

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

Item Number: 6
Application No: 19/00201/MFUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application Major
Applicant: Mr McSharry
Proposal: Change of use of agricultural land and buildings to a mixed agricultural and equestrian use to form an equestrian training centre to include erection of a replacement barn for housing up to 16no. horses, change of use of existing barns to a tack room and crew yard, erection of a barn extension and a covered horsewalker and formation of a lunge pit, trotting loop, canter track and gallop track with collecting circle
Location: Dudley Hill Farm Whenby Lane Sheriff Hutton North Yorkshire YO60 6RU
Registration Date: 28 February 2019
8/13 Wk Expiry Date: 10th April 2019
Overall Expiry Date: 10 April 2019
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Environmental Health Officer	
Flood Risk	No objections
Hambleton District Council	Recommend condition
Neighbouring Parish Council	Whenby Parish consulted on 25.03.2019 by post
Sheriff Hutton Parish Council	No objection with comment
Highways North Yorkshire	No objections
Building Conservation Officer	Objection

Neighbour responses: Dr Deborah Smith, Mr Peter Barfoot,

SITE:

The application site is Dudley Hill Farm, to the north west of Sheriff Hutton, which is situated in the open countryside and accessed via Whenby Lane. The site extends to approximately 4.5 hectares and incorporates the original farm dwelling, a second dwelling and a range of agricultural buildings, together with a number of fields in the same ownership. A Grade II Listed Building in separate ownership, Cornborough Hall is situated to the south west of the farmyard, surrounded by fields in the ownership of Dudley Hill Farm. Another residential property known as Cornborough is located in separated ownership to the south of the site. This property utilises a section of the access under the ownership of Dudley Hill Farm to achieve access to their property.

PROPOSAL:

This application seeks approval for the change of use of agricultural land and buildings to a mixed agricultural and equestrian use to form an equestrian training centre to include erection of a replacement barn for housing up to 16no. horses, change of use of existing barns to a tack room and crew yard, erection of a barn extension and a covered horse walker and formation of a lunge pit, trotting loop, canter track and gallop track with collecting circle.

PLANNING COMMITTEE

29 May 2019

POLICY:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP12 Heritage
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 planning history is considered most relevant:

90/00712/OLD: 3/119/173/FA Construction of vehicular and pedestrian access over existing field access, at Dudley Hill Farm, Sheriff Hutton. (Approved)

92/00716/OLD: 3/119/173A/FA Change of use of agricultural storage building to repairs of industrial, commercial and domestic refrigerators and CFC recovery at Dudley Hill Farm, sheriff Hutton. (Approved)

05/00611/CLEUD: Certificate of Lawfulness in respect of use of buildings for repairs of commercial and domestic refrigerators, recovery of CFC's and sale of second hand / nearly new and new white goods (Approved)

06/00596/FUL: Change of use and alteration of agricultural buildings to form a three-bedroom dwelling. (Approved)

08/00665/FUL: Erection of extension to existing garage, lean-to extension to west elevation and sunroom to south. (Approved)

17/00065/73A: Variation of Condition 05 of approval 06/00596/FUL dated 31.07.2006 to state "The dwelling known as Dudley Barn shall only be used as a holiday cottage for holiday letting to the same person, group of persons or families for period(s) not exceeding a total of 28 days in any one calendar year, or as a residential annex to the property known as Dudley Hill Farm. The residential annex / holiday cottage hereby permitted shall not be sold or leased off separately to the property currently known as Dudley Hill Farm Whenby Lane Sheriff Hutton YO60 6RU" (Approved)

REPRESENTATIONS:

The following consultation response, which was registered as neutral was received from the occupier of Cornborough, to the south of the application site:

1. Only access from Whenby Lane to Cornborough is the shared track (the property of Dudley Hill Farmland) through proposed equestrian training centre site. Unrestricted access to Cornborough is required at all times.

2. Current condition of existing track between Whenby Lane and the drainage stream at the lowest point of the track is substandard and particularly bad during wet weather, with numerous potholes, when (a) water drains from farmland which is higher than the first portion of track and (b) the farmyard at the rear of Dudley Hill Farm which is also higher in places than the track. Additional drainage for both areas will be essential and the track must be kept in reasonable condition at all times.

3. It is unclear from the planning application whether any additional car or lorry parking will be made available or where this might be sited.

The points raised in this response will be addressed in the appraisal below and the statutory consultation responses will also be summarised below.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development
- ii. Form and Character
- iii. Impact upon neighbouring amenity
- iv. Impact upon the setting of the nearby Grade II Listed Building
- v. Impact Upon Access and Highway Safety
- vi. Other matters, including consultation responses.

i. Principle of the Development

This proposal is 'major' development because the application site has an area in excess of 1,000m². . As such it is required to be determined by the Planning Committee.

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 for farming, forestry, and equine purposes" as well as "appropriate farm and rural diversification including innovative approaches."

