



PLANNING COMMITTEE

Thursday 28 May 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Apologies for absence

2 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.

3 Minutes of meeting held on 28 April 2015 (Pages 3 - 9)

4 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.

5 Schedule of items to be determined by Committee (Page 10)

6 15/00074/MFUL - East Farm , Toftings Lane, Langton, Malton (Pages 11 - 26)

7 15/00244/MFUL - Rise Farm, Wandale Lane, Great Barugh (Pages 27 - 42)

8 14/01063/FUL - Land West Of Wold Terrace, Beck Lane, Leavening (Pages 43 - 65)

- 9 **15/00365/FUL - Land At Westfield House, Firthland Road, Pickering** (Pages 66 - 75)
- 10 **Enforcement Report - Home Farm, Cropton** (Pages 76 - 83)
- 11 **North Yorkshire County Council. Norton County Primary School Consultation - Papers to Follow**
- 12 **Any other business that the Chairman decides is urgent.**
- 13 **List of Applications determined under delegated Powers.** (Pages 84 - 90)
- 14 **Update on Appeal Decisions** (Pages 91 - 106)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 28 April 2015

Present

Councillors Burr MBE, Frank (Vice-Chairman), Goodrick, Hicks, Hope, Maud, Richardson, Sanderson, Windress (Chairman) and Woodward

Substitutes:

In Attendance

Jo Holmes, Gary Housden, Jill Thompson, Mel Warters, Rachael Balmer, Helen Bloomer, Daniel Wheelwright and Anthony Winship

Minutes

210 **Apologies for absence**

There was no apologies.

211 **Minutes of meeting held on 31 March 2015**

Decision

That the minutes of the Planning Committee held on 31 March be approved and signed by the Chairman as a correct record.

[For 6 Against 0 Abstain 2]

212 **Urgent Business**

There was no urgent business.

213 **Declarations of Interest**

Councillor	Application
Hicks	7,11,15,
Hope	11,14
Goodrick	11,13,16
Sanderson	11,14,15,16
Frank	11,14
Burr	11,14,16

217 **15/00210/MFUL - Highfield Grange, New Lane, Aislaby, Pickering**

15/00210/MFUL - Groundworks (retrospective) and erection of 1no.1600 pig finishing unit together with associated hardstanding and water tank.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

218 **14/01199/LBC - Harrison House, Norton Road, Norton, Malton**

14/01199/LBC - Soundproofing of 4 no. internal windows by infilling with sound grade plasterboard and timber stud, surfaced fixed.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

221 **15/00153/FUL - Land North Of Sewage Works, Mill Lane, Ampleforth**

15/00153/FUL - Erection of 6no. light industrial units (Use Class B1) with associated parking and alterations to access track to include widening of the entrance and formation of passing places (revised details to refusal 14/00114/FUL dated 16.09.2014).

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 6 Against 3 Abstain 1]

222 **15/00224/HOUSE - Knavesmire View, Back Lane, Harome, Helmsley**

15/00224/HOUSE - Erection of two storey extension to east elevation and single storey garden room extension to south elevation, following demolition of existing single storey extension.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10 Against 0 Abstain 0]

In accordance with the Members' Code of Conduct Councillor Mrs Goodrick declared a personal non pecuniary but not prejudicial interest.

223 **15/00229/FUL - Land East of Rectory Lane, Nunnington**

15/00229/FUL - Erection of timber block of 1no. stable and tack room/feed store for private domestic use (revised details to refusal 14/00953/FUL dated 27.10.2014).

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 8 Against 2 Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hope, Mrs Sanderson, Mrs Frank, Mrs Burr and Windress declared a personal non pecuniary but not prejudicial interest.

224 **15/00317/HOUSE - Joiners, 75 Outgang Road, Pickering**

15/00317/HOUSE - Erection of first floor rear extension (resubmission of refusal 14/01406/HOUSE dated 19.02.2015).

Decision		
APPLICATION REFUSED - As recommended.		
[For 4	Against 4	Abstain 0]
Chairman had casting vote to refuse the application.		

In accordance with the Members' Code of Conduct Councillors Hicks, Woodward and Maud declared a personal non pecuniary but not prejudicial interest. Councillor Mrs Sanderson declared a personal and prejudicial interest and left the room.

225 **Local Plan Sites Document: Preferred Site Options (Pickering, Malton and Norton).**

Decision		
RECOMMENDATIONS AGREED		
(i) all of the sites in locations outside of the Market Towns and Service Villages (and not included in the tables within Appendix 2) are not taken forward as part of the site selection process;		
(ii) the summary of the Site Selection methodology and conclusions (Appendices 1 and 2) are made available for consultation;		
(iii) the site options listed in paragraph 6.24 are consulted on as development options for further residential land supply at Pickering and that Site 650 is identified as a preferred potential employment site in Pickering; and		
(iv) the site options listed in paragraph 6.39 are consulted on as development options for further residential land supply at Malton and Norton and that Sites 578 and 579 is identified as preferred options for potential employment sites for Malton and Norton		
[For 8	Against 1	Abstain 1]

In accordance with the Members' Code of Conduct Councillors Mrs Sanderson, Mrs Goodrick, Mrs Burr and Maud declared a personal non pecuniary but not prejudicial interest.

226 **Any other business that the Chairman decides is urgent.**

There was no urgent business

227 **List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

The meeting close at 10pm

Agenda Item 5

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 28/05/15

6

Application No: 15/00074/MFUL
Application Site: East Farm Toftings Lane Langton Malton YO17 9QJ
Proposal: Erection of an agricultural grain store.

7

Application No: 15/00244/MFUL
Application Site: Rise Farm Wandale Lane Great Barugh Malton North Yorkshire YO17 6NE
Proposal: Erection of a 1166 no. pig rearing and finishing unit

8

Application No: 14/01063/FUL
Application Site: Land West Of Wold Terrace Beck Lane Leavening Malton North Yorkshire
Proposal: Erection of a three bedroom detached dwelling with integral garage, and formation of vehicular access

9

Application No: 15/00365/FUL
Application Site: Land At Westfield House Firthland Road Pickering North Yorkshire
Proposal: Erection of a 2 bedroom detached dwelling together with formation of an additional 2no. parking spaces.

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

Item Number: 6
Application No: 15/00074/MFUL
Parish: Langton Parish Meeting
Appn. Type: Full Application Major
Applicant: JP Mason And Sons (Mr Tim Mason)
Proposal: Erection of an agricultural grain store.
Location: East Farm Toftings Lane Langton Malton YO17 9QJ

Registration Date: 18 March 2015
8/13 Wk Expiry Date: 17 June 2015
Overall Expiry Date: 4 May 2015
Case Officer: Rachel May **Ext:** 329

CONSULTATIONS:

Parish Council
Highways North Yorkshire No objection
Tree & Landscape Officer Recommendations made
Environmental Health Officer

Neighbour responses: Ms Alice Howard-Vyse, Dee Atkinson & Harrison, ,

SITE:

East Farm is an arable farm, approximately 265 metres to the south of Langton cross roads, and approximately 1500 metres to the south east of Langton. The application site is within the wider open countryside and lies within the Wolds Area of High Landscape Value. The site is accessed from Toftings Lane.

PROPOSAL:

Full planning permission is sought to erect an agricultural building to be used as a grain store.

The building will be erected to the west of the existing cluster of agricultural buildings. The building will measure approximately 48.8 metres in length and approximately 30.5 metres in width. The height of the eaves will be 7.6 metres with a ridge height of 11.7 metres. It should be noted that the ground slopes down away from the existing agricultural buildings.

The steel framed building will be constructed of concrete panels to four metres in height with profile sheeting to the eaves in olive green. The roof is to be constructed of fibre cement sheeting in natural grey.

A roller shutter door measuring approximately 3 metres by 3 metres is proposed on the south elevation. This is the only opening proposed on the building.

The agent has advised that the proposal has arisen due to the applicant having insufficient storage for the grain produced for the land he farms, and consequently having to sell grain off at harvest time.

HISTORY:

97/00559/FUL - Erection of a general purpose agricultural building

POLICIES:

National Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

The Ryedale Plan – Local Plan Strategy

SP9 – The Land – Based and Rural Economy
SP13 – Landscapes
SP16 – Design
SP19 – Presumption in Favour of Sustainable Development
SP20 – Generic Development Management Issues

APPRAISAL:

The main considerations when assessing this application are;

- a. Principle
- b. Siting and External Appearance of the Agricultural Grain Store
- c. Impact upon the Area of High Landscape Value
- d. Highway Safety
- e. Other Matters

a. Principle

Policy SP9 the Land - Based and Rural Economy of the adopted 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.

The applicant operates a large scale arable cropping agricultural business, with an operational base at East Farm. The business comprises of 809 hectares of rented land, and 404 hectares of shared farmed land.

The applicant has stated that the additional building would assist the overall viability of the agricultural business as there is currently insufficient storage. Due to this problem, the applicant has to sell grain off at harvest which has resulted in reduced prices for the grain sold at harvest. As such, it is considered the principle of an agricultural grain store in this location could be supported.

b. Siting and External Appearance of the Agricultural Grain Store

The proposed agricultural building will be sited to adjacent to the existing agricultural building, to the west of the farm complex. There will be a separation gap of approximately 6 metres, and the hard

standing is proposed to be extended, and will join the existing. The access will remain the same from 'Toftings Lane'.

The building is sited to the west of the existing cluster. The proposed building will be read in the context of the existing farmstead, and is considered to relate well to the character and appearance of the surrounding buildings and existing farm complex. Whilst it is noted that the footprint of the building is of a substantial scale, it is similar to the footprint of the existing grain store at the farmstead and is therefore considered to be appropriate to its surroundings.

The materials will match those used on the existing grain store, and are therefore considered to be appropriate. The design of the building is also considered to be generally representative of other modern farm buildings in the District. Overall, the scale, materials, colour and architectural details are considered to be acceptable.

c. Impact upon the Wolds Area of High Landscape Value

There will be some views of the proposed building from 'Cordike Lane'. However, this will be viewed against the backdrop of the existing farmstead. In addition, a landscaping condition will be attached to break up the profile of the building and soften the impact.

The proposed building will not be readily visible when the site is approached from the south (from Birdsall) due to the nature of the undulating land.

Shorter range views of the site will not be within the public domain due to the existing buildings within the farmyard.

Whilst there will be some views of the proposed building, and subsequently some impact on the Area of High Land Value, it is considered the landscaping will soften and mitigate the impact of the large scale building within the wider open countryside setting, and help integrate the development into the landscape locally. It is, therefore, considered to be acceptable in terms of its visual impact upon the surrounding wider open countryside and the Wolds Area of High Landscape Value.

d. Highway Safety

The building is proposed to be served by the existing farm access. The highway safety aspect of the application has been considered by the Local Highway Authority. No objections have been raised.

The applicant has confirmed that the proposal will not increase the number of HGV's taking the grain away from the farm. Instead it will spread the movement out throughout the year as currently there is a peak movement at harvest time due to the insufficient on – site storage identified earlier in this report. Additional storage will allow sales throughout the year, removing the peak of HGV movements at harvest.

e. Other Matters

An objection has been received from the owner of East Farm and a neighbour at 'Town Farm'. A summary of the objections raising the following points;

- Justification – the Design and Access statement seeks to justify the building on the basis of insufficient storage. However, no details are submitted of existing storage on land elsewhere, or a detailed breakdown of the length of each agreement. The drying and storage of grain at East Farm by the tenant for other parties is a short term, market based agreement which could easily change. If the application is supported a situation could arise whereby a commercial drying and storage facility is operated at East Farm, without any association to the area of

land farmed by the applicant under his tenancy.

- Scale - East Farm already includes a substantial range of buildings, including two existing grain stores with an estimated capacity of 3,500 tonnes. The existing capacity is considered to be more than adequate for the size of holding, with excess capacity.

The existing building was planned to provide sufficient storage on the holding for the long term, within the existing boundary. The cumulative impact of erecting a second, similar sized building would industrialise a mid – sized estate farm negatively impacting on the scenic beauty of the area, which is considered visually sensitive.

- Location – the proposed building will be to the west of the main grain store, leaving an unnecessarily large gap in between. The location encroaches unnecessarily into the adjoining field of permanent grass and could encourage development in future to cover the space in between the existing and proposed building.
- Landscaping – no landscaping has been proposed to mitigate the visual and audible environmental impact of the existing drier, new store and machinery. The proposed building will be visible from several places, including being in direct line of sight from ‘Cordike Lane’. Whilst a shelterbelt was required for the 1997 proposal, this will not suffice for the proposed building.
- Traffic Movements - The proposal will increase traffic movement of HGV’s and farm traffic through Langton village.

The material planning considerations raised above have already been considered in the appraisal section of this report.

It is considered that the applicant has now supplied sufficient information to justify the need for an additional grain store. No comments have been received from Langton Parish Meeting.

f. Conclusion

In light of the above assessment, it is considered the proposal is acceptable and that it complies with Policies SP9 the Land – Based and Rural Economy, SP13 Landscapes, SP16 Design, SP19 Presumption in Favour of Sustainable Development and SP20 Generic Development Management Issues of the adopted Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. Therefore the recommendation is one of conditional 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 Prior to the commencement of the development, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov - March) following completion

of the development. In the event of any plant material dieing , or become seriously diseased or damaged within a 5 year period following 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 ensure that the development, which within an area of high landscape value , is properly integrated into its rural setting, and to ensure compliance with Policy SP 13 - Landscapes - Ryedale Local Plan Strategy.

- 3 Prior to the commencement of the development hereby approved, the proposed finished ground floor levels and existing ground floor levels measured in relation to a fixed datum point and the adjoining buildings shall be submitted to and approved in writing by the Local Planning Authority.

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

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (drawing no: IM/JPM/01)

Block Plan (drawing no: IM/JPM/02)

Proposed Plans and Elevations (IM/JPM/03)

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

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

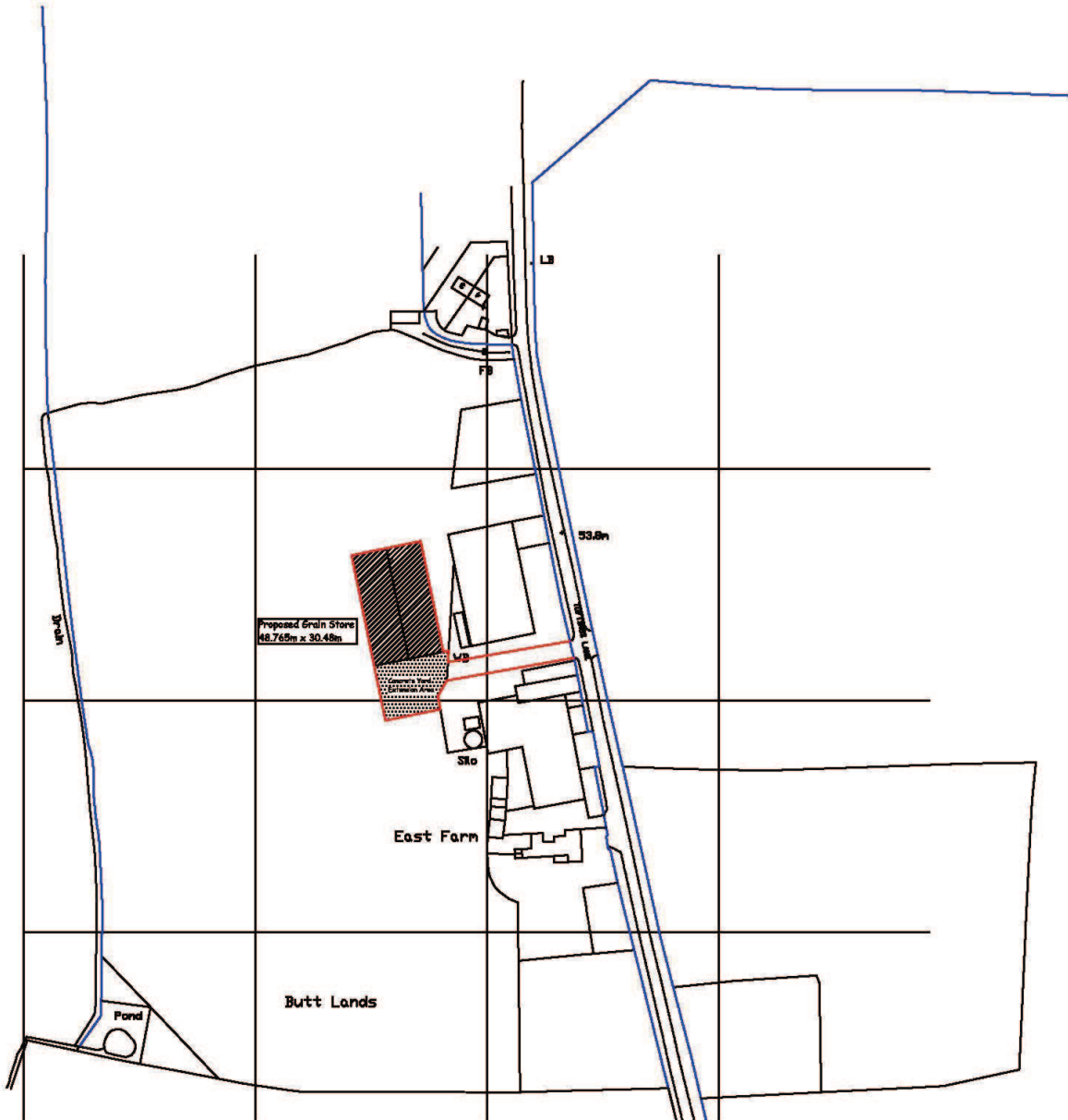
Responses from consultees and interested parties



