

**Item Number:** 18  
**Application No:** 22/01337/FUL  
**Parish:** Rillington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr James Foster  
**Proposal:** Erection of an agricultural building for the storage of agricultural machinery and produce (retrospective application)  
**Location:** Lowmoor Gate Farm Low Moor Lane Rillington Malton North Yorkshire YO17 8FG

**Registration Date:** 6 December 2022  
**8/13 Wk Expiry Date:** 31 January 2023  
**Overall Expiry Date:** 10 January 2023  
**Case Officer:** Ellie Thompson **Ext:** 43326

#### **CONSULTATIONS:**

<b>Archaeology Section</b>	No Objection
<b>Rillington Parish Council</b>	further comments
<b>Rillington Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	Written response not yet received

**Representations:** No responses received

#### **SITE:**

The application site is an area of agricultural land, which has recently been developed into a small-scale agricultural yard, located off Low Moorgate to the west of Rillington village. The site is located within an archaeologically sensitive area.

The majority of the site is made up of agricultural land, however there is currently a stable building situated on the site, and a newly constructed agricultural storage building. The new agricultural storage building is the subject of this retrospective application.

#### **BACKGROUND:**

The applicant originally applied for planning permission for the proposed development in 2021, when the overall site was approximately 2.3 hectares in size. During the process of the application the applicant purchased additional land which increased the size of the site to approximately 8 hectares. As a result, the applicant then qualified for agricultural permitted development rights for new agricultural buildings, and chose to withdraw the initial planning application to submit an agricultural notification application (AGNOT).

The AGNOT application was submitted and the proposed development was considered to be permitted development. However, given the relatively open, isolated nature of the site a prior approval was sought to request details of the design and external appearance of the building (to include colour and surface finishes), to ensure that appropriate materials would be used on the new building. This process required the applicant to display a completed notice, indicating the required materials details, at the entrance to the site for a minimum of 21 days ahead of a formal decision from the Local Planning Authority.

Unfortunately the prior approval process was not undertaken correctly by the applicant before the new storage building was constructed. As a result, planning permission is now required retrospectively for the proposed development.

## **PROPOSAL:**

This application seeks retrospective planning permission for the erection of an agricultural building for the storage of agricultural machinery and produce.

The building is situated to the south of the existing stable building on the site, and is orientated with its main (front elevation) facing towards the north-east. It is constructed from concrete panels and Yorkshire boarding, under a corrugated metal sheet roof. The overall ridge height of the building is approximately 5 metres in height, with an eaves height of approximately 3.5 metres. The overall footprint of the building is approximately 352.3 square metres.

## **PLANNING HISTORY:**

22/00814/AGNOT: An agricultural notification application was determined, and the proposed development was found to be permitted development, with prior approval requested for the final design and materials of the proposed development.

21/01373/FUL: An application for the erection of a general purpose agricultural storage building was withdrawn.

14/00030/FUL: Planning permission was granted for the erection of a building to house 4no. loose boxes and attached hay store for equestrian use.

## **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

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

- Local Plan Strategy – Policy SP9 The Land Based and Rural Economy
- Local Plan Strategy – Policy SP13 Landscapes
- Local Plan Strategy – Policy SP16 Design
- Local Plan Strategy - Policy SP20 Generic Development Management Issues

### Material Considerations

- National Planning Policy Framework
- National Planning Practice Guidance

## **REPRESENTATIONS:**

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

Rillington Parish Council has been consulted on the proposed development, and has written in twice to object to the proposed development. They raise the following concerns:

- There is no such place as “Low Moorgate Farm”. It is only a field.
- This building has already been constructed prior to a planning application being submitted and only now has a “Retrospective “application been made following action by the RDC Enforcement Officer.
- The building is constructed outside the building limits for the village.
- The retrospective application is for “for the storage of agricultural machinery and produce”. This is only a field used for grazing purposes, so no need for such a building at all.
- The parish council has been led to believe that a local resident is in discussion with the owner with a view to renting the building as a commercial livery stable. If true this makes a lie of the planning application description. This has the appearance of being a commercial development?
- Major traffic problems are already being experienced on Low Moorgate due to the volume of traffic using it to gain access to/from residential properties, farms and commercial.
- The description of development is different to the previously submitted application and therefore the application is not retrospective.
- Is the land registered as an agricultural holding with DEFRA?
- Construction on the building did not cease following correspondence with the Senior Enforcement Officer.
- Concern that the building will be used for the stabling of horses, and the site used as a commercial livery.
- Is the applicant registered with the Animal Health and Veterinary Agency, the Environment Agency and in accordance with the Animal Feed Regulations? Does the applicant have a Water Extraction Certificate?

The NYCC Archaeologist was consulted on the application and confirmed they have no objections to the proposed development. No objections from third parties have been received by the Local Planning Authority.

The full responses are available to view in the public file.