The principle of development including further operational development to support the diversification of agricultural land for equine activity is therefore considered to be acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy. This however is subject to the proposed development according with the other identified main considerations listed above. This will be explored in the following sections.

ii. Form and Character

The physical alterations required to facilitate the change of use and equestrian business include the following:

The erection of a replacement barn, which would house up to 16no. horses. This would replace the existing barn located to the west of the existing farmyard and would extend approximately 35 metres x 12 metres to match the existing barn footprint. This would incorporate an eaves height of 4.2 metres and an overall ridge height of 5.1 metres and the application form notes this would be constructed of concrete panels at a low level and metal cladding at a high level, with composite roof panels. The agent has confirmed that the material cladding will be 'Merlin Grey' which is considered acceptable in this location and given that the existing barn is in a poor state of repair with a mix of ad hoc materials, it is considered that this will present an enhancement.

The erection of a barn extension, which would adjoin the existing barn to the north of the site. This extension would incorporate a footprint of approximately 4.6 metres x 4.3 metres, increasing the area of the buildings on site by 19.75 square metres. This will accord with the roof heights of the original barn and will incorporate blockwork at low levels and metal cladding to the walls and roof.

The Design and Access Statement notes that the replacement barn is required as the existing barn is not suitable for keeping horses in and the barn extension is required as there is no building currently on site which could be used as a secure store.

It is considered that the replacement barn and barn extension are appropriate. They are grouped with existing buildings and do not represent a significant increase upon the developed area of the farmyard. Subject to a condition ensuring the barn extension is constructed of matching materials and the

replacement barn being constructed of the agreed materials, this is considered to be acceptable and would not detract from the character of the locality or the wider landscape views.

The erection of a covered horsewalker and lunge pit are also proposed and would be located to the west and south west of the replacement barn. Each of these structures would measure 20 metres in diameter. These are relatively low in form and would be positioned grouped with the existing developments on the site, so that they would not appear isolated in the open countryside.

The formation of a trotting loop, canter track and gallop track with collecting circle would be achieved through the installation of 1.3 metre high UPVC fencing and installation of surfacing. The gallop track would extend to the westernmost extent of the site, spanning 1.2 kilometres x 3 metres in width. This would run initially close to the field boundaries and through a copse of trees, limiting the installation potentially appearing isolated. Along the final section it veers slightly southwestwards into a more open section of fields. Due to the landforms and the rising land to the north and south it is considered that this would not appear harmfully isolated. The canter track loop would span 310m x 3 metres, positioned to the south of the gallop track anchored towards a corner of a field, with well-developed hedging forming the field boundaries. It is considered that the undulating nature of the field would further limit views of this from the west and north. The trotting loop would be located directly to the south of the farmyard and would measure 200 metres x 2 metres. This would be closely located to the existing farmyard and would also not appear to be isolated in the countryside.

It is noted in the Design and Access Statement that *“the existing boundary treatments between fields will be retained where possible with some alterations required to allow for the gallop track. Where the gallop, canter tracks and canter loop are to be formed, the field will be altered to allow for a surface system comprising of a waxed silica sand, polypropylene, polyester fibre mix (or similar) to be laid, with white pvc rails being installed to either side of the newly surfaced areas of the gallop and canter track. The access track will comprise a base of compacted stone with a top layer of horse friendly stone dust, for example 0-4mm limestone dust.”*

Therefore whilst the equine training track extends into the open agricultural fields, it is concluded that the site is well landscaped and the proposal would benefit from the screening offered by the surrounding topography. Additionally the rails are low profile and of a fine construction, that would limit the visual impact of the development. It is also considered that the access track running between the farmyard and Cornborough Hall would not result in harm to the character of the wider landscape.

iii. Impact upon neighbouring amenity

It is not considered that this proposed change of use, or the proposed operational development would result in any additional harm to neighbouring amenity by virtue of disturbance, given the existing agricultural use of the site.

Following receipt of the neutral letter of representation (summarised above) from the occupier of the adjoining property Cornborough raising points in relation to securing unrestricted access, seeking drainage improvements along the access and parking, a letter from the agent was received on the 26th April 2019 confirming the following:

I have spoken to the applicant and can confirm the following...:

- *Vehicles will be parked within the farmyard*
- *The drainage will be laid within the build up of the gallop track not as a part of the upgrade of the section of the access track. The idea being that it will reduce the amount of water running down from the fields above, down to the access track, intercepting it on the way. I have amended the drawing to show the build up.*

It is acknowledged following the site visit that there would be sufficient parking available on the existing site and this is considered acceptable.