Rise Farm


IMAGE TAKEN FROM GOGGLE MAPS FOR IDENTIFICATION

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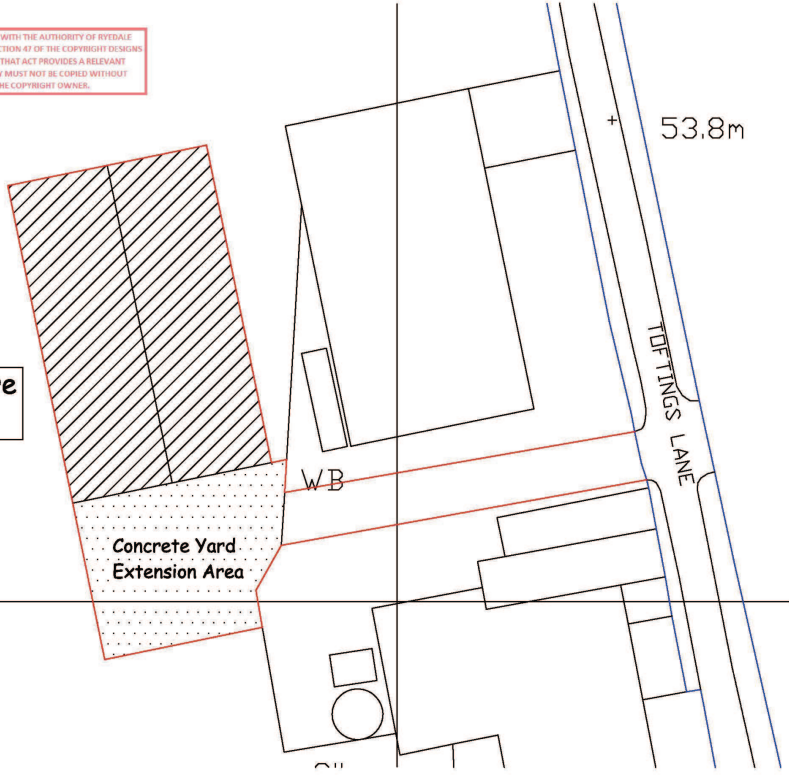
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05/02/15

 Ian Pick Associates Ltd Specialist Agricultural & Rural Planning Consultants	Llewellyn House Middle Street Kilham Driffield East Yorkshire YO25 4RP Tel/Fax (01262) 421807 Mobile 07702814950	CLIENT J P Mason & Sons East Farm Langton Malton YO17 9QJ	JOB TITLE Proposed Grain Store	SCALE 1=2500	Rev -
		DWG. TITLE Location Plan	DWG. NUMBER IP/JPM/01	DATE Jan 15	

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Proposed Grain Store
48.765m x 30.48m



Concrete Yard
Extension Area

TOPTINGS LANE

+ 53.8m

WB

DATE VALID
05/02/15



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JOB TITLE
Proposed Grain Store

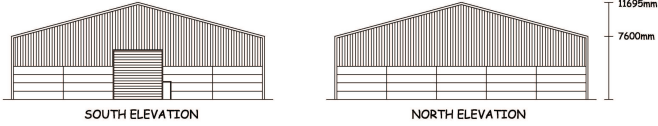
DWG. TITLE
Site Plan

SCALE 1:500@A3 DRN-IP

REVISION

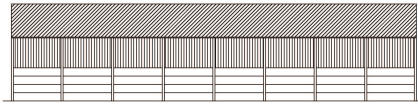
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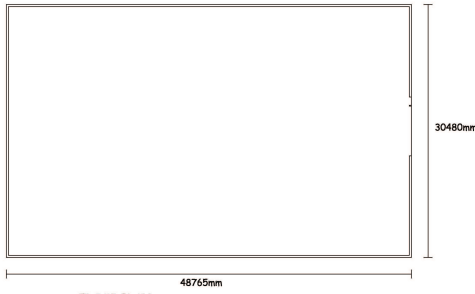
SOUTH ELEVATION

NORTH ELEVATION



EAST ELEVATION (WEST IDENTICAL)

STEEL PORTAL FRAME TO BS 5502.
WALLS - CONCRETE PANELS TO 4m WITH
PROFILE SHEETING ABOVE IN OLIVE GREEN
ROOF - FIBRE CEMENT IN NATURAL GREY



FLOOR PLAN

This drawing is to be read in conjunction with the schedule of works



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JOB TITLE
Proposed Grain Store

DWG. TITLE
Elevations & Plan

SCALE	DRN
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DATE VALID
05/02/15

DWG. NUMBER	DATE	REV
IP/JPM/03	Jan 15	-



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Client : J P Mason & Son

East Farm
Langton
Malton
YO17 9QJ

PROPOSED ADDITIONAL GRAIN STORE AT EAST FARM

Introduction

This report has been commissioned by J P Mason and Son of East Farm, Langton, Malton, YO17 9QJ.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 16 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

The Proposed Development

The applicants operate an agricultural business with an operational based at East Farm. The business operates arable cropping extending to 3000 acres of combinable cropping. This includes 2000 acres of rented land and 1000 acres of share farmed land.

The business currently does not have enough storage for grain for the existing production and therefore has to sell large quantities of grain at harvest. The purpose of the grain store is to increase the storage capacity, and will enable the business to maximise the price achieved for grain through selling later in the year.

Policy

SP9 The Land-Based and Rural Economy

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

SP20 Generic Development Management Issues

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. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance.

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.

The proposed development at East Farm is for the sustainable development of an agricultural business and the improvement and continuation of the agricultural enterprise.

Therefore, the new building is necessary to support land-based activity and working in the country, and as such complies with the requirements of Policy SP9.

In terms of policy SP20, the development will respect the character and context of the immediate landscape as the development has been located adjacent to the existing agricultural buildings. The building is grouped with existing buildings and will appear within the landscape as part of the existing farm building complex.

The proposed materials are typical of an agricultural building, and are appropriate to the rural location. The materials match that of the existing building.

Due to the nature of the proposed development as pure grain storage, there is limited potential for impact on neighbour amenity. The building does not include drying facilities.

This proposal is for a grain storage facility, which is immediately adjacent to existing agricultural buildings. The proposed development will form part of the existing group of buildings and as such will not have an adverse impact on the appearance of the surrounding landscape.

The proposed development is also generally compliant with the requirements of Policy SP20.

Amount

The proposed development involves the erection of No.1 grain storage building. The proposed building is similar to the existing adjacent grainstore. The proposed building will extend to 48.765m x 30.48m with an eaves height of 7.6m and a ridge height of 11.7m.

Use

The use of the proposed building is for the storage of grain.

Layout

The proposed grain store has been located immediately adjacent to the existing agricultural buildings to the west of the farm complex at East Farm. The proposed development will be served by the existing highway access. An extension to the yard area is proposed for parking and loading of vehicles.

Scale

The scale of the development is one building, of dimensions 48.765m x 30.48m with an eaves height of 7.6m and a ridge height of 11.7m.

Landscaping

The proposed grain store will be constructed from a steel frame, with concrete panel and box profile sheet walls and a fibre cement sheeting roof.

The proposed building is located adjacent to the existing agricultural buildings at the western side of the farmstead.

The proposed building will only be visible in the context of the existing built development at East Farm and as such will not be visually prominent and will not have a detrimental impact on the character of the surrounding landscape.

Appearance

The proposed grain store will be constructed of concrete panels to 4m with profile sheeting above in Olive Green. This material is identical to the cladding of the adjacent building. The roof will be constructed of a fibre cement sheeting.

Access

Access to the development from the public highway is via the existing farm entrance.

The current situation is such that traffic movements for grain are very intensive at harvest time. The proposal will reduce the peak at harvest spread traffic movements throughout the year. The proposal does not impact on the amount of traffic generation.

Ian Pick



January 2015

Item Number: 7
Application No: 15/00244/MFUL
Parish: Normanby Parish Meeting
Appn. Type: Full Application Major
Applicant: R & S Marton Ltd
Proposal: Erection of a 1166 no. pig rearing and finishing unit
Location: Rise Farm Wandale Lane Great Barugh Malton North Yorkshire YO17 6NE

Registration Date:
8/13 Wk Expiry Date: 8 June 2015
Overall Expiry Date: 17 April 2015
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Vale Of Pickering Internal Drainage Boards No Further Comments To Make
Sustainable Places Team (Yorkshire Area) No objections
Land Use Planning No comments required from Yorkshire Water
Environmental Health Officer
Parish Council
Highways North Yorkshire No objection

Neighbour responses:

SITE:

The application site is an existing farmstead situated adjacent to Wansdale Lane, approximately 0.75 miles to the east of the village of Normanby and approximately 1.7 miles to the north of Great Barugh. A public right of way runs through the site. The farmstead occupies 160 acres of arable land, 88,000 broiler hens and 800 pig places.

PROPOSAL:

Planning permission is sought for the erection of an 1166 no. pig rearing and finishing unit. The application is 'Major' development because the proposed building has a floor area in excess of 1000 square metres. As such, it is required to be determined by the Planning Committee.

The proposed building will house 1166 pigs on a straw based system. The pigs will be delivered to the site at an approximate weight of 50kg. The pigs are reared within the building for approximately 10 weeks until they reach finished weight and will be removed from the site. Therefore, the unit will operate an all in all out system, with 5 batches of pigs per annum. This will allow for the straw bedding to be removed and the building to be fully cleaned and washed out every 10 weeks before the next batch of pigs.

The layout of the proposed building includes a straw bedded area and a dunging area. The dunging area is in the form of a scrape through passage within the building. The manure deposited within the dunging area is scraped on a daily basis into a concrete manure pad at the east end of the building. The manure pad will be enclosed by a catchment drain and dirty water arising from the manure pad will be collected within a sealed concrete tank underneath the manure pad. The sealed dirty water tank will have a holding capacity of 35,000 litres. All the manure produced will be sold to neighbouring farmers and used as fertiliser for arable land.

The proposed building would have an approximate total floor area of 1280 square metres, with an eave height of 4.5m and a ridge height of 6.3m. It will be positioned adjacent to the existing livestock building. The materials would match those of the adjacent agricultural building, with the walls constructed with a combination of concrete panels and Yorkshire Boarding with a dark grey fibre cement roof.

ENVIRONMENTAL IMPACT ASSESSMENT

The development is considered to fall within Section 1(c) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Intensive livestock installations). It is for the Local Planning Authority to consider whether the development is likely to have significant effects on the environment by virtue of factors such as size, nature and location.

The proposed agricultural building has an approximate floor area of 1280 square metres. However, as the development is not within a sensitive area as defined by the Part 1, Section 2 of the 2011 EIA Regulations.

The opinion of the Local Planning Authority is that the development does not compromise EIA development.

HISTORY:

There is extensive history in connection with the site. This includes:

- 82/00523/OLD - Planning permission granted - 3/94/21/PA - Construction of a poultry building at The Rise Great Barugh Normanby
- 93/00629/OLD - Planning permission granted - 3/94/21B/FA - Erection of extension to an existing poultry unit at Rise Farm Great Barugh
- 94/00610/OLD - Planning permission granted - 3/94/21C/FA - Erection of a poultry unit at Rise Farm Great Barugh
- 99/00039/AGNOT - Agricultural notification determined - Erection of general purpose agricultural for storage and housing of livestock
- 09/00180/AGNOT - Agricultural notification determined - Erection of extension to agricultural storage building
- 11/01088/FUL - Planning permission granted - Erection of agricultural storage building
- 11/01091/AGNOT - Agricultural notification determined - Erection of extension to existing agricultural storage building.
- 12/00558/AGNOT - Agricultural notification determined - Installation of a wood pellet boiler and storage silo to heat adjacent livestock building

POLICY:

National Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

The Ryedale Plan - Local Plan Strategy

Policy SP9- The Land Based Rural Economy
Policy SP13 - Landscapes
Policy SP16- Design
Policy SP19- Presumption in Favour of Sustainable Development
Policy SP20- Generic Development Management Issues

APPRAISAL:

The main considerations to be taken into account when considering the proposal are:

- i. The principle of development
- ii. Impact upon the wider open countryside
- iii. Highway safety
- iv. Drainage
- v. Other matters
- vi. Conclusion

i. The principle of development

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.

The applicants operate a relatively large scale agricultural business, comprising of both arable and livestock farming. The proposed building will allow for the agricultural business to expand. It is considered that the principle of a pig rearing and finishing unit building in this location and within the farmstead is considered acceptable.

ii. Impact upon the wider open countryside

The proposed agricultural building will be sited adjacent to an existing livestock building. It will be largely screened by the existing farm buildings from the south. However, there will be partial views of the proposed building when travelling south down Wandale Lane and east along Long Lane. An amended plan has been received showing a landscaping belt to the north of the proposed agricultural building, comprising of oak, scots pine, field maple, hawthorn, rowan and holly species. The landscaping belt to the north the proposed agricultural building will soften the impact of a large scale building within this wider open countryside. It is, therefore, considered to be acceptable in terms of its visual impact upon the surrounding wider open countryside. The Tree and Landscape Officer has stated that the mixture of species within the landscaping belt is considered acceptable. There is a public right of way that runs through the site (to the north of the farm house). There will be partial views of the proposed agricultural building, but it will be largely screened by the existing farm buildings from the south.

iii. Highway safety

The development will utilise the existing access to the farmstead. The Local Highway Authority has raised no objection to the proposal in terms of its impact upon highway safety.

iv. Drainage

All of the surface water will be disposed of into soak ways. Yorkshire Water has raised no objection to the proposal. The Vale of Pickering Internal Drainage Board wishes to make no further comments as the surface water, via the soakaways will infiltrate through to existing underground field drains.

v. Other matters

The manure deposited within the dunging area is scraped on a daily basis into a concrete manure pad at the east end of the building. The manure pad will be enclosed by a catchment drain and dirty water arising from the manure pad will be collected within a sealed concrete tank underneath the manure pad. The sealed dirty water tank will have a holding capacity of 35,000 litres. All the manure

produced will be sold to neighbouring farmers and used as fertiliser of arable land. The Environmental Health Officer has verbally confirmed that the above is considered acceptable.

The Environment Agency has raised no objection to the proposal, but would require the applicant to be made aware of the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations 2010 in terms of the Control of Pollution. This will be attached as an informative if planning permission is granted.

The Environment Agency has also stated that an environmental permit may be required if the number of pigs housed on the whole enterprise exceeds 2000 production pigs. The existing livestock building houses 800 pigs, with this proposal seeking 1166. Therefore, the total number of pigs is less than 2000 production pigs (1966). An informative is however recommended to be attached to the Decision Notice advising the applicant of the threshold for an Environmental Permit.

There has been no response from Normanby Parish Council with regard to the proposal and no response from any neighbours.

vi. Conclusion

In light of the above considerations, the erection of the 1166 no. pig rearing and finishing unit is considered to satisfy the relevant policy criteria outlined within Policies SP9, SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

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 Notwithstanding the submitted details, the walls of the building hereby approved shall be constructed from a 2m concrete panel and Yorkshire boarding, with the roof in natural grey fibre cement sheeting.

Reason: In the interests of preserving the appearance of the wider open countryside and to satisfy the requirements of Policies SP13 and SP16 of the Ryedale Plan - Local Plan Strategy.

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

Drawing Number IP/SM/02A - Site Plan Revision A

Drawing Number IP/SM/03 - Elevations

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

INFORMATIVES:

- 1 Any new or substantially altered agricultural facility must comply with Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010. To ensure that you comply with these regulations, please call our Environment Management team on 08708 506506. We'll need details of the type of structure and its exact location. Please contact us at least 14 days before the facility is first used.

- 2 If the total number of pigs kept in the site exceeds 2000 at any one time then an Environmental Permit is required from the Environment Agency.

Background Papers:

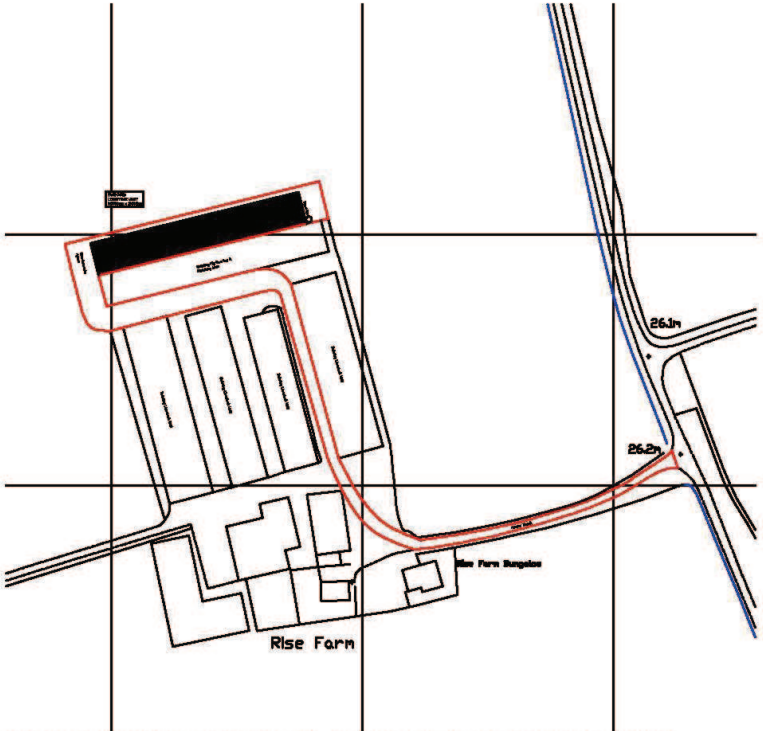
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



