildings, given the falling land levels limited views of this new building would be experienced from the north, which would be the main public viewpoint. Additionally, due to its proximity to existing buildings, the new building would not appear isolated and would be read as part of the existing group. It is also considered that the proposed materials are similar to those of the existing buildings and are acceptable in this farmyard setting.

The proposed materials are detailed on the submitted plans and given that a condition listing the approved plans is recommended, it is not considered necessary to duplicate this requirement. The agent has additionally confirmed in an email dated 18th June 2018 that the new steel supports necessary for the two buildings would be coloured dark green and as this element of the materials is not detailed on the submitted plans, this will form part of a separate condition.

Whilst limited views of the site would be realised directly from the north, it was considered necessary through discussions with the Council's Countryside Specialist to include a landscaping condition as part of this proposed scheme to introduce planting along the east, west and southern boundaries of the new building. The agent has provided an updated plan which details the species mix, height and location of two types of hedging proposed, together with the method of support. Post and rail fencing at a height of c.1.2m was also proposed. The Countryside Specialist has confirmed that this proposed hedging is acceptable and will help in landscaping the new agricultural building. This will be conditioned to be planted in the first available planting season and any plants that fail/die within the first five years shall be replaced.

It is therefore 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 property to the site is Dunromin, located c.285 metres to the north east of the site.

It is not considered that this property would experience any adverse impacts by virtue of overshadowing, given the distance 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 located in closer proximity to this residential property. Other residential properties are located at greater distances.

The Design and Access Statement notes that “There will not be any external lighting, all operations at the site being carried out in daylight or with temporary portable lighting.” 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 Access and Highway Safety

The access to the site is gained directly from the A170. North Yorkshire Highways have been consulted in relation to this proposal and initially noted that the following within their consultation response:

*“Although Section 6 of the application form states no new or altered vehicle access, the existing access has been widened and had 'surface improvements' carried out to it in the recent past. This has included removing the granite sett kerbs from the carriageway edge and re-siting them to the sides of the entrance bellmouth.*

*The result of this is that there is no kerb check for surface water flowing along the side of the carriageway to go past the access to reach the nearest road gully, and this water, therefore, is running off the highway, over the access crossing and onto site. The local highway authority does not appear to have any record of an application to alter this access, and would not have accepted the arrangements that are now present. Despite the widening, there is still evidence of verge damage by vehicle over-run whilst entering and exiting the site. Given that the access is onto a busy 'A' class principal road, a suitable sized access, correctly laid out, should be available to cater for the traffic to and from the site.*

*The proposed buildings and increase in staffing is considered to be allied to an increase in traffic activities to and from the site overall and, whilst no objections are raised in principle to the proposed development, the situation with the access should be corrected as part of the planning application”*

Accordingly, conditions in relation to private access/verge crossings and visibility splays were recommended. The agent has provided revised plans and incorporated the alterations requested into these plans. North Yorkshire Highways updated their proposed conditions to reflect this on the 19th June 2018.

It is therefore considered that subject to the proposed conditions, the proposed development could enhance the access arrangements currently present at the site, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

v. Other Matters, including consultation responses

No responses have been received from the Parish Council nor any neighbouring properties in relation to this proposal.

The Council’s Environment Health Officer confirmed no objection to the proposal.

The application site is located within proximity of National Grid Infrastructure. A consultation was undertaken on the Health and Safety Executive Website and it was noted they do not advise against the granting of planning permission.

Surface water will be directed to soakaway, which is considered acceptable and will be subject to controls under the building regulation process.

No response was received from North Yorkshire Highways Public Rights of Way. The public right of way footpath is accessed from the site entrance. Due to the necessary improvement works that are required by North Yorkshire Highways Development Management Team, it is considered pragmatic to

attach an informative alerting the agent/applicant to their duties to prevent any impact upon this public right of way.

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, SP9, SP10, SP13, 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):

Site Location Plan (Drawing no. YOB 407165/01B)  
Proposed Site and Block Plan (Drawing no. YOB 407165/02B)  
Proposed Elevations (Drawing no. YOB 407165/03)  
Proposed Elevations (Drawing no 280Rev 1)  
Proposed Elevations (Drawing no 281Rev 1)

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

- 3            Unless otherwise agreed in writing the steel frames of the proposed developments hereby approved shall be dark green in colour.

Reason: To ensure an appropriate external appearance in accordance with SP16 of the Ryedale Plan, Local Plan Strategy.

- 4            Unless otherwise approved in writing by the Local Planning Authority, no other lighting shall be installed on the proposed development.

Reason: In the interests of residential amenity and the character of the open countryside in accordance with SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

- 5            Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements  
a. The existing access shall be improved by widening and upgrading of construction specification as shown on approved drawings Nos. YOB 407165 - 01 / B & YOB 407165 / 02 / B and constructed in accordance with Standard Detail No. E7b using Marshalls or similar conservation-type kerbing to the access boundaries.  
All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**HI-07 INFORMATIVE**

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and to

ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 6 There shall be no access or egress by any vehicles between the highway and the application site  
(except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215 metres in each direction measured along the adjacent channel line of the major road A170 from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with SP20 of the Ryedale Plan, Local Plan Strategy and in the interests of road safety.

Informative: An explanation of the terms used above is available from the Highway Authority.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, the 5m wide strip, as detailed on Drawing No. YOBUE 407165/02B shall be made available to facilitate future transport/cycleway/public transport projects along the disused railway corridor.

Reason: To ensure future projects are not prejudiced in accordance with Policy SP10 of the Ryedale Plan, Local Plan Strategy

- 8 The proposed planting of hedges and shrubs as detailed on Drawing No. YOBUE 407165/02B shall be implemented within the first available planting season (March-November) following completion of the development. Plants shall be of locally native species only. In the event of any plant material dying or become seriously diseased or damaged within a 5 year period of planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To enhance/screen the development, and in the interests of visual amenity in accordance with SP13 and SP20 of the Ryedale Plan, Local Plan Strategy.

## **INFORMATIVE(S)**

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way to the north of the proposed development, which appears to run through the site access.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.