## **APPRAISAL:**

The main issues relating to this application are:

- i. The Principle of the Development
- ii. Design and Landscape
- iii. Impact on Neighbouring Amenities
- iv. Highway Safety
- v. Other Issues

### The Principle of the Development

The proposed development represents the addition of a new, second building on the application site. Together with the existing stable, the new building creates a new central farmyard ‘hub’ for the applicant’s agricultural business. It is understood that the applicant farms the surrounding agricultural land by growing a variety of different crops, and also produces some hay; as such the proposed development is required for the safe and dry storage of a variety of different agricultural machinery, grain, seed, fertilisers and straw.

Policy SP9 of the Ryedale Local Plan Strategy notes that Ryedale’s land-based economy will be sustained and diversified, with support for new buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes. On this basis, the principle of the new building is supported by Policy SP9 of the Ryedale Local Plan Strategy.

### Design and Landscape

The new agricultural building is situated to the south of the existing stable building, and has a simple, pitched roof form. It has been constructed of concrete panels and timber boarding, under a corrugated metal sheet roof. On this basis, it is considered that the building has a simple design, which has a functional appearance, in common with new modern agricultural buildings in the landscape. In addition, the proposed scale of the building is commensurate to the need of the agricultural use of the site.

The proposed building is visible from Low Moorgate, however it is set back from the main highway by approximately 95.7 metres. As such it is not considered that the building appears overly dominant or imposing from public vantage points. Additionally, it is considered that the proposed building would not be out of character with the surrounding farmed rural landscape.

On this basis, the proposed development is considered to comply with SP13 (Landscapes) and SP16 (Design) of the Ryedale Local Plan Strategy.

### Impact on Neighbouring Amenity

There are no immediate neighbouring properties to the site and as such, the proposed building would not result in adverse impacts on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing effects. The proposed building is considered to be compatible with the established, surrounding agricultural land use, and it is not anticipated that the proposed development would give rise to any unacceptable visual impacts or disturbance.

On this basis, it is not considered that the proposed development would result in an adverse impact on residential amenity, in compliance with Policy SP20 of the Ryedale Local Plan Strategy.

### Highway Safety

Some concerns have been raised around the increase in traffic along Low Moorgate as a result of the proposed development.

The application site is a small-holding with no dwelling or farmstead on the site. As a result, the applicant travels to and from the site every day from his home in Rillington. The entirety of the applicant's land is around and accessed from the application site, and as such the majority of the agricultural vehicular movements at the site happen within the site itself. Due to the nature of the operation, large scale vehicular movements to the site are not a regular occurrence. It is also considered that the applicant would be making daily visits to the site in any case to care for his horses, which can be kept and stabled on the land notwithstanding the outcome of this current application. On this basis, it is not considered that the proposed development would give rise to a significant increase in vehicular movements, which would have a detrimental impact on highway safety, over and above what is currently experienced at the site. The Local Highway Authority has not yet responded to the consultation in writing; Members will be updated accordingly by the Late Pages or verbally at the meeting.

### Other Issues

The Parish Council has raised several questions with regards to the application site through the consultation process for this application, including whether or not the applicant is registered with the Animal Health and Veterinary Agency, Animal Feed Regulations and the Environment Agency. They have also queried whether the applicant has a water extraction certificate, and also raised some concerns around animal waste disposal and the potential for the contamination of local watercourses. While these are not all necessarily planning considerations, the applicant's agent has responded to these queries.

The agent has confirmed that the applicant is not registered with the Animal Health and Veterinary Agency, but that there is no requirement for him to be so; the land is effectively a small-holding, with

the main crop being hay/grass which does not require a licence. There is no livery or animal sales in operation at the site, and so the licence is not required. Furthermore, the level of feed required is below the limits required for registration with the Animal Feed Regulations. Similarly, it is understood that there is no requirement for the applicant to be registered with the Environment Agency, as water from the new building and surface water is discharged into an associated soakaway as per drainage regulations. They have also confirmed that no water extraction takes place at the site.

With regards to the issue around animal waste disposal, there are currently 3 horses stabled at the site which are privately owned by the applicant, and as such the level of animal waste is minimal. The horses are stabled within an existing stable building which was granted permission in 2014. The new building is not proposed to house animals or livestock, but is to provide general purpose storage to help aid the cultivation of the wider agricultural land for hay and grass. On this basis, it is not considered that the proposed development will result in any increase in the generation of animal waste, or the potential impact on the contamination of local watercourses, above what is currently experienced at the site.

### Conclusion

The proposed development is considered to comply with the relevant policy criteria set out in policies SP9, SP13, SP16, SP20 and the NPPF. On this basis approval is recommended subject to the following conditions:

### **RECOMMENDATION:                      Approval**

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

- Site Location Plan, drwg. no. EX10 01 (scanned to file on 19.12.2022)
- Proposed Site Layout Plan, drwg.no. PL10 01 (scanned to file on 19.12.2022)
- Proposed Elevation Plans, drwg.no. PL30 01 (scanned to file on 19.12.2022)
- Proposed Floor Plan, drwg. no. PL20 02 (scanned to file on 19.12.2022)

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

2            The materials of the development hereby approved shall be in accordance with the details included in the Planning Application Form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

3            No additional external lighting shall be installed on the development hereby approved (including lighting for site security purposes), until full details are submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: To protect the character of the area in accordance with SP20 of the Local Plan Strategy.