IMAGE TAKEN FROM GOOGLE MAPS FOR IDENTIFICATION




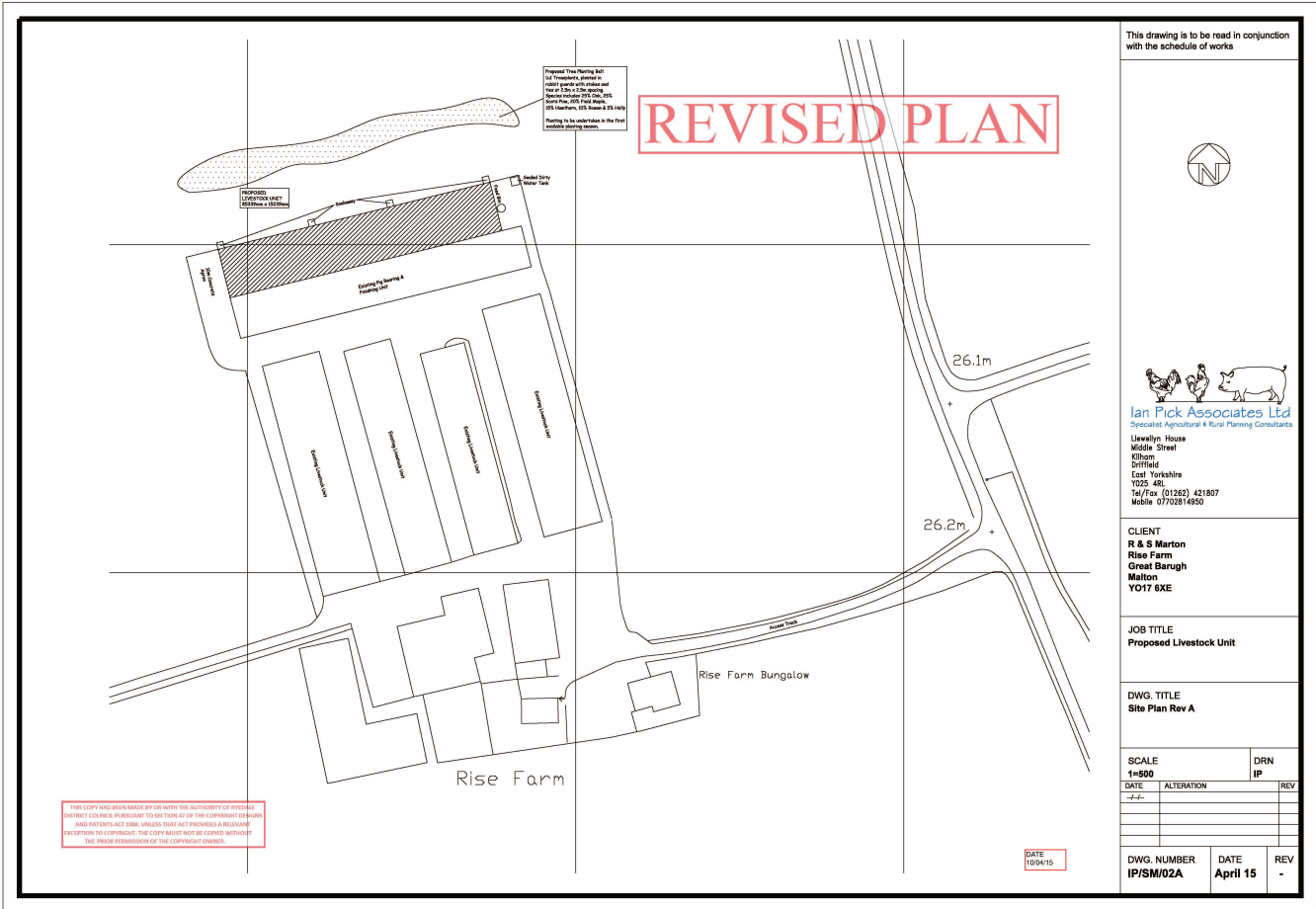
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DATE VALID
09/03/15

Ian Pick BSc (Hons) MRICS Llewellyn House Middle Street Kilham Driffield East Yorkshire YO25 4RL Tel/Fax (01262) 421807 Mobile 07702814950 	CLIENT R & S Marton Rise Farm Great Barugh Malton YO17 6XE	JOB TITLE Livestock Unit	SCALE 1:2500	Rev -
	DWG. TITLE Location Plan	DWG. NUMBER IP/SM/01	DATE Feb 15	



This drawing is to be read in conjunction with the schedule of works



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JOB TITLE
 Proposed Livestock Unit

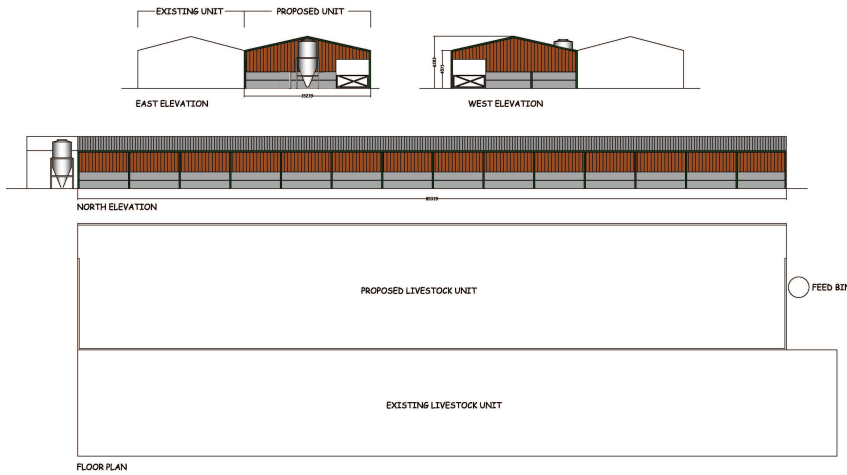
DWG. TITLE
 Site Plan Rev A

SCALE	DRN	
1:500	IP	
DATE	ALTERATION	REV
1-1		

DWG. NUMBER	DATE	REV
IP/SM/02A	April 15	-

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JOB TITLE
 Proposed Livestock Unit

DWG. TITLE
 Elevations

SCALE	DRN	
1=200 @ A1	IP	
DATE	ALTERATION	REV

DATE VALID
09/03/15

DWG. NUMBER	DATE	REV
IP/SM/03	Feb 15	-

DESIGN AND ACCESS STATEMENT

Ian Pick Associates Ltd

2015



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Client : R & S Marton Ltd

Rise Farm
Great Barugh
Malton
YO17 6XE

REVISED

ERECTION OF A PIG REARING AND FINISHING UNIT AT

RISE FARM
GREAT BARUGH
MALTON
YO17 6XE

Introduction

This report has been commissioned by R & S Marton Ltd of Rise Farm, Great Barugh, Malton, YO17 6XE.

Section 42 of the Planning and Compulsory Purchase Act 2004 requires a Design and Access Statement to be submitted with the majority of planning applications. The purpose of this report is to satisfy the requirements of Section 42 of the aforementioned Act.

This report has been prepared to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

This report has been prepared by Ian Pick. Ian Pick is a specialist Agricultural and Rural Planning Consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.

Ian Pick has 16 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

Background Information

ML & COM Pugh operate an established farming business from Rise Farm, Great Barugh.

The farming business occupies 165 acres of owner occupied land, of which 160 is arable. Livestock on the site extends to 88,000 broiler hens and 800 pig places.

The applicants propose to expand their existing livestock enterprise through the erection of an additional pig rearing and finishing unit. The proposal will enable the applicants to become more economically sustainable and help the business to meet increased demand.

The Proposed Development

This proposal seeks planning consent for the erection of 1 No. agricultural building for pig rearing and finishing.

This planning application seeks full planning consent for the erection of a single purpose built livestock building. The proposed building extends to 85.3m x 13.1m and will house 1166 pigs on a straw based rearing system.

85.3 x 13.1m

Amount

The proposal is for the erection of a livestock building extending to 85.3m x 15.2m with an eaves height of 4.5m and a ridge height of 6.3m. The proposed building will house 995 pigs from 7kg through to 105kg.

Use

The proposed buildings will be used for the rearing and finishing of pigs on a straw based high welfare rearing system. The proposed system is not intensive.

Pigs are delivered to the site at an approximate weight of 50kg. The pigs are reared within the building for approximately 10 weeks until they reach finished weight (110kg), when they are removed from the site.

The proposed unit will operate on an all in all out system, with 5 batches of pigs per annum, including down time for cleaning and washing out the building.

The fitting out of the building includes an automated auger fed feeding system, together with nipple drinkers. Ventilation within the building is natural, utilising gale breaker adjustable curtains in north elevation to control airflow.

The layout of the building includes a straw bedded area and a dunging area. The dunging area is in the form of a scrape through passage within the building.

The manure deposited within the dunging area is scraped on a daily basis into a concrete manure pad at the east end of the building. The manure pad is enclosed by a catchment drain, and dirty water arising from the manure pad will be collected within a sealed concrete tank underneath the manure pad. The sealed dirty water tank will have a holding capacity of 35,000 litres.

At the end of each batch of pigs, the straw bedding is removed and the building washed out and prepared for the next batch of pigs.

All farmyard manure produced within the livestock unit will be sold to neighbouring farmers and used as a fertiliser on arable land for sustainable arable production.

Surface Water Drainage

All surface water drainage will be disposed of via soakaways.

Layout

The proposed building has been positioned with both landscape impact and site functionality in mind.

The proposed building has been orientated on an east west axis. The application site includes a hardstanding for parking and turning to the west of the building, and a concrete apron to the east.

The development will utilise the existing farm access to the south east.

Scale

The proposed building extends to 85.3m x 15.2m with an eaves height of 4.6m and a ridge height of 6.3m, and will house 1166 pigs from 50kg through to finished weight of 110 kg. The maximum numbers of pigs on site at any one time will be 1966.

Landscaping

The proposed development takes advantage of existing built agricultural development for screening purposes. Any potential views of the proposed development from public vantage points will be in the context of the existing built development and as such will not cause a visual intrusion.

The proposed buildings are low in height with a maximum height of 6.3m. The combination of the low height, simple design and judicious use of materials will minimise the visual impacts within the surrounding landscape.

The proposed development will not have a detrimental impact on the character of the surrounding landscape.

Appearance

The proposed building is a purpose built livestock building. The wall materials are concrete panels with Yorkshire boarding above. The roof material is fibre cement sheeting in standard grey. The photograph below shows similar buildings.



Access

The development will utilise the existing access to the farmstead, south east of the proposed development (see location plan Drawing No. IP/SM/01).

The **existing** traffic movements associated with the pig rearing and finishing unit at Rise Farm are summarised below;

Pig delivery – 1 lorry per batch (5 batches per annum)

Feed Delivery – 1 lorry per week

Finished Pig Removal – 3 per batch

Manure Removal – 1 Tractor & Trailer per batch

The proposed development is a low traffic generating use, creating the following **additional** movements in relation to the site;

Pig delivery – 3 lorries per batch (5 batches per annum)

Feed Delivery – As Existing

Finished Pig Removal – 6 Lorries per Batch

During a normal week there will be one feed delivery. At the beginning of each batch, 3 piglet deliveries, and at the end of the batch there are 6 lorries to remove the finished animals. The traffic to be generated by the proposed livestock unit is a small-scale increase on existing movements, the local highway network can easily accommodate this modest increase.

Planning Policy

National Planning Policy is contained within the National Planning Policy Framework which was introduced on 27th March 2012. The NPPF provides support for economic growth and development of agricultural businesses in paragraph 28.

“ 3. Supporting a prosperous rural economy

28. 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 conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;”

The proposed development will enable the applicant to become more competitive and sustainable. The proposal is therefore for the sustainable growth and expansion of an existing rural business. The proposed development is compliant with the aims of national policy with the National Planning Policy Framework.

Ian Pick

February 2015

Agenda Item 8

Item Number: 8
Application No: 14/01063/FUL
Parish: Leavening Parish Council
Appn. Type: Full Application
Applicant: Mr Larry Milner
Proposal: Erection of a three bedroom detached dwelling with integral garage, and formation of vehicular access
Location: Land West Of Wold Terrace Beck Lane Leavening Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 19 June 2015
Overall Expiry Date: 2 June 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Land Use Planning	No views received to date
Countryside Officer	Recommend informative
Parish Council	No views received to date
Highways North Yorkshire	No views received to date
Tree & Landscape Officer	No views received to date

Neighbour responses: Mr Paul Judges,

SITE:

The application site is a corner plot located between Beck Lane, the Leavening to Aldro Farm Road (to the east of Main Street) and The Rise. It approximately measures 21m in depth at its largest and 16m in width at its largest. The site is located within the development limits of the village.

PROPOSAL:

Full planning permission is sought for the erection of a 3-bed detached dwelling with integral garage and formation of vehicular access.

The proposed dwelling will approximately measure 8.9m in width and 11.2m in depth, with an eaves height of 5.1m and a ridge height of 8.4m.

The proposed dwelling has a double fronted design with a rear two-storey wing. The property is to be constructed in natural stone under weathered orange pantiles with timber windows and doors.

HISTORY:

1988: Outline planning permission refused for the erection of a dwelling on the plot to the west of Wold Terrace, Leavening

2007: Planning permission approved for the erection of a three bedroom dwelling.

POLICY:

National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
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

APPRAISAL:

The main considerations in relation to this application are:-

- the principle of residential development;
- whether the proposal in terms of its siting, scale, character, materials and design respects the traditional character and pattern of residential development in the surrounding area;
- impact on the streetscene;
- highway safety;
- landscaping;
- impact on the amenity of adjoining neighbours; and
- drainage.

Planning permission was granted in 2007 for a dwelling, identical to that now proposed. That application was considered against the previously adopted Development Plan; the Ryedale Local Plan.

In 1988 outline planning application was refused for the erection of a dwelling on this site. The reasons for this decision related to the size and shape of the plot not being compatible with the existing surrounding development and because the proposal would represent an unsatisfactory form of development to the detriment of the amenities of the neighborhood. It was also considered that the proposal could prejudice the future comprehensive development of land allocated for residential development. That latter reason is no longer relevant as the land to the rear has now been developed and forms The Rise. The 2007 approval on this site for a 3-bedroom dwelling overcame all of the other reasons for refusal cited in the 1988 decision.

Policy SP2 of the Local Plan Strategy permits infill development within a 'continually built up frontage' in non-service village locations such as Leavening subject to Local Needs Occupancy. In this case, the site is surrounded by existing properties and has a frontage onto three different roads. Furthermore, the applicant is a local farmer, and the Design and Access Statement asserts that he requires a new home in the village. In view of the above, the principle of the proposed residential development is considered to be acceptable in accordance with Policy SP2 of the Local Plan Strategy. A condition in respect of Local Needs Occupancy will need to be imposed if the application is approved.

The character of the surrounding area is primarily street frontage development, and as previously stated the site is an exposed open area on the corner of three different roads. The building materials in

this location contain a mixture of stone, brick, and some render. The proposal is to use of stone under a natural clay pantile roof, which is considered to be traditional to this village and the area generally.

The open and derelict appearance of this site is not considered to make a positive contribution to the character and appearance of the streetscene. As such it is not considered that the development of this site would prejudice the character and appearance of the area in principle.

Policy SP16 states:

‘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 useable by all, safe and easily navigated*
- *Protect amenity and promote well-being’*

Although the site is located within the development limits of the village the principle of residential development on this site very much depends on the form layout, scale and design of the proposed dwelling. The design as previously approved shows a dwelling constructed of stone under a clay pantile roof with timber windows and doors. The design and detail shown is considered to be representative of the traditional vernacular of this village. The proposed dwelling has also been developed to relate to all three elevations facing the adjoining roads. In this respect and in view of the improvement to the character and appearance of the area the proposed dwelling is intended to ensure the streetscene is preserved. The proposal will also mean that this presently derelict site can make a positive contribution to the character of the area.

The proposal will be sited further forward than the existing pair of semi detached properties to the east. However, this is not necessarily considered to be an issue in this case as it is considered to form a link between those properties to the east, the properties on Beck Lane, those on The Rise, and the street frontage properties on Main Street.

The proposed dwelling has been set into the site in order to reduce its impact on the amenity of the adjoining neighbour to the east. That dwelling, No. 1 Wold Terrace, is located on higher land. It is recommended that the windows on the eastern elevation are fixed and permanently obscure glazed by condition. There will be a space of approximately 1m between the proposed dwelling and the eastern boundary and a further 7.7m to No. 1 Wold Terrace. There is considered to be sufficient separation between that property and the proposed dwelling in order to allow a satisfactory relationship between No. 1 Wold Terrace and the proposed dwelling. Neither is the proposal considered to give rise to an unacceptable loss of either sun lighting, or day lighting. The property to the rear, No. 1 The Rise, has a first floor small side bedroom window, which is secondary to the principal window on the front elevation. Given the separation and orientation of the proposed dwelling and the surrounding dwellings it is not considered that the proposed development would have a material adverse effect upon the amenity of adjoining neighbours in terms of potential overlooking or by virtue of its scale and bulk.

The Highway Authority has been formally consulted on the application and previously recommended conditions. Their formal views are currently awaited.

Whilst the site is relatively small, it is considered that there is sufficient amenity space for the dwelling, with garden areas to the front and side elevations. These spaces are necessarily totally private, but the reduced ground level and careful landscaping will help to ensure that it has a reasonable degree of privacy. It is not considered to be reasonable to resist this proposal in terms of its limited residential amenity without being vulnerable to any subsequent appeal.

The proposal to drain foul water into the mains sewer and surface water is proposed to drain via soakaways.

There has been one letter of objection received which raises the following issues; the small size of the site and whether the site can accommodate a dwelling, the outlook for nearby properties, highway safety, and wildlife and ecology. The size of the site, and the principle of developing the site has been assessed above, Members should also note that planning permission has previously been granted for an identical development to that now proposed on this site. The impact on adjoining properties has been addressed above. The Countryside Management Officer does not have any objection to the proposal and is not aware of any protected species using the site, an informative is recommended in this respect. The views of the Local Highway Authority are awaited.

At the time of writing this report, there has been no other consultation responses received.

In summary, the proposed development is considered to represent an appropriate, locally distinctive design, which will enhance the character and appearance of the area and not have a material adverse effect upon the residential amenity of adjoining neighbours. Accordingly the recommendation is one of 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 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

- Class A: Enlargement, improvement or alteration of a dwellinghouse
- Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Local Plan Strategy.

- 6 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five 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 comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the commencement of the development hereby approved, precise details of the existing ground levels and proposed floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the details thereby agreed.

Reason:- In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Conditions as recommended by the Highway Authority

- 10 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference Proposed site plan). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring area, in the interests of highway safety and the general amenity of the development and to accord with the requirements of Policy SP20 of the Ryedale Plan -

Local Plan Strategy.

- 11 The first floor landing window and the garage window on the eastern elevation shall be non-opening and permanently obscure glazed with obscure or opaque glass, with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be undertaken in accordance with details thereby agreed.