In relation to drainage, whilst it is not considered that the additional operational development would be likely to result in significant additional surface water pooling on the main existing access track, (given the surrounding topography and position) the Agent's response is noted. This indicates that a drainage pipe will be laid within the gallop track, as confirmed in the proposed plans, which will discharge into the adjacent water course. It is considered that consequently, an enhancement upon the existing situation is likely to be secured. It is not considered reasonable to require any specific new drainage to be laid to secure run off from the farmyard, given the limited footprint of new development proposed. In relation to the first point regarding the securing of unrestricted access, these rights of access are a civil matter between the relevant parties. It is not a matter that falls under the remit of the Local Planning Authority.

The Environmental Health Officer has confirmed that no specific manure management plan is required in this location, given the distance of the stables from neighbouring properties and the existing agricultural use of the site.

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

The Council's Building Conservation Officer had originally objected due to the lack of information pertaining to the Grade II Listed dwelling in the following response: *"The red line of this application fully encircles Cornborough Hall which is a Grade II listed building. As a listed building, Ryedale District Council has a statutory duty to have special regard for the preservation of the setting of the listed building. The submission documents make no mention of the listed building and do not include a Statement of Significance of the listed building or an analysis of the contribution that its setting makes to that significance. In addition, there is no assessment of the impact of the proposed development on the significance of the listed building. The information contained in the submission is inadequate in this respect and I object."*

A revised Design and Access Statement was received which incorporated a Heritage Assessment. This considered the points raised above and a revised consultation response was received from the Building Conservation Officer, noting that it had addressed her concerns and the earlier objection was withdrawn.

v. Impact Upon Access and Highway Safety

North Yorkshire Highways Officers have been consulted and have confirmed no objection to the proposed development. As confirmed previously, all parking will be undertaken within the farmyard. It is therefore not considered that this would result in harm to access nor highway safety.

vi. Other matters, including consultation responses.

The Lead Local Flood Authority were consulted and confirmed no objection.

Sheriff Hutton Parish Council noted they *"do not wish to object to planning application 19/00201/<FUL – Dudley Farm but do wish to make comment that the Parish Council would not wish to see any inappropriate lighting to be installed."*

Hambleton District Council were consulted on the proposed development, due to the proximity of the shared Authority boundaries and they provided the following comments:

"I write in relation to the above planning application which you have consulted Hambleton District Council on.

The boundary of the Hambleton District runs close to the north of the application site. Careful consideration should be given as to how the proposal impacts upon the character of the countryside, including the increased activity and traffic associated with the proposal. Furthermore, careful consideration should be given to the setting of the Grade II listed building of Cornborough Hall. I can

confirm that there are no other listed buildings or other heritage assets close to the site within the Hambleton District.

I would request a planning condition restricting the external lighting and for details of any detail to be agreed with the Local Planning Authority. You may wish to consult the neighbouring Parish Council which I can confirm is Whenby.”

Whenby Parish Meeting were formally consulted and noted “*There are no objections to the proposed development but I would reinforce Sheriff Hutton PCs comment about the importance of avoiding intrusive lighting.*”

A letter from the agent was received on the 26th April 2019 confirming the following, which will be conditioned:

- *The horse walker does have a light but any light spilling out will be minimal as the sides are only partially open and due to the angle of the roof it will only light the immediate area around the horse walker. No other additional external lighting is proposed. The security lights within the farmyard will be retained.*

The level of light which could be expected from the internal illumination of the horsewalker is considered minimal. A condition to limit any further lighting beyond that identified to serve the horsewalker, unless otherwise agreed in writing with the Local Planning Authority is recommended.

In light of the above assessment, it is considered that the proposed change of use is acceptable in principle and that the proposed development are acceptable in form, design and positioning. The use of appropriate materials would be conditioned and it is not considered the proposal would result in harm to the amenity of neighbouring properties, nor harmfully impact the setting of the Grade II Listed Cornborough Hall. The proposed development is also considered to be acceptable in terms of drainage and wider landscape impacts and would not result in harm to access or highway safety.

Therefore subject to the identified conditions we can be satisfied that this proposal conforms with Policies SP9, SP12, SP16, SP19 and SP20 of the Ryedale Local 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. MCS-545-001-001)
Proposed Barn and Site Plan (Drawing no. MCS-545-001-003)
Barn Plans and Elevations, Proposed Part Site Plan, Lunge Pit Elevation, Track Details and Horse Walker Image. (Drawing no. MCS-545-001-004 Rev B)

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

3 Unless otherwise agreed in writing with the Local Planning Authority, the materials of the proposed barn extension shall accord in all respects with the appearance of the construction materials of the original building.

Reason: In the interests of good design and in compliance with Policy SP16 and SP20 of the

Ryedale Plan- Local Plan Strategy and the NPPF.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the cladding to be used within the construction of the proposed replacement barn shall be of the colour finish BS 18 B 25 Merlin Grey.

Reason: In the interests of good design and in compliance with Policy SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF.

- 5 Unless otherwise approved in writing by the Local Planning Authority, no lighting shall be installed at the agricultural building hereby approved, beyond that to serve the horsewalker as detailed in the email received 26th April 2019 from the Planning Agent.

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.