Reason:- In order to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 The dwelling hereby approved shall only be occupied by a person(s) a person(s) together with his/her spouse and dependants, or a widow/widower of such a person, who:

- Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men or women returning to the parish after leaving military service; or
- Are employed or taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason:- To meet the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

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

Drawing No. WTL 01;
Drawing No. WTL 02;
Drawing No. WTL 03A;
Drawing No. WTL 04;
Drawing No. WTL 05;
Drawing No. WTL 06; and
Drawing No. WTL 07A

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

INFORMATIVES:

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 2 All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Additional protection is afforded to a number of birds listed on Schedule 1 of the Act. Operations likely to injure or kill any wild bird or damage it's nest and operations likely to disturb a Schedule 1 species must be avoided. Therefore any work likely to affect any birds nesting on the site should be undertaken out of the bird nesting season ie no work between March and August inclusive. In addition, the applicant may like to erect bird and

owl boxes as part of the development as the area looks suitable for a number of birds found in the Ryedale area.

Background Papers:

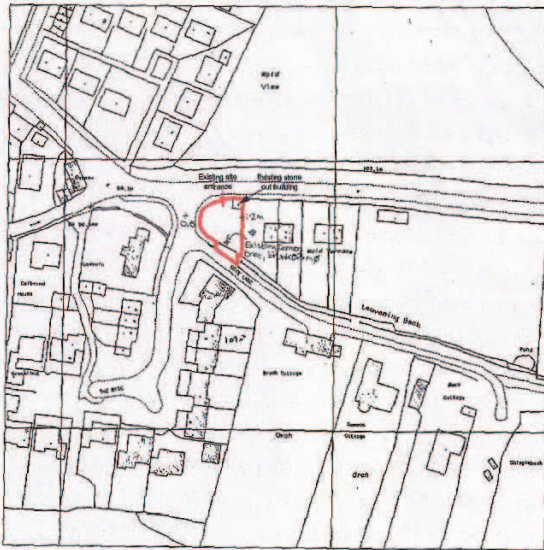
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

EXISTING SITE LOCATION PLAN



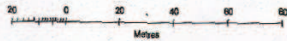
PROPOSED SITE LOCATION PLAN: showing comparable sites and development



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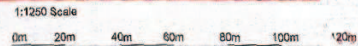
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Part or all of this Siteplan is extracted from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.

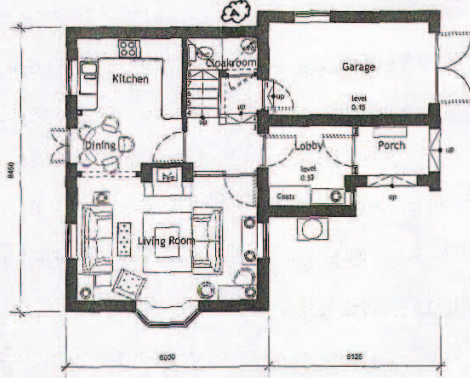


Centre Coordinates: 476779 482587
National Grid sheet reference to centre of this Siteplan: SE7882
Supplied by: Martin Stancliffe Architect
Serial Number: 00001700

SCHEDULE OF SITE AREAS	
EXISTING SITE AREA (within red line boundary)	272 sq.m
SITE FOOT-PRINT OF PROPOSED BUILDING	76 sq.m
AREA OF GARDEN	196 sq.m



14/01/06S(A)
24.10.2006
DEVELOPMENT
MANAGEMENT



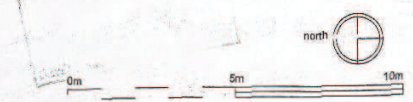
GROUND FLOOR PLAN



FIRST FLOOR PLAN

SCHEDULE OF ACCOMMODATION Building foot print 76 sq.m Ground floor: 63 sq.m living room, kitchen/dining, hall/stair, cloakroom, lobby, garage. First floor: 65 sq.m bedrooms 1,2,3, bathroom, en-suite

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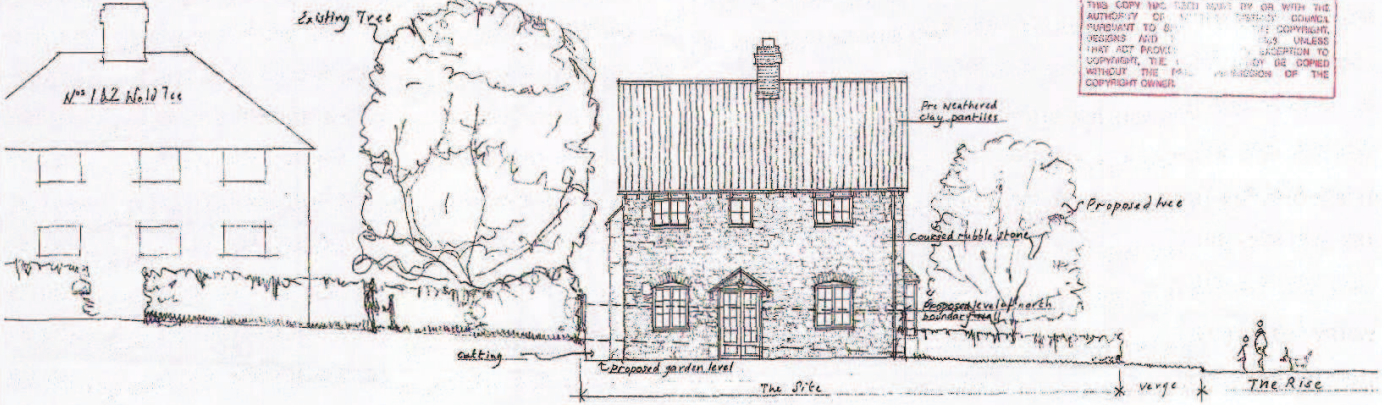
 **CHRISTOPHER COTTON** RIBA
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YO17 5XH TEL 01687 82082

WOLD TERRACE, LEAVENING
for Mr. L. Milner

Proposed Floor Plans WTL 03 A
1:100 A3
October 2006

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 24 APR 2006
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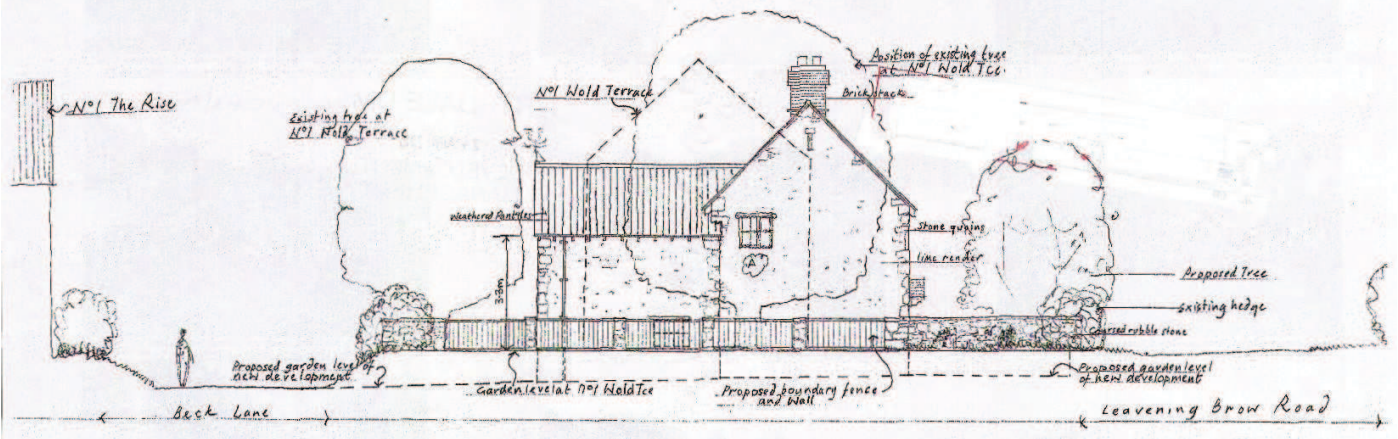


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WOLD TERRACE, LEAVENING
 for Mr. L. Milner

Proposed North Elevation WTL 05
 1:100 A3
 October 2006

RYM
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27/10/06
ENVIRONMENTAL
MANAGEMENT



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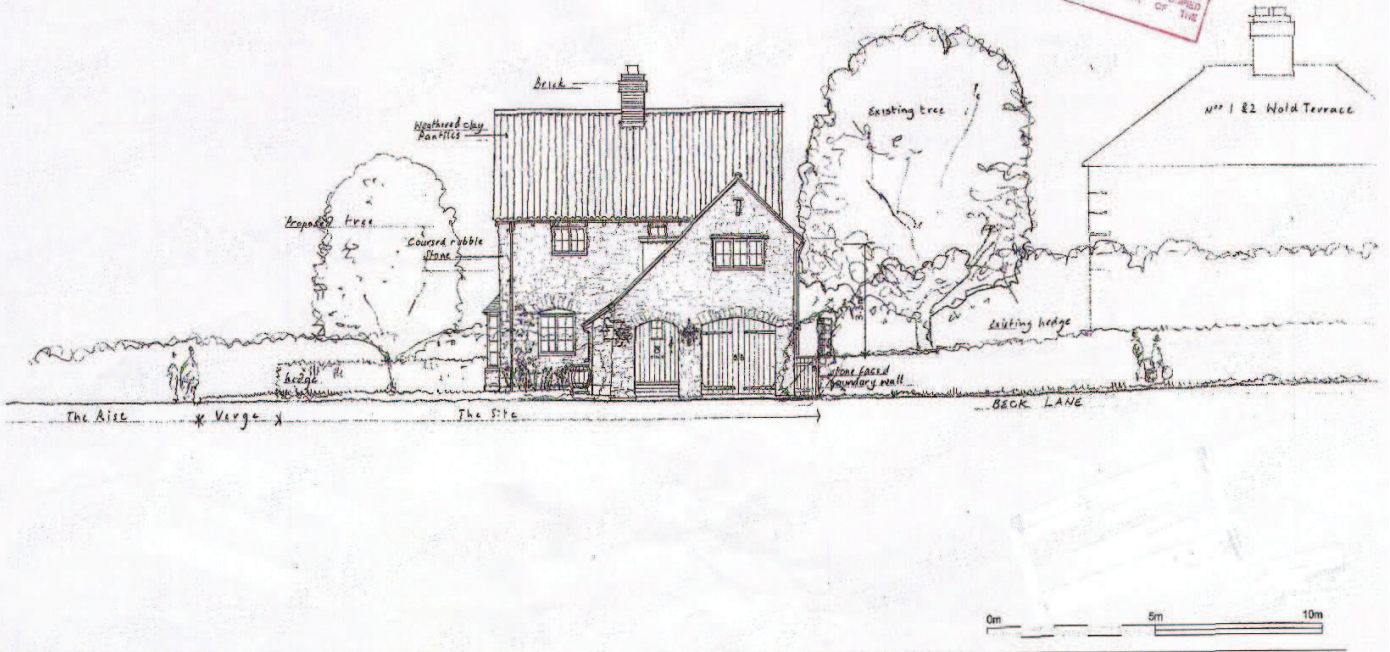
CHRISTOPHER COTTON 0384
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WOLD TERRACE, LEAVENING
for Mr. L. Milner

Proposed East Elevation WTL 07 A
1:100 A3
October 2006

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24 APR 2015
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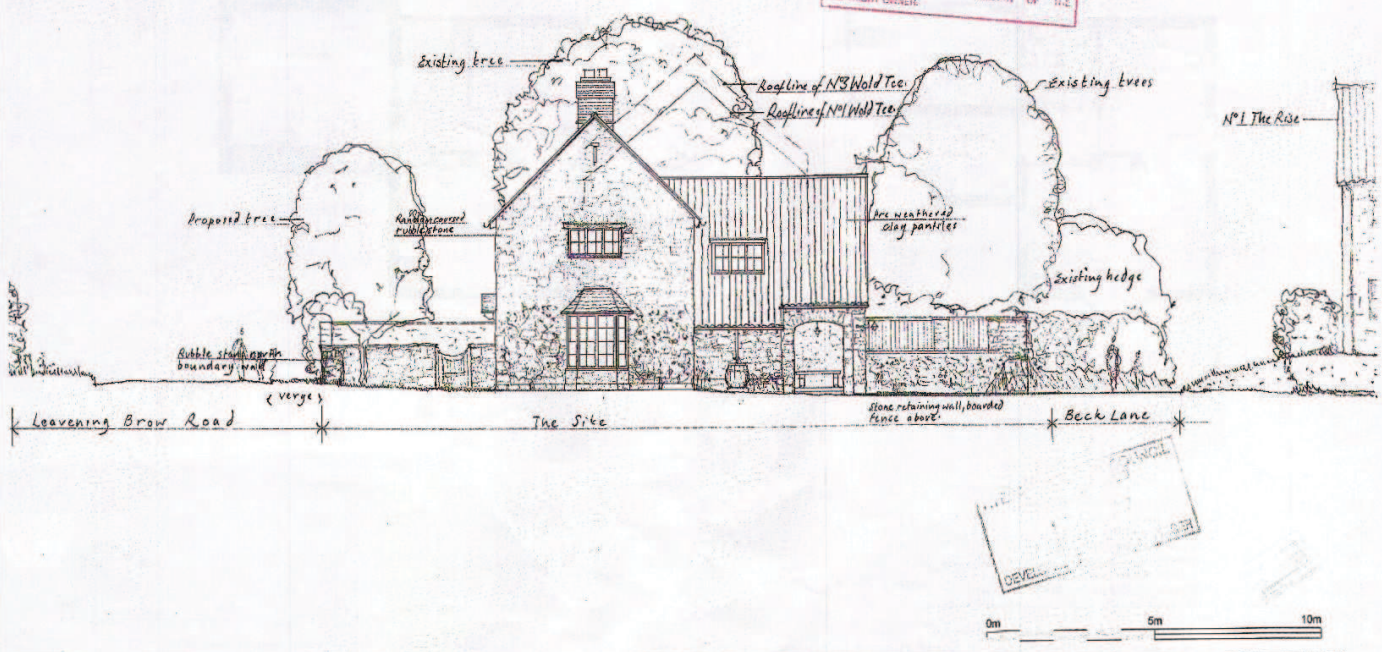
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WOLD TERRACE, LEAVENING
for Mr. L. Milner

Proposed South Elevation WTL 06
1:100 A3
October 2006

14/06/06
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WOLD TERRACE, LEAVENING
 for Mr. L. Milner

Proposed West Elevation WTL 04
 1:100 A3
 October 2006

14/01063/FUL

NEW TWO STOREY HOUSE, WOLD TERRACE, LEVENING
FOR MR. L. MILNER

DESIGN AND ACCESS STATEMENT
NOVEMBER 2006, REVISED AUGUST 2014 FOR RESUBMISSION

APPLICATION FOR PLANNING PERMISSION FOR A TWO STOREY HOUSE AT
WOLD TERRACE, LEVENING.
REAPPLICATION FOR LAPSE APPROVED PROPOSAL 06/01209/FUL (Rev. 4 Aug 14)

RYEDALE DM
24 APR 2015
DEVELOPMENT
MANAGEMENT

CONTENTS

- 1.0 Introduction
- 2.0 Brief Requirements
- 3.0 Planning Policy Guidance
- 4.0 The Proposals in detail
 - 4.1 Context and site
 - *Site location and planning history*
 - *Appraisal of the rural setting and site*
 - *The effect of the proposals on the context*
 - *Proposed site layout landscaping*
 - 4.2 Architectural Design
 - *Architectural character*
 - *Scale and building shape*
 - *Appearance*
 - *Materials and detail*
 - *Accessibility*
- 5.0 Informal Pre Application Consultation with the Planning Authority
- 6.0 Summary
- 7.0 Schedule of building materials
- 8.0 Schedule of accommodation
- 9.0 Schedule of Application Drawings

1.0 **INTRODUCTION**

Resubmission of lapse approval 06/01209/FUL Rev. 4th Aug 14. The purpose of this document is to provide a written explanation to accompany the drawn proposals submitted for planning permission for the proposed new house at Wold Terrace, Levening. It sets out the brief requirements; the local and national planning policies and guidance considered in the development of the proposals; an appraisal of the context of the site and setting together with an explanation and description of the design proposals. It is intended to demonstrate the process of assessment of the context, particularly the site, brief and accessibility; involvement through consultation of the community and Authority; *evaluation* of the opportunities and formulation of a *design*.

2.0 BRIEF REQUIREMENTS

The proposed new house is needed as a family home for Mr L. Milner (the applicant) and family. Mr Milner manages Whin Hill Farm, Leavening and currently lives in the farm house, which is in separate farm ownership.

The proposed house at Wold Terrace will enable Mr L Milner and family to obtain their own private home. The site has been carefully chosen as it provides an available site within the village with ease of access to the farm and place of work. This proposal will *contribute to the sustainability of the community by meeting the needs of local people.*

The brief is to provide a rural cottage that makes a positive contribution to the setting of the village and includes the following accommodation:

- Externally: vehicle access from beck lane with onsite turning, garage for one vehicle, private secluded garden area and amenity space, refuse storage for two wheelie bins, recycling box and cycle storage in garage.
- Ground floor: covered entrance porch and lobby, living room, kitchen/dining, ground floor toilet, coat cupboard, garage and utility.
- First floor: Two double bedrooms, one en-suite, one single bedroom, house bathroom, linen cupboard.

The purpose of this proposal is therefore not as a commercial development, but the provision of a necessary building as a family home that is within easy access of the long-term place of work.

3.0 PLANNING POLICY AND GUIDANCE

The proposals have been developed with consideration to specific local planning policy and guidance, in order to achieve an appropriate quality through strong emphasis on a design that reflects and contributes to the local distinctiveness of the particular setting and will enhance the village environment. Specific reference has been made to:

- National Planning Policy Framework; March 2012:
Specifically; chapter 6 - Delivering a wide choice of high quality homes: Paragraphs 48 Windfall sites; 49 Sustainable development; 50 Widen opportunity for home ownership; 55 Sustainable development in rural areas. Chapter 7 - Requiring good design.
- The Ryedale Local Plan; 5th September 2013 amended January 2015.
Specifically Policies SP21 Context and Delivery and Aspirations strategy; The village and wider rural area; Distribution of new housing; SP13 Landscapes; SP16 Green infrastructure networks; SP20 Development management issues; SP21 Occupancy restrictions.
- Informal pre-application consultation has taken place with the Planning Authority, the helpful guidance and advice given at the meeting with Mr Alan Hunter of Ryedale District Council on 28th September 2006 has been used to develop the design to the present proposal.

4.0 THE PROPOSALS IN DETAIL

4.1 CONTEXT AND SITE refer to drawings WTL 02, 03 & 08.

Site Location and Planning history

It is understood there is no planning history attached to the site, however an Outline Application was recently submitted to the Authority, this was withdrawn as it was considered by the Applicant and present Agent that only a Full Plans scheme could appropriately address the complexities of the site and its important village location.

The site was once occupied by a house that was demolished in the 1960's; the stone outbuilding to the north east of the site was associated with this house. Since the demolition of this house the site has been used as a garden associated with Wold Terrace. The proposed development enables *the efficient use of the site*, which since the demolition of the previous house in the 1960's has intermittently been in a neglected state through not having a sustainable permanent use, this has been particularly so since the development of The Rise.

The site is within the development limits of Leavening village and is not allocated or other wise protected for non residential use.

Appraisal of the Rural Setting and Site

The rural village of Leavening sits at the foothills of the western most point of the Wolds escarpment, the landscape is of great quality and attractiveness. The views of the open countryside are an important aspect of the character of the village and significant views should be retained. *The site layout and scale of the proposed new house has been designed in such a way that it will not have a material adverse effect upon the character or appearance of the visually important areas of open countryside.*

There is considerable variety in the groups of buildings of Leavening, from those set close to the highway of Main Street to others that are set back from the road and present more spacious groupings; the predominant character is rural. Buildings of the most pleasing character tend to be cottages built of random coursed rubble sandstone walls and pantile roofs, windows tend to be of a traditional pattern of white painted timber.

Drawing WTL 01 shows the location of the site and also illustrates a number of aspects of the local distinctiveness that will be continued in the proposals; these are, firstly, the similarity in average size of the village plot and the foot print of built area on both older established sites such as Gannow Cottage as well as on the more recent developments such as nos. 2 to 6 The Rise, this will be reflected in the proposed development of the site. Secondly, there is a distinct stepping pattern in the more successful groups of village buildings; this is seen in the older buildings of the village such as on Beck Lane and Main Street as well as in the recent development of The Rise. This village layout adds interest, character and enables building to have a complimentary visual relationship. *The site layout of the proposed new house will continue these characteristics of local distinctiveness.*

The site is prominently located within the village of Leavening at the junction of Main Street as it heads towards Leavening Brow, Beck Lane and The Rise. The site will be seen from several different public roads, the design solution has therefore been conceived in such a way that the visual impression from the different positions within the village has been considered.

The Effect of the Proposals on the site and Context

The west boundary of the site is at the lower topography of Beck Lane and the Main Street junction, the site slopes up towards its east boundary, it is intended to form a cutting across the site in order to reduce the scale of the building on the site and enable level access from Beck Lane. This lowering of the scale will ensure there is *no resultant loss of, or any material adverse effect upon, the character or appearance of the visually important areas of adjacent open countryside or open spaces of, and rural views from the village.* Setting the proposed house at this lower site level will visually assimilate it with the village landscape and older stone built cottages of Gannow, Brook Cottage and Lowburn which also are sited at this lower topography. It is recognised that the site is relatively small and the proposed building is therefore designed to be appropriately compact.

Proposed Site Layout and Landscaping

Refer to drawing WTL 02

To the north of the site is the road leading to Leavening Brow, beyond this is open farm land and to the north-west the single storey 1960's development of Wold View. To the west is the junction of the Rise with Main Street, the site looks beyond this down Dam Lane. To the South is Beck Lane, beyond this the property of No. 1 the Rise. To the east is the neighbouring property of No.1 Wold Terrace, this is set on rising ground, this plot has approximately 8.0m of open garden space between the existing building of No.1 Wold Terrace and the proposed site east boundary.

The proposed building has been positioned centrally on the site and towards the east boundary, this together with the landscaping will ensure the development maximises the available private amenity space whilst also enhancing public amenity with respect to its appearance within the landscape and setting of the village.

The south side of the site is used for safe pedestrian, vehicular and emergency access from Beck Lane, the quietest of the three roads that bound the site. The area of gravel hard standing off Beck Lane will form an open safe entrance that enables vehicles to turn within the site. The property of Damson Cottage further up Beck Lane has a similar open gravel hard standing.

The west area of the site is intended to be more visually open with only a low boundary hedge; this reflects the open gardens of The Rise and will visually assimilate the proposal with this development. It is proposed that a small garden tree would be planted to the North West corner of the site; this will provide a visual foil to the building and add to the village street scene.

The north side of the site is developed as a private secluded enclosed garden; the north boundary wall is to be in stone and is a continuation of the existing stone wall of the shed. The north garden area is cut into the site increasing the appearance of privacy for both the proposed new house and No. 1 Wold Terrace.

The east boundary will be formed of a stone faced retaining wall with timber boarded fence above, this will enable the site garden and building level to be cut lower than the property of No.1 Wold Terrace reducing the scale and visual impact of the development.

The internal rooms are arranged to take the best advantage of the garden spaces and sun path whilst ensuring the privacy of the adjacent property of Wold Terrace. (Refer to drawing WTL 03)

The proposal does not significantly affect features of biodiversity or geological conservation interest. Rev. 2 Aug 14

4.2 ARCHITECTURAL DESIGN refer to drawings WTL 04,05,06 & 07

Architectural character

The architectural character of the proposal, which is informed by the context and site appraisals, is to be that of a small rural village cottage. This has informed the site layout, the scale, appearance, materials and detail.

Scale, building shape and proportion

The size and shape of the building has been designed with respect to its scale to fit the size of the site. The 'L' shape of the building enables the scaling down and proportioning of different aspects of the building, such as gables which are kept to a traditional narrow width, roof spans are kept short, the reduction in ridge height of the south side with a low cat-slide roof to the west. This ensures the bulk of the building is not overpowering or out of context with the adjacent older cottages, the overall intention has been to ensure a low-key cottage scale and character is achieved. The height of the building has been kept low by cutting into the site by 0.8m at the east boundary; the scale has also been reduced by utilising the roof space for the first floor accommodation over the garage. The low ridge and eaves roof lines ensures views from the village are not obscured, the design is assimilated with the older cottages of the village, there is no overshadowing to the

adjoining property, the characteristic stepping of groups of houses within the village is maintained through the design of the proposals.

Appearance

The new house has been designed so that the appearance of its external built form relates through scale, shape, elevation design, proportion and materials to the surrounding character of the village.

West Elevation: drawing WTL 04. The west elevation is the most prominent when viewed from Main Street and Dam Lane. The principal gable is deliberately kept to a narrow traditional width, the windows are traditionally proportioned and a ground floor bay window will act as a focus on this prominent elevation. The brick chimney is centred within the roof. To the south of this elevation is the cat-slide roof which reduces the scale of the building to Beck Lane. The boundary wall to the east can be seen on this elevation, this is a stone faced retaining wall with timber fence between piers above. A small garden wall is proposed off the north-west corner of the house to create the private garden. The proposed garden tree is also seen.

This drawing also shows the position of No. 1 The Rise which is sited on higher ground.

North Elevation: drawing WTL 05. The north elevation has been designed to have a very simple appearance which reflects the simplicity of the 1930's style semi-detached houses of Wold Terrace. The drawing illustrates the cutting of the proposed site to reduce the scale and continue the stepping pattern of the group of buildings down Wold Hill. The door is from the family kitchen and leads into the private garden.

The existing tree to No. 1 Wold Terrace which visually separates the adjoining sites is indicated, as is the proposed new tree to the west. A dashed line on the drawing indicates the position of the stone boundary wall to the north.

South Elevation: drawing WTL 06. The south elevation has been designed to have an informal cottage character to Beck Lane. The covered porch to the front door is designed to be within the overall shape and will be easily seen from Beck Lane.

The scale of the south elevation is kept low so that the building does not have an adverse overbearing effect on the adjacent property of No. 1 Wold Terrace; the gap of 8.9m between houses together with the existing tree are illustrated.

The cutting of Beck Lane is shown on the drawing; the proposed cutting of the site relates the new house to the old established road, from which level access is achieved.

East Elevation: drawing WTL 07. The east elevation is deliberately kept very simple with minimal window openings (all with obscured glass) and a low scale to the eaves, ridges and gable to ensure there is no over bearing or loss of privacy to No. 1 Wold Terrace. This is achieved through the siting of the

new building at a lower ground level through cutting into the site as well as through the architectural composition of internal spaces and windows.

The drawing illustrates how the stepping of the new building from the building line of Wold Terrace will help to create a complimentary visual relationship; this is a characteristic of the village of Leavening which is an important aspect of local distinctiveness. It is considered that as the new house will be the western most house in the group of Wold Terrace, that it is appropriate for it to step from the building line to complete the visual appearance of the group.

Materials and detail

The older more visually pleasing cottages of the village of leavening are generally constructed of random coursed local sandstone, this has a warm sandy yellow appearance, and the roofs are covered in a mellow weathered orange clay pantile. External joinery is generally painted white and tends to be to a traditional pattern with simple glazing bars and smaller pane sizes to windows and plain batten boarded doors. It is proposed to continue the use of this range of materials in the new house together with traditional detailing and proportions in order to assimilate the design into the distinctive character of the village. The walls are to be random coursed sandstone rubble with lime pointing, windows are to be painted timber and to a Yorkshire sliding sash pattern and proportion, the roof is to be in weathered clay pantile.

Accessibility

The proposal will enable all users to have equal and convenient access to and from the building to local facilities and transport networks.

Careful siting and provision of safe and adequate vehicle and pedestrian access off Beck Lane will optimise the future flexibility of the development so that it might adapt to the changing user needs. Access for emergency vehicles will be off Beck Lane, access can be gained to all sides of the building for fire safety.

The proposed house includes level access to the ground floor, together with the availability of a ground level toilet for use by ambulant disabled persons.

The vehicle handstanding is sufficient for one accessible parking space; plus a further car park. Rev. A Aug 14

5.0 INFORMAL PRE-APPLICATION CONSULTATION WITH THE AUTHORITY

An informal pre-application consultation was held with Mr Hunter of the Planning Authority on 28 September 2006, a preliminary scheme was tabled at this meeting for discussion and comment. Following the very helpful informal advice given by Mr Hunter a number of important amendments were made to the initial proposals. The amendments reduced the scale of the proposed house on the site by cutting the building into the sloping ground and also reduced the ridge and eaves height of the south roof removing the potential for an over-bearing appearance on the east boundary to No1 Wold

Terrace. The amendments also included repositioning the new house on the site moving it south-west to further remove the potential for over-bearing on the neighbouring property of No1 Wold Terrace. These amendments will ensure the application will not cause extensive over shadowing in the neighbouring garden and will not block out daylight or obscure views from the windows of habitable rooms of adjacent properties.

6.0 SUMMARY

6.1 This development meets the main Policy Objectives 5.2 of the Local Plan in that it:

1. Provides housing that is within 5 minutes walking distance of the applicants place of work and amenities of the village, it therefore helps to secure the prosperity of the local community and enhances the environmental quality.
2. The village and site are able to accommodate this proposal without environmental damage
3. The design proposal is of the highest standard and reflects the local distinctiveness whilst maintaining the open spaces and countryside views from the village.
4. This development will provide an affordable way for Mr L Milner and family to obtain their own home and in doing so will contribute to the sustainability of the community by meeting the needs of local people.
5. The proposal provides inclusive design with respect to a broad range of accessibility considerations.

6.2 *The application proposal will not result in the loss of, or have any material adverse effect upon the character or appearance of the visually important areas of adjacent open countryside or open spaces of, and rural views from the village.*

6.3 *The street-scene and character of this area of the village are not adversely affected by the application proposal, which is not out of keeping with the nearby properties in terms of its architectural character, height, bulk, proportions, fenestration and materials. The proposal would provide an appropriate quality that reflects the local distinctiveness with respect to site layout, the size of site and proportion of building development on the site. The proposal would positively enhance the character of the existing village.*

6.4 *The proposed development will provide a quality residential environment that reflects the local distinctiveness in terms of location, scale, proportions, layout, materials, design, relationship to the street and plot size and would enhance the character of the village whilst making efficient use of the land.*

6.5 *The application proposal will not result in any of the neighbouring properties being overlooked and there will be no loss of privacy for the occupants. New boundary fences, hedges and walls are to be erected. The application would not have an adverse effect on the amenity of the adjoining properties; the potential for over-bearing of the proposed house has been mitigated through the design of the position, shape and height of the proposed new house. A gap between No. 1 Wold Terrace and the proposed new house of 8.9m will be maintained.*

6.6 Adequate space exists on the site for the amenity of the proposed house, including; vehicle hard standing and vehicle turning, private amenity space and discreet refuse storage. The proposal does not represent over development of the site.

6.7 The proposal is in accordance with the Council's design guidance and is consistent with the Local Plan.

7.0 SCHEDULE OF BUILDING MATERIALS

Walls: natural random coursed sandstone rubble with lime mortar pointing, natural lime render, brick chimney stack.

Windows: timber painted

Rainwater goods: black upvc

Roof: weather clay pantiles

Highway access entry: tarmac to County Highways Specification

Drive hard-standing: gravel and pavers

8.0 SCHEDULE OF ACCOMMODATION

Site Areas:

Existing site area (within red-line boundary) 272sq.m

Site footprint of proposed building 76sq.m

Area of proposed garden and amenity space 196sq.m

Building:

Ground floor 63sq.m

Living room; kitchen/dining; hall/stair; cloakroom; lobby; garage.

First floor 65 sq.m

Bedrooms1 (double) with en-suite; bedroom 2 (double); bedroom 3 (single); house bathroom; linen cupboard.

9.0 SCHEDULE OF APPLICATION DRAWINGS

WTL 01	EXISTING SITE LOCATION/PROPOSED SITE	1.1250	
WTL 02	PROPOSED SITE PLAN & ROOF PLAN	1.200	
WTL 03 A	PROPOSED FLOOR PLANS	1.100	Rev A Aug14
WTL 04	PROPOSED WEST ELEVATION	1.100	
WTL 05	PROPOSED NORTH ELEVATION	1.100	
WTL 06	PROPOSED SOUTH ELEVATION	1.100	
WTL 07 A	PROPOSED EAST ELEVATION	1.100	Rev. A Aug14
WTL 08	PHOTOGRAPHS OF THE SITE	NTS	

Agenda Item 9

Item Number: 9
Application No: 15/00365/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr And Mrs Gilbank
Proposal: Erection of a 2 bedroom detached dwelling together with formation of an additional 2no. parking spaces.
Location: Land At Westfield House Firthland Road Pickering North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 25 May 2015
Overall Expiry Date: 8 May 2015
Case Officer: Rachel May **Ext:** 329

CONSULTATIONS:

Highways North Yorkshire	Recommend Conditions
Parish Council	No objection
Land Use Planning	

Neighbour responses: Mr Joseph Anderson,

SITE:

The application site is located within the curtilage of 'Westfield House' on Firthland Road. The site historically would be likely to have been used for a vegetable garden. More recently the site has been used as general utility space and parking. The site is within Pickering Development Limits and adjacent to the designated Conservation Area.

PROPOSAL:

Full planning permission is sought to erect a two bedroom detached dwelling together with the formation of two parking spaces.

The proposed dwelling will have a footprint area of 86.5m², an eaves height of 2.4 metres and due to its narrow span, a ridge height of 4.4 metres.

The proposed dwelling will be constructed of stone, under a slate roof with timber windows and doors.

HISTORY:

14/01296/PREAPP - Advice was sought on one single storey dwelling. It was considered that the principle of a limited form of residential development could be supported. However, there were site specific concerns that needed to be addressed prior to the submission of a full application. An application could only be supported when it is considered that the site can satisfactorily demonstrate that it can accommodate a dwelling together with acceptable levels of private amenity space for future occupiers, whilst not having a material adverse impact upon neighbouring properties.

POLICIES:

National Policy

PLANNING COMMITTEE
28 May 2015

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

The Ryedale Plan - Local Plan Strategy

SP1 - General Location of Development and Settlement Hierarchy
SP2 - Delivery and Distribution of New Housing
SP12 - Heritage
SP16 - Design
SP19 - Presumption in Favour of Sustainable Development
SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations when assessing this application are;

- a. Principle
- b. Character and Form
- c. Impact Upon Conservation Area
- d. Impact upon neighbouring amenity
- e. Highway Safety

- a. Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy SP1 General Location of Development and Settlement Hierarchy of the adopted Ryedale Plan - Local Plan Strategy ensures development is delivered in line with the hierarchy of settlements. Most development is directed to the market towns, with Malton and Norton supported as Ryedale's principal town and Pickering, Kirkbymoorside and Helmsley as local service centres. Therefore Pickering is a secondary focus for growth.

In addition, Policy SP2 Delivery and Distribution of New Housing sets out the sources of new housing that will contribute to the supply of new homes across the District. Policy SP2 supports the conversion of previously developed land within Pickering. As such, it is considered there are no policy constraints to the principle of the development.

- b. Character and Form

The proposed dwelling is of a single storey form with a gable to the rear. The proposed dwelling will be of simple architectural detailing. It has been designed to replicate the form of a traditional outbuilding, whilst the projecting gable is intended to be representative of a greenhouse type structure.

The proposed dwelling will have a relatively low profile with a low eaves and apex height. It is considered that this is in keeping with the surrounding area and that it will be well integrated into the immediate setting. As such it is considered the proposal complies with Policy SP16 Design of the adopted Ryedale Plan - Local Plan Strategy.

The proposed building will be constructed of stone under a slate roof. The proposed materials are considered acceptable as they reflect those surrounding the application site. Nevertheless, conditions will be attached to ensure the proposed materials and new window/door openings are appropriate for the surrounding context.

- c. Impact Upon Conservation Area

Although the application does not fall within Pickering's designated Conservation Area, it is sited adjacent to it and therefore the impact on the character and appearance of the Conservation Area has been considered.

The proposed dwelling will be set slightly back from the highway, and within the existing high boundary walls. It is considered this will mitigate its impact upon the Conservation Area so that it will not have a detrimental impact. The character of the Conservation Area is considered to be preserved and the duty under Section 72 of The Planning (Listed Buildings & Conservation Areas) Act 1990 is satisfied.

d. Impact upon Neighbouring Amenity

The proposed building will be set an area of land enclosed by high boundary walls. The applicant lives at '1 Westfield House' which is to the north of the application site. The other property that is enclosed within the boundary walls is 'Danby Cottage, 1A Firthland Road', to the north west of the application site. The application has been subject to an objection from the occupiers of 'Danby Cottage, 1A Firthland Road'. A summary of their objections includes the following points;

- The proposed dwelling would detract from the uniquely situated and historical interest of the existing dwellings;
- There will be an increase in noise, disturbance and ascetic impact on the neighbouring property;
- A dwelling in close proximity to the neighbouring property would detract from the overall appearance of the immediate surroundings.
- The neighbouring property is already overlooked, and an additional dwelling would create further overlooking.

The relevant material planning considerations above have been considered.

Whilst it is noted that the proposal will increase the density of development within a relatively restricted site area, it is considered the proposal will not have a detrimental impact upon the existing amenity of the neighbouring property. This is due to the orientation of the dwelling, together with the small, low profile nature of the development. It is not considered that the proposal would result in any additional overlooking of the neighbouring property.

It should also be noted that the existing dilapidated structure on site projects closer to the neighbouring boundary than the proposed new dwelling.

e. Highway Safety

The proposed dwelling will be accessed by the existing opening in the boundary wall, which is served via the existing no through road to the east of the property. Two parking spaces will be created to serve the proposed dwelling.

It is also proposed to create a new parking area for 'Westfield House' by removing a 6 metre section of east boundary walling. This will allow for the formation of a hard surface area for two parking spaces. A new 1.8 metre high wall is also proposed to separate the new parking area from the existing garden.

The highway safety aspect of the application has been considered by the Local Highway Authority. No objections have been raised, however conditions have been recommended.

CONCLUSION:

Pickering Town Council has raised no objection. The Highway Authority has raised no objection but recommended conditions. The occupiers of the neighbouring property, 'Danby Cottage, 1A Firthland Road' have objected to the application. No comments have been received from Land Use Planning or as a result of the site notice.

In light of the above assessment, it is considered that the proposal is acceptable and that it complies with Policies SP1 General Location of Development and Settlement Hierarchy, SP2 Delivery and Distribution of New Housing, SP12 Heritage, SP16 Design, SP19 Presumption in Favour of Sustainable Development and SP20 Generic Development Management Issues of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. Therefore the recommendation is one of conditional 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 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

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

3 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used on the exterior of the building the subject of this permission. The panel shall show the type of stone and method of pointing to be used. The panel so constructed shall be retained until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of all external joinery including windows, doors and roof lights, including means of opening, depth of reveal and external finish (1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12 and SP16 of the Ryedale Plan - Local Plan Strategy.

5 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

- Class A: Enlargement, improvement or alteration of a dwellinghouse
- Class B: Roof alteration to enlarge a dwellinghouse
- Class C: Any other alteration to the roof of a dwellinghouse
- Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the amenity of the neighbouring properties is not adversely effected given the restricted nature of the site, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 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:

(ii)(c) The crossing of the highway verge and/or footway (tie - in to existing carriageway edge) shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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.

- 7 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 240 315 1. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 8 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of

highway safety.

- 9 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development hereby approved, parking for the existing house known as '1 Westfield House' as shown on drawing number 240 315 1 shall be created and brought into use in accordance with the submitted details. Thereafter the parking area shall be retained in accordance with the approved plans.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off - street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 10 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, the external finish and colour of the flue the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that the fixings can be agreed and the requirements of the condition discharged)

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 11 Unless otherwise agreed in writing, the hedge and boundary wall to the west of the applicatio site, as shown on plan number 240 315 1 shall be retained.

Reason:- To ensure that the amenity of the neighbouring properties is not adversely effected given the restricted nature of the site, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, Plans (drawing number: 240 315 1) and Elevations (drawing number: 240 315 2).

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

INFORMATIVE:

- 1 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.

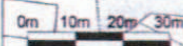
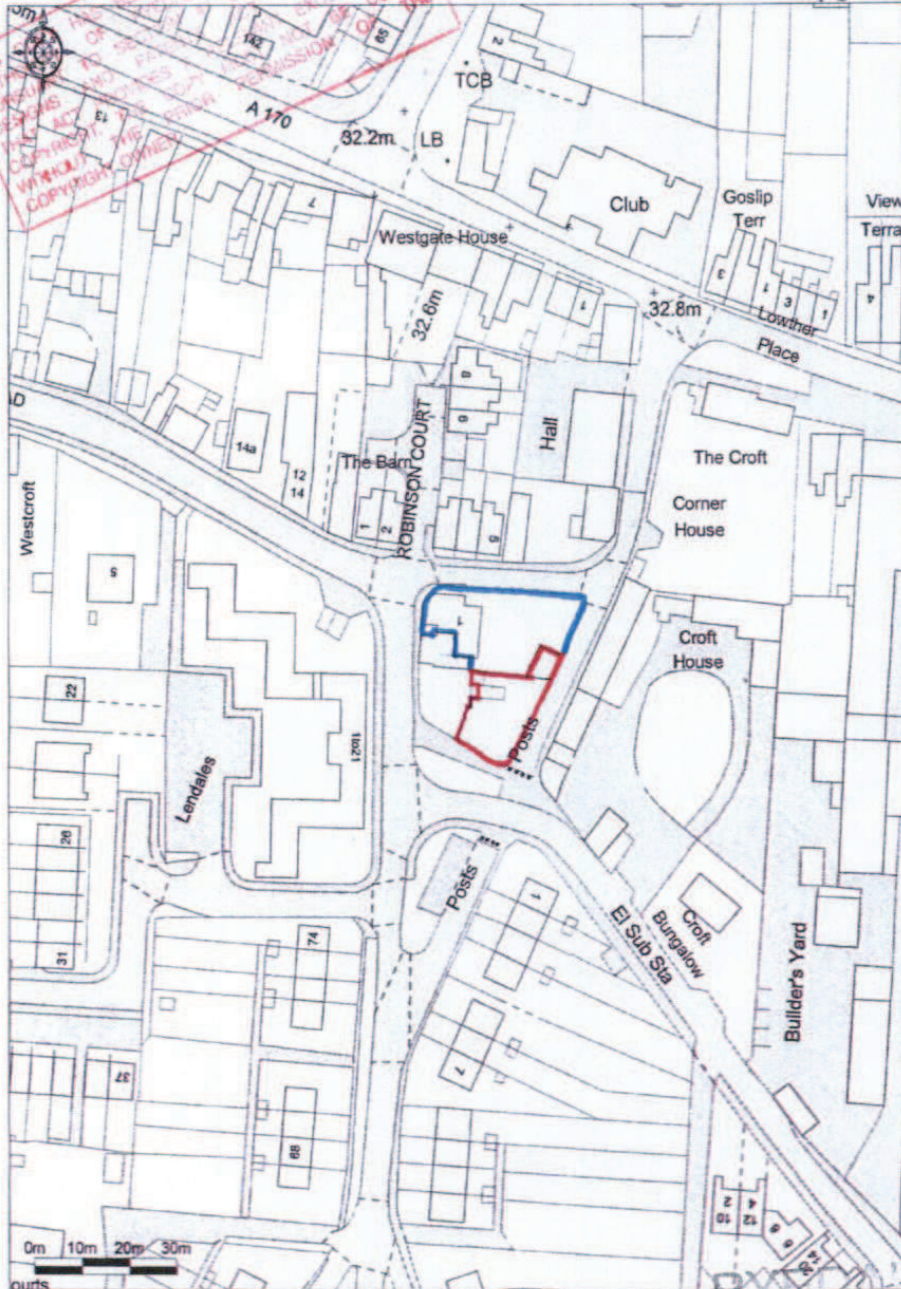
Background Papers:

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

Westfield House
1 Firthland Road
Pickering



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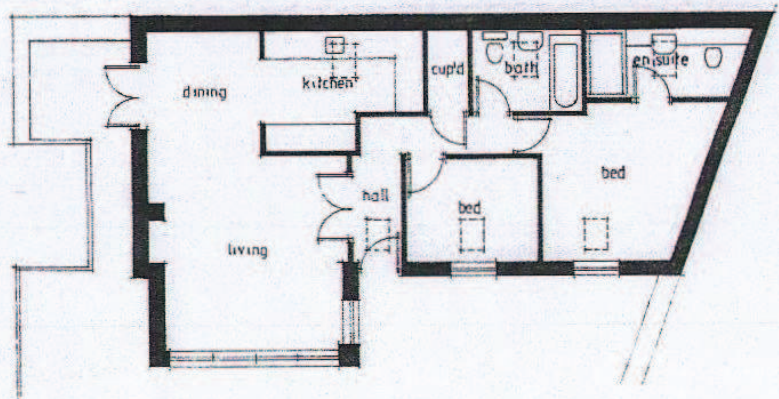
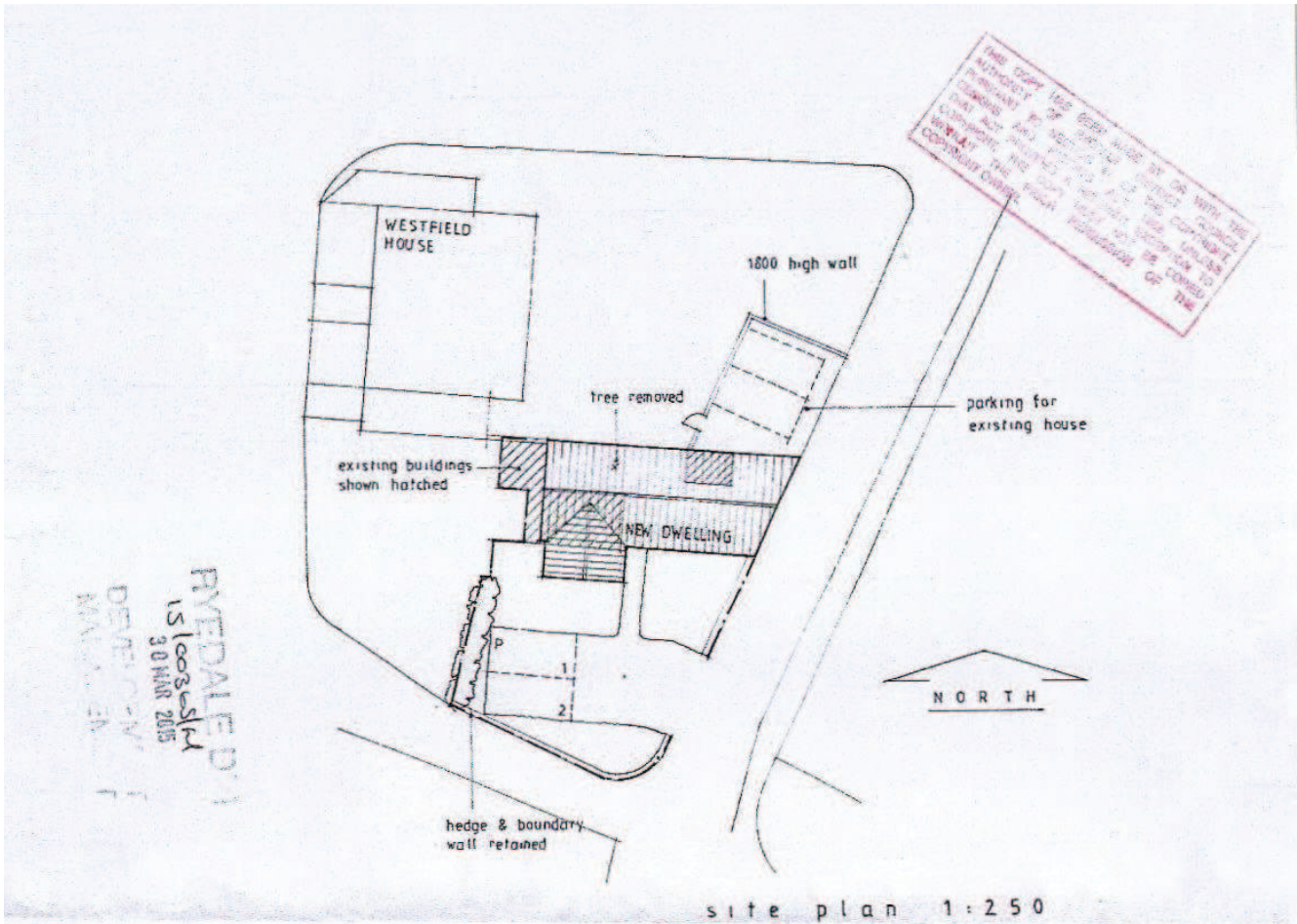


Promap

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15 100365 M
30 MAR 2015

DEVEL
MANAGE



floor plan

Peter Rayment Design Ltd architectural designers
 Swan House, Keld Head, Pickering, YO18 8LL
 email: raymentdesign@gmail.com
 tel: 01751 472541

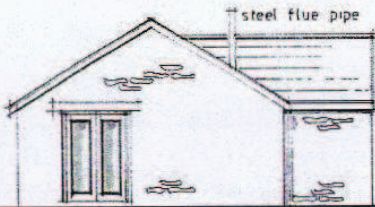
plans - PROPOSED DWELLING
 WESTFIELD HOUSE - PICKERING
 MR & MRS GILBANK.

Scale: 1:100 1:250 A3
 No: 240 315 1



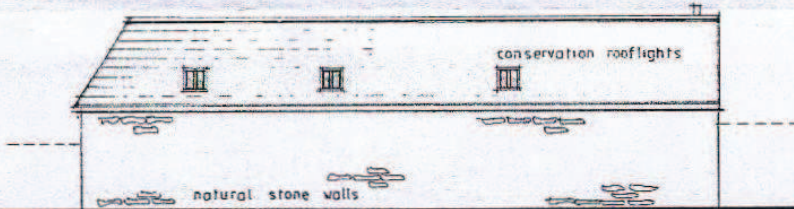
south

timber doors & windows

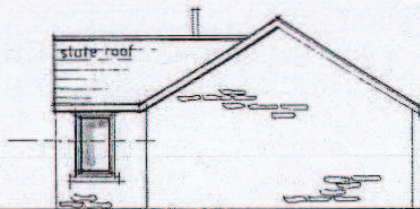


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north



east

DEVELOPMENT
 MANAGEMENT
 1510051514
 30 MAR 2018
 PETER RAYMENT DESIGN LTD

Peter Rayment Design Ltd architectural designers
 Swan House, Keld Head, Pickering, YO18 8LL
 email: rayment.design@gmail.com
 tel: 01751 47251

ELEVATIONS - PROPOSED DWELLING
 WESTFIELD HOUSE - PICKERING
 MR & MRS GILBANK.

Scale:	1:100	A3
No:	240 315 2	

DESIGN AND ACCESS STATEMENT

FULL PLANNING APPLICATION FOR PROPOSED SINGLE STOREY 2 BEDROOMED DWELLING ON LAND AT WESTFIELD HOUSE, 1 FIRTHLAND ROAD, PICKERING FOR MR & MRS GILBANK

The site is currently within the curtilage of Westfield House and historically would likely have been used as a vegetable garden. More recently the site has been used as general utility space and parking. The site is within the town development limits and adjacent to, but excluded from, the conservation area.

The proposed dwelling will have a footprint area of 86.5m², an eaves height of 2.4m and due to its narrow span and low slated roof, a ridge height of just 4.4m. The siting has been chosen to maximise the south facing garden area whilst retaining privacy for Westfield House and the substantial garden area to be retained with Westfield House. The long, low main body of the dwelling and arrangement of openings will replicate the form of traditional outbuildings whilst the projecting glazed gable is intended to be representative of a greenhouse type structure, all of which is appropriate for this site and will allow the new building to sit in context with the existing dwelling whilst remaining subservient in scale and massing. It is proposed to construct the dwelling in natural stone with a natural slate roof. Doors and window frames will be of timber construction.

Vehicular and pedestrian access to the site will be via the existing no through road to the east of the property and it is proposed to create a new parking area for Westfield House by removing a 6m section of east boundary walling, forming a hard surfaced area and constructing a new 1800 high wall to separate the new parking area from the existing garden. The access to the site and into the property will comply with Part M of the building regulations covering access and facilities for disabled and semi ambulant persons.

Existing site boundaries of hedges, fences and walls will remain as existing.

Pre-application officer advice revealed that the following policies are most relevant to this development.

National Planning Policy Framework NPPF (2012)-

- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

Ryedale Plan – Local Plan Strategy

- SP1 – General Location of Development and Settlement Hierarchy
- SP2 – Delivery and Distribution of New Housing
- SP3 – Affordable Housing
- SP11 - Community Facilities and Services (Public Open Space)
- SP12 - Heritage
- SP16 - Design
- SP19 – Presumption in Favour of Sustainable Development
- SP20 – Generic Development Management Issues

We consider that the proposed dwelling is of good design and will provide a quality home in a conveniently sited town location and its size, scale and appearance will enhance the historic and natural environment.

15/100865/FUL
30 MAR 2015
DEVELOPMENT
MANAGEMENT

Agenda Item 10

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE – 28th May 2015

Report of the Head of Planning

Home Farm, Cropton

Change of Use and alteration of outbuildings to form 1 no. two bedroom dwelling. Ref. 09/00447/FUL

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

The site is located within the development limits of the village of Cropton. The building in question is located to the rear of Home Farm which is located on the eastern side of High Street. A plan showing the location of the site is appended to this report.

Planning permission was granted on 5th August 2005 for the abovementioned change of use and alteration of the outbuildings to form 1 no. two bedroomed dwelling Ref. 09/00447/FUL. The planning permission granted was subject of officer negotiations which resulted in some design changes to the scheme, most notably the omission of chimney stacks and their replacement with flues, the omission of one ground floor window and where rooflights were proposed that these would be 'conservation' style rooflights. A copy of the approved revised plan is also appended to this report for Members information.

2. ALLEGED BREACH OF PLANNING CONTROL

Insertion of rooflights and vents/flues on the northern roof slope of the building – not in compliance with the submitted forms.

3. WHEN ALLEGED BREACH FIRST OCCURRED

The Council was notified of the abovementioned complaint by a local resident on the 28th November 2014. The complainant was first visited by the Councils Planning Enforcement Officer on 16th December 2014 and an external inspection of the building confirmed 4 'rooflights' in situ and an opening for a flue on the northern roofslope.

On 18th December 2014 a letter was sent to the site owner to arrange a meeting to undertake a more detailed inspection the outbuildings and a site meeting was held with the property owner on 13th January 2015.

PLANNING COMMITTEE

28 May 2015

At this meeting the owner advised the enforcement officer that the approved plans in fact showed flues on the north elevation the 'rooflight' windows were added for additional light.

A further inspection has revealed that the openings are not 'conventional' rooflights. The openings are fixed and contain an inner 'sun tube' which cannot be utilised as a conventional window. The openings are also located at a high level within the roof slope (in excess of 2 metres above internal floor level) which means there is no possibility of overlooking from the opening onto the adjacent site.

4. PLANNING POLICY CONTEXT

Policy SP2 Delivery and Distribution of New Housing

Policy SP12 Heritage

Policy SP16 Design

Policy SP20 Generic Development Management Issue

5. APPRAISAL

Planning permission was granted for the change of use of the outbuildings in 2009 under the former Ryedale Local Plan (Adopted 2002). The abovementioned Ryedale Plan - Local Plan Strategy policies are also relevant and in part repeat the policies contained in the earlier development plan. Policies SP16 and SP20 are of particular relevance and are appended in full for Members information.

Policy SP20 requires new development to respect the character and context of the immediate locality and that extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in levels of scale, form and use of materials. New development is also required not to have a material adverse impact on uses or occupants of neighbouring land or the wider community.

In this instance the insertion of the single flue is not considered to be a breach of planning control, having been shown on the approved amended plans.

The 'rooflights / sun tubes' were not shown on the approved plan. However, they are small in scale and set at a high level in the roof slope. Their design is such that there is no adverse impact on any adjacent occupiers amenity arising from possible overlooking/ loss of privacy. The site is not located in a designated Conservation Area and the building is not afforded any other special protection. The northern roof slope of the building is not easily visible from the street scene although views of the roof slope can be seen from the rear of the village hall, approximately 15 metres further to the north of the site.

The design and appearance of the buildings as altered is therefore considered to be acceptable in planning terms.

Photographs of the building and its surroundings will be displayed at the meeting for Members information.

In this instance (whilst it appears that the development has taken place not strictly in accordance with the approved plans) it is considered to be acceptable in planning terms. It is not therefore expedient to pursue this matter any further

Recommendation

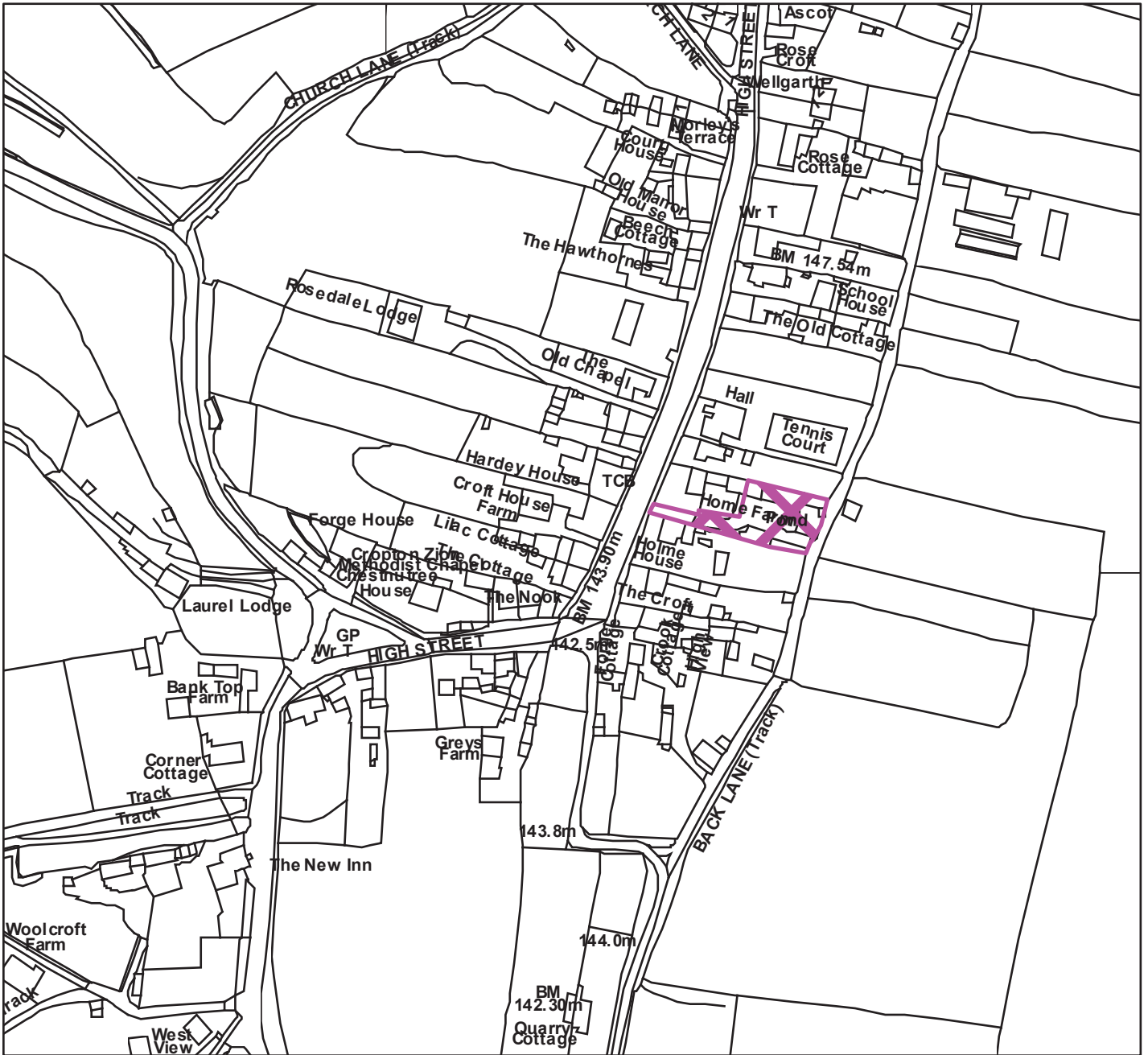
No further action to be taken in respect of this breach of control.

Background Papers

Ryedale Local Plan (Adopted 2002)
Ryedale Plan - Local Plan Strategy (Adopted Sept 2013)
Planning Application File 09/00447/FUL
Investigation File 14/00096/CU

Head of Planning
May 2015

Not Set

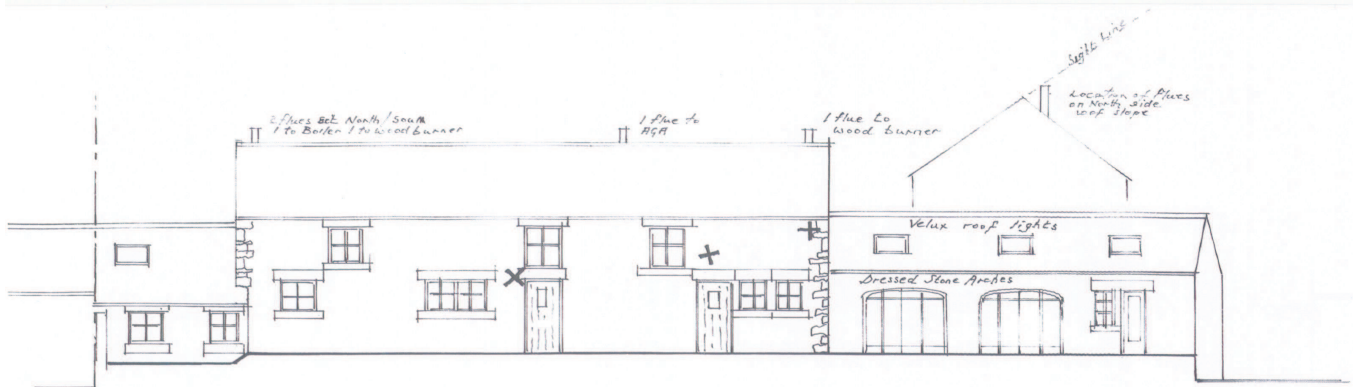


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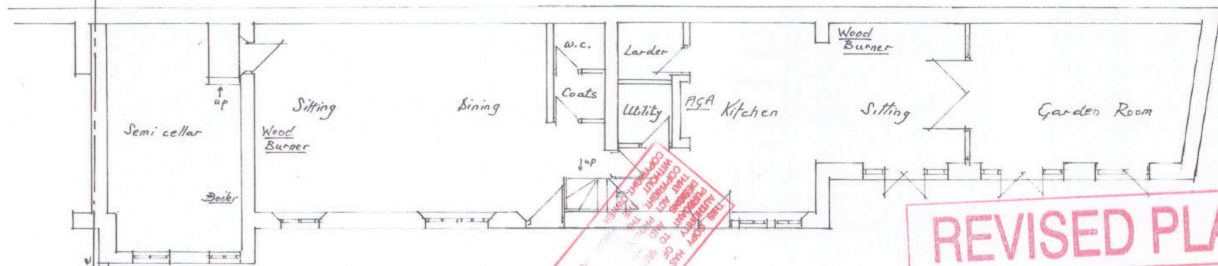
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	19/05/15
MSA Number	Not Set



Proposed South Elevation



Proposed Ground Floor Plan

REVISED PLAN

RYEDALE D.C.

- 4 AUG 2009

DEVELOPMENT CONTROL

Proposed conversion of Outbuildings to form a dwelling for Mr & Mrs. C. J. ELLMORE at Home Farm, Cropton.

Amendment to Proposal Sug. No 1.
1st August 2009

Notes
 Chimney stacks omitted. Flues added.
 Water falling to garden omitted.
 Window to R.H. side main entrance omitted.
 All rooflights throughout to be conservation rooflights.

RECEIVED
 11 AUG 2009 10:30 AM
 DEVELOPMENT CONTROL
 RYEDALE DISTRICT COUNCIL
 11, 12 & 13, MARKET STREET
 RYEDALE, WEST YORKSHIRE
 LS23 7BA

SP16 Design

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:

- Topography and landform that shape the form and structure of settlements in the landscape
- The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale
- The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement
- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of buildings and spaces

- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character
- Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building
- Appropriate materials and traditional construction methods and techniques are used

SP20 Generic Development Management Issues

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. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

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

Agenda Item 13

RYEDALE DISTRICT COUNCIL

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

1.

Application No: 13/00921/FUL **Decision: Approval**
Parish: Swinton Parish Council
Applicant: The Behrens Family
Location: Close Farm Swinton Lane Swinton Malton North Yorkshire YO17 6QR
Proposal: Change of use, alteration and partial rebuilding of barn to form 1 no. two bedroom dwelling with attached office and workshop with parking and amenity areas together with change of use and alteration of cart shed to form 1 no. three bedroom dwelling with associated workshop in adjacent steel barns and parking and amenity areas (both dwellings to be classed as live/work units).

2.

Application No: 13/00922/LBC **Decision: Approval**
Parish: Swinton Parish Council
Applicant: The Behrens Family
Location: Close Farm Swinton Lane Swinton Malton North Yorkshire YO17 6QR
Proposal: Conversion, alteration and partial rebuilding of barn to form 1 no. two bedroom dwelling with attached office and workshop together with conversion and alteration of cowshed to form 1 no. three bedroom dwelling with associated workshop in adjacent steel barns to include glazing the cart shed openings and demolition of attached shed

3.

Application No: 13/00923/FUL **Decision: Approval**
Parish: Swinton Parish Council
Applicant: The Behrens Family
Location: Close Farm Swinton Lane Swinton Malton North Yorkshire YO17 6QR
Proposal: Change of use and alteration of barns to form an extension to the existing dwelling and partial re-building and alteration of barns to form 1no. three-bedroom holiday cottage and 1no. two-bedroom holiday cottage with parking and amenity areas to include demolition of partially collapsed foldyard and outbuildings

4.

Application No: 13/00924/LBC **Decision: Approval**
Parish: Swinton Parish Council
Applicant: The Behrens Family
Location: Close Farm Swinton Lane Swinton Malton North Yorkshire YO17 6QR
Proposal: External and internal alterations to allow the conversion of barns to form an extension to the existing dwelling and partial re-building and alteration of barn to form 1no. three-bedroom holiday cottage and 1no. two-bedroom holiday cottage to include demolition of partially collapsed foldyard and outbuildings, re-roofing of all the tiled buildings, formation of new ground floors, installation of windows/doors in barn openings and installation of rooflights

5.

Application No: 14/01040/FUL **Decision: Approval**
Parish: Wombledon Parish Council
Applicant: Mr Jamie Scott
Location: Former Sub Station Moorfields Lane Wombledon Kirkbymoorside

Proposal: Change of use, alteration and extension of former sub station to form a 1 bedroom holiday let to include single storey extensions to the north and south elevations.

6.

Application No: 14/01288/FUL **Decision: Refusal**
Parish: Sherburn Parish Council
Applicant: Mr M Stephenson
Location: Little Dene High Street Sherburn Malton North Yorkshire YO17 8QB
Proposal: Erection of terrace of 8no. two bedroom dwellings, 2no. detached quadruple garage blocks, parking spaces & amenity areas and formation of vehicular access following demolition of existing dwelling and detached outbuilding.

7.

Application No: 15/00062/FUL **Decision: Refusal**
Parish: Pickering Town Council
Applicant: Mrs K Smith
Location: Land East Of East Ings Lane Pickering North Yorkshire
Proposal: Erection of an agricultural livestock building with area of hardstanding

8.

Application No: 15/00096/FUL **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Forward Developments Ltd
Location: Forward Developments Ltd Station Road Helmsley YO62 5BZ
Proposal: Erection of a storage and distribution building (Use Class B8), erection of 1.6m high front boundary fence and alteration to existing entrance and parking/turning areas.

9.

Application No: 15/00125/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Georgina Brough
Location: 13 Finkle Street Malton North Yorkshire YO17 7JD
Proposal: Change of use of retail premises (Use class A1) to a cafe (Use Class A3)

10.

Application No: 15/00180/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Rangeford Pickering Ltd
Location: Land At OS Field 9525 Crossgate Lane Pickering North Yorkshire
Proposal: Erection of a log cabin to serve as temporary care facility

11.

Application No: 15/00193/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr John Cook
Location: 64-66 Piercy End Kirkbymoorside YO62 6DF
Proposal: Subdivision of existing 4 bedroom dwelling into 2no. 2 bedroom dwellings together with erection of replacement single storey rear extension, installation of replacement windows and doors and installation of 2no. rooflights to rear roof slope.

12.

Application No: 15/00196/HOUSE **Decision: Approval**
Parish: Warthill Parish Council
Applicant: Mr Raymond Cardy

Location: Bridleways Common Lane Warthill Sand Hutton North Yorkshire YO19 5XS
Proposal: Erection of orangery to north elevation, installation of bank of 16 no.solar panels to south elevation roof slope and replacement of timber windows with UPVC windows.

13.
Application No: 15/00213/FUL **Decision: Approval**
Parish: Barton-le-Willows Parish
Applicant: Mr Martyn Hawkswell
Location: Barton Moor House Old York Road Barton Hill Malton YO60 7JZ
Proposal: Erection of an open sided agricultural building for the storage of straw.

14.
Application No: 15/00226/HOUSE **Decision: Approval**
Parish: Scagglethorpe Parish Council
Applicant: Mr & Mrs M Leaver
Location: Appletree Cottage Main Street Scagglethorpe Malton North Yorkshire YO17 8DY
Proposal: Erection of a part two storey / part single storey extension following demolition of existing attached garage with dormer bathroom above and formation of a sloping tiled roof over existing flat roofed dormer bedroom.

15.
Application No: 15/00234/FUL **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: Ray Chapman Motors
Location: Ray Chapman Motors Seven Street Malton North Yorkshire YO17 6YA
Proposal: External alterations to include erection of customer entrance portal to north east elevation, double doors to south east elevation to replace 2no. roller shutter doors, white render and grey render to existing masonry walls, window alterations and alterations to layout of forecourt display and parking area.

16.
Application No: 15/00235/ADV **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: Ray Chapman Motors
Location: Ray Chapman Motors Seven Street Malton North Yorkshire YO17 6YA
Proposal: Display of 2no. wall mounted VOLVO signs with internal illumination, 1no. internally illuminated free standing directional sign, 3no. internally illuminated free standing totem information signs, 1 no. internally illuminated free standing communications panel, 3no. non-illuminated display flags on galvanised flagposts, 9 no. non-illuminated post mounted customer parking signs, 3no. non-illuminated demonstrator display bay signs and 2no. non-illuminated dealership and information signs on entrance portal glazing.

17.
Application No: 15/00236/ADV **Decision: Approval**
Parish: Malton Town Council
Applicant: RBS (Mrs Jacqui Thomson)
Location: 27 Yorkersgate Malton North Yorkshire YO17 7AZ
Proposal: Display of 1no. non-illuminated fascia sign, 1no. non-illuminated projecting sign, 1no. vinyl entrance sign, to replace existing signage

18.
Application No: 15/00237/LBC **Decision: Approval**
Parish: Westow Parish Council
Applicant: Mr Phil Dibbs

Location: North Wing Firby Hall Village Streets Firby Malton YO60 7LH
Proposal: Formation of gated vehicular access within walled garden together with structural buttressing

19.

Application No: 15/00239/CLEUD **Decision: Approval**
Parish:
Applicant: Mrs Joyce Abbott
Location: Grange Farm Langton North Yorkshire YO17 9QS
Proposal: Certificate of lawfulness in respect of land and buildings at Eddlethorpe Grange Farm.

20.

Application No: 15/00241/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: RBS (Mrs Jacqui Thomson)
Location: 27 Yorkersgate Malton North Yorkshire YO17 7AZ
Proposal: Display of 1 no. non-illuminated fascia sign, 1 no. non- illuminated projecting sign, 1 no. vinyl entrance sign.

21.

Application No: 15/00245/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Dennis Hunt
Location: 112A Outgang Road Pickering North Yorkshire YO18 7EL
Proposal: Erection of single storey garden room extension to the rear.

22.

Application No: 15/00249/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs J. Quinn
Location: 19 The Mount Malton North Yorkshire YO17 7ND
Proposal: Replacement of flat roof with pitched roof to detached garage, to allow formation of additional storage space

23.

Application No: 15/00251/HOUSE **Decision: Refusal**
Parish: Norton Town Council
Applicant: Miss L A Scholefield
Location: 104 Parliament Street Norton Malton YO17 9HE
Proposal: Erection of two storey extension to west elevation.

24.

Application No: 15/00253/FUL **Decision: Approval**
Parish: Norton Town Council
Applicant: Malton & Norton Golf Club
Location: Malton and Norton Golf Club 128 Welham Road Norton Malton YO17 9QE
Proposal: Erection of extensions to southwest and southeast elevations together with formation of outside terraced area.

25.

Application No: 15/00254/73A **Decision: Refusal**
Parish: Lillings Ambo Parish Council
Applicant: Mrs Lorna Marchi

Location: Land Adj Rose Cottage Goose Track Lane West Lilling
Proposal: Removal of condition 14 of approval 14/01083/FUL to allow unrestricted residential use

26.

Application No: 15/00256/HOUSE **Decision: Approval**
Parish: Slingsby Parish Council
Applicant: Castle Howard Estate Limited (Mr Mark Osborne)
Location: Glebe Cottage High Street Slingsby Malton YO62 4AE
Proposal: Installation of oil tank and erection of 1.87m high screening wall to west elevation.

27.

Application No: 15/00260/HOUSE **Decision: Approval**
Parish: Fryton Parish Council
Applicant: Mr K Thomas
Location: Brookside Bungalow Fryton Lane Slingsby Malton YO62 4AT
Proposal: Erection of a single storey rear extension

28.

Application No: 15/00266/FUL **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Mr W E Robson
Location: Rushwood Farm Potticar Bank Hovingham North Yorkshire YO62 4LR
Proposal: Change of use and alteration of hatchery building and adjacent land to form a two bedroom holiday cottage with garden/amenity area and parking/turning area

29.

Application No: 15/00301/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Charlotte Robinson
Location: TPO Trees At Old Malton Road Malton North Yorkshire
Proposal: To fell T24 Horse Chestnut within TPO No. 50/1968

30.

Application No: 15/00286/FUL **Decision: Approval**
Parish: Terrington Parish Council
Applicant: J R Johnson & Son (Mr Paul Johnson)
Location: Flat Top Farm Terrington South Bank Terrington YO60 6PB
Proposal: Erection of extensions to existing livestock building and existing grain store

31.

Application No: 15/00287/HOUSE **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Mr Richard Manners
Location: Calvis Cottage 16 Main Street Ebberston Scarborough North Yorkshire YO13 9NS
Proposal: Erection of conservatory and two storey extension to the south and east elevations.

32.

Application No: 15/00299/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Kenneth Scanlon
Location: 86 Westgate Pickering North Yorkshire YO18 8AU

Proposal: Removal of existing timber garden shed and replacement by a timber garden shed with 4no. roof mounted solar pv cells on south roofslope and 4no. adjacent ground mounted solar pv cells

33.

Application No: 15/00308/73A **Decision: Approval**
Parish: Burythorpe Parish Council
Applicant: Mr Charles Clarkson
Location: Agricultural Buildings At Beck House Farm Menethorpe Lane Menethorpe Malton North Yorkshire
Proposal: Variation of Condition 02 of approval 14/00984/FUL dated 03.11.2014 to allow the side and gable walls to be green sheeting above natural concrete panels with the fibre cement roofing to be natural grey

34.

Application No: 15/00310/FUL **Decision: Approval**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr Michael Duck
Location: Land South Of High Street Thornton Le Clay
Proposal: Change of use of agricultural building to a livery stables with interior alterations to form 5no.stables and tack room and erection of lean to external store to house generator on east elevation together with change of use of adjacent land to a mixed use of agricultural and equestrian for grazing of the liveried horses

35.

Application No: 15/00312/HOUSE **Decision: Partial Approve/Refuse**
Parish: Helmsley Town Council
Applicant: Mr David Trousdale
Location: 7 Pottergate Helmsley YO62 5BU
Proposal: Replacement of 4no. existing timber single glazed Yorkshire sliding sash windows to front elevation with 4no. timber double glazed Yorkshire sliding sash windows together with replacement of existing four panel front door with part glazed four panel front door (retrospective application)

36.

Application No: 15/00313/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Derek Spence
Location: Briarfield 69 Littledale Pickering North Yorkshire YO18 8PS
Proposal: Erection of pitched roof to existing flat roofed detached double garage

37.

Application No: 15/00314/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mrs Elizabeth Rhodes
Location: 55 Middlecave Road Malton North Yorkshire YO17 7NQ
Proposal: Erection of timber entrance gates (max height 1.83m)

38.

Application No: 15/00316/FUL **Decision: Approval**
Parish: Weaverthorpe Parish Council
Applicant: Mr Christopher Boyes
Location: The Paddocks Main Road Weaverthorpe Malton North Yorkshire YO17 8EX
Proposal: Change of use of land to form an extension to domestic curtilage and erection of detached outbuilding for domestic storage to include solar panels to both roofslopes.

39.

Application No:

15/00330/HOUSE

Decision: Approval

Parish:

Sproxton Parish Meeting

Applicant:

Mr And Mrs Dale

Location:

The Fossils Main Street Sproxton Helmsley YO62 5EF

Proposal:

Installation of dormer window to rear elevation to replace an existing rooflight

40.

Application No:

15/00418/FUL

Decision: Approval

Parish:

Edstone Parish Meeting

Applicant:

Mrs Pauline Edwards Harrison

Location:

Marton Common Marton YO62 6RG

Proposal:

Erection of an agricultural building for use as a lambing pen and for the storage of hay and straw

Appeal Decision

Site visit made on 14 January 2015

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2015

Appeal Ref: APP/ Y2736/A/14/2227941

Stone Lodge, Main Street, Sheriff Hutton, York, YO60 6ST

- 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 D J Weston and Mrs H P Spath against the decision of Ryedale District Council.
 - The application Ref 14/00197/FUL, dated 17 February 2014, was refused by notice dated 23 May 2014.
 - The development proposed is the demolition of existing single-storey outbuilding and erection of two-storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Sheriff Hutton Conservation Area (CA).

Reasons

3. The appeal site currently forms part of the residential curtilage of Stone Lodge, which is a two-storey detached dwelling, situated on the southern side of Main Street. The surrounding area is primarily residential in character, with the exception of the Castle Inn PH, which adjoins the site to the east. The appeal site is in an elevated position, set-back from the road and is partially obscured by trees and vegetation. Access to the site is from Main Street across the registered Village Green, which is common land. A public footpath runs alongside the rear boundary of the site. The proposed dwelling would be clearly visible from this footpath. The remains of Sheriff Hutton Castle, which is a Scheduled Ancient Monument (SAM) are located to the south-west of the site.
 4. The appeal site is within the CA, which includes much of the historic core of the village. The CA contains a mix of buildings of differing sizes, designs and materials, together with areas of open land in the vicinity of the SAM. Stone Lodge and the neighbouring dwelling to the west (Castlegate) are of a contemporary design and appearance. The Council states that these properties do not make a positive contribution to the character and appearance of the CA
-

and, therefore, they should not be used as a design template for further development in the CA.

5. The proposal is to demolish an existing single-storey outbuilding on the site and to construct a two-storey detached dwelling with an attached garage. In my opinion, the existing outbuilding is of little architectural or historic merit and its demolition would not be harmful to the character or appearance of the CA. The proposed dwelling is of a modern design and would contain a mix of external materials, including stone and rendered walls, cedar boarding and a slate roof. Its southern roof slope would contain a number of solar panels.
6. The Council states that it has no objection to the principle of a new dwelling on the appeal site, as this would represent infill development within the village boundaries. I have no reason to disagree with the Council's view in this regard. The Council has also suggested that a single-storey dwelling would be an appropriate form of development. Again, despite the appellant's assertions, I have no reason to question the Council's view, given that there is already a single-storey building on the site.
7. The Council contends that the appeal proposal would fail to preserve or enhance the character and appearance of the CA because of its siting, scale and modern design. The Council also points to the loss of an existing view of the SAM from Main Street and Cobble Lane, due to the proposed siting, height and mass of the new dwelling. It considers that the loss of this view, together with the loss of the "openness" between existing buildings, would also be harmful to the character and appearance of the CA.
8. Consequently, the Council contends that the appeal proposal would conflict with Policies SP12, SP16 and SP20 of adopted Ryedale Plan. These policies seek (amongst other things) to protect the District's historic assets; to ensure that development proposals create high quality places and reinforce local distinctiveness; and to ensure that new development respects the character and context of the immediate locality and the wider landscape/townscape character. In my opinion, these policies accord with the principles of the National Planning Policy Framework (the Framework).
9. I acknowledge the Council's view that both Stone Lodge and Castlegate do not make a positive contribution to the character and appearance of the CA and, therefore, they should not be used as a guide or template for the design of a new dwelling on the site. However, I am not persuaded that (in itself) the design of the proposed dwelling would be unacceptable. It would be in scale with its surroundings and it could be regarded as a transitional building between the modern appearance of Stone Lodge and the more traditional style of the Castle Inn PH and its ancillary buildings.
10. Furthermore, the proposed dwelling would be constructed using external materials that are used on buildings elsewhere within the CA. Consequently, I consider that the design of the dwelling would preserve the character and appearance of the CA. Concern has been raised regarding the installation of solar panels on the rear roof slope of the proposed dwelling. These would be highly visible from the public footpath at the rear of the site. However, solar panels and rooflights are evident on Stone Lodge and Castlegate and they

would also add to the sustainability credentials of the proposed development. Consequently, the inclusion of solar panels does not weigh against the proposal.

11. I note that English Heritage states that the proposal would not have any direct physical impacts on the SAM or negative impacts on its setting. However, I do share the Council's concern regarding the loss of the view of part of the SAM from the northern side of Main Street, close to its junction with Cobble Lane. I acknowledge that this view is limited due to the positioning and distance from the SAM, and by existing buildings, mature trees and vegetation. Despite these factors, in my opinion, it is an important public view of the SAM and one of the few that remains from this part of Main Street. I consider the view to be an important feature of the CA that should be retained, given the significance of the SAM and its importance to the history and development of the village.
12. As a result, I consider that the proposal would be harmful to the character and appearance of the CA. Whilst, in my opinion, this harm is less than substantial in terms of paragraph 134 of the Framework, the evidence in support of the proposal does not lead me to conclude that any public benefits arising from the construction of the dwelling would outweigh the harm that I have identified.
13. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character and appearance of the CA. Consequently, it would conflict with the provisions of the Development Plan and the Framework, as referred to above.

Other Matters

14. The Council has stated that if the planning permission was to be granted, a planning obligation is suggested requiring the payment of £2,210 towards public open space, and £28,000 towards affordable housing. The Council has not provided any further information to justify its required contribution towards public open space. In addition, the National Planning Policy Guidance states that tariff style contributions and contributions towards affordable housing should not be sought from developments of 10 units or less. This has been confirmed as Government policy and therefore attracts significant weight in my decision. Consequently, I find that financial contributions towards public open space and affordable housing are not necessary and the absence of a planning obligation does not weigh against the development.
15. Concern has been expressed locally regarding the increased use of the access track to the appeal site, which would cross the Village Green. I note that no objection has been raised by the highway authority and, in addition, I have not been provided with any substantive evidence that would lead me to conclude that the proposal would be detrimental to the safety of drivers or pedestrians in the area.
16. In reaching my decision, I have also considered the potential for noise and disturbance from the Castle Inn PH adversely affecting the occupiers of the proposed dwelling. Whilst there may be some potential for noise and disturbance from the comings and goings of customers and from use of the external areas of the pub, such close relationships between public houses and dwellings are not uncommon. Furthermore, the occupiers of the new dwelling would be aware of the public house prior to occupation of the property.

17. I note that ecological and landscape issues were considered by the Council when determining the application. These matters were found to be acceptable and I have no reason to doubt the Council's conclusion on these issues.

Conclusion

18. For the reasons given above, it is concluded that the appeal should be dismissed

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 15 April 2015

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29/04/2015

Appeal Ref: APP/Y2736/W/14/3002184

The Granary, Birk House, Buttercrambe Road, Buttercrambe, York, North Yorkshire YO41 1AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by the Trustees of G.W. Darley 1971 Settlement against the decision of Ryedale District Council.
 - The application Ref 14/00728/GPAGB, dated 26 June 2014, was refused by notice dated 15 August 2014.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Use Class C3).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A new consolidated Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) came into force on 15 April 2015. Under the new GPDO, permitted development rights for agricultural buildings to dwellinghouses now fall under Class Q, rather than Class MB. However, the legislation provides that any applications made under the provisions of the previous GPDO should be treated as if made under the new GPDO. Therefore, I have treated the application the subject of this appeal as made under Class Q.
3. The description of the proposed development on the application form is for 'change of use of a two storey brick and pantile building to a single three bedroom dwelling'. However, the description of the proposal on the Council's decision notice and the appeal form is for 'change of use of agricultural building to a dwellinghouse (Use Class C3)'. I have used this latter description in the heading above as it more accurately reflects the permitted development for which prior approval is sought in the terms of Class Q of the GPDO.
4. The application form names the site as Birks House Farm. However, it is clear from the appellant's grounds for appeal, the OS plan of the site and the Council's decision notice that the site is called Birk House. For the sake of accuracy, I have used this latter site address.

Main Issue

5. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore that it constitutes Permitted Development under Class Q, subject to the prior approval of certain matters. For permitted

development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, paragraph Q.2(2) of the GPDO requires prior approval of five matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; and (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

6. On the basis of the evidence submitted and the Council's reason for refusal, the main issue in this case is whether the location and siting of the building makes it impractical or undesirable for the building to change to a Class C3 dwellinghouse, in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, with particular regard to noise and disturbance.

Reasons

Location and Siting

7. The appeal site is part of a group of farm buildings at Birk House, which forms part of the Buttercrambe Estate. It comprises a two storey brick and pantile building, known as the Granary, with a large open storage shed attached to the rear. It is located at the front of the group of farm buildings, on its northern side, at the end of the main driveway and access to Birk House.
8. To the rear of the appeal building, on its southern side, is the farm yard, the existing access to which abuts the eastern side of the appeal site. The yard is surrounded by a number of agricultural storage buildings, including a large metal framed and clad open shed to the east, which is used to store machinery such as a tractor and combine harvester. Two large sheds to the south of the yard are used to store other farm produce and farm machinery. The site is also used to store large amounts of timber; at my site visit there were a substantial number of logs stacked to the east and south of the main sheds. There is a further access to the east of the farm buildings, which provides access to the main sheds and to the yard from its southern end.
9. The proposal would be to convert the Granary into a three bedroomed dwelling and remove the attached open storage shed to create a garden and parking area at the rear, enclosed by a brick wall. The main entrance to the dwelling would be in its eastern elevation from the existing vehicular access into the farm yard. A second rear entrance would be formed in the southern elevation of the dwelling onto the garden and parking area. All of the windows to the dwelling would be in the north elevation overlooking fields and the main entrance to the site.
10. The proximity of the proposed dwelling to the large farm buildings and timber storage areas to the east and south, in their current use, would give rise to significant levels of noise and disturbance to future occupiers of the proposed dwelling. The domestic use of the dwellinghouse and the garden to the rear would be disturbed by activity within the yard, by vehicles using the main driveway and entering or leaving the sheds, and by the delivery, movement and collection of timber and other products stored in and around the sheds. The proposed main entrance to the dwelling off the existing vehicular access into the yard would present a danger for pedestrians exiting the door when farm vehicles were passing.

11. In relation to the permitted development rights for the change of use of agricultural buildings, the Planning Practice Guidance (PPG) defines the word 'undesirable' in the GPDO as 'harmful or objectionable' (Ref ID: 13-109-20150305). Based on the current operation of the site, the proposed change of use residential use would be undesirable in this location on the site as, for the reasons given above, it would be harmful to the living conditions of future occupiers of the dwellinghouse.
12. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval. One of the core principles of planning contained in paragraph 17 of the Framework is always to seek a good standard of amenity for existing and future occupiers of land and buildings. The proposed change of use would be contrary to this core principle.
13. The appellant states that Birk House is no longer a working farm, that the farm buildings are temporarily used for estate functions because they are available and that uses would be relocated elsewhere on the estate following the conversion of the Granary to residential use. However, from the evidence submitted it appears the buildings to the east of the appeal building would continue to be used for the storage of machinery and farm implements out of season, with access provided from the eastern side. This suggests an intention to continue to operate the sheds for agricultural purposes in conjunction with the estate, albeit less intensively.
14. Although the appellant indicates that the existing access to the yard would be limited to domestic vehicles, there is nothing proposed in evidence by the appellant by way of planning controls to suggest how the use of the access might be limited. Furthermore, large agricultural machinery and vehicles would still be entering and leaving the site via the main access road and the access to the east of the farm buildings, with the potential to cause significant disturbance to the occupiers of the proposed dwellinghouse. Again, no evidence has been presented by the appellant to indicate how the agricultural use of the areas of the site closest to the proposed dwelling might be mitigated. The legitimate planning use of the site is for agriculture and, therefore, it would be unreasonable to restrict the use of agricultural buildings by condition to non-agricultural uses.
15. I note that the former farmhouse is in residential use and as a bed and breakfast. However, it is located on the south west side of the site away from the main farm buildings, where it is relatively undisturbed by activity within the farm yard or large vehicles entering the site via the main drive. This would not be the case for the appeal building at the front of the site.
16. On this basis, I conclude that the location and siting of appeal building makes it undesirable for the proposed change of use to a Class C3 dwellinghouse, as identified in paragraph Q.2(1)(e) of Part 3 of Schedule 2 of the GPDO, due to its effect on the living conditions of future occupiers of the proposed dwellinghouse.

Other Matters

17. No evidence has been presented that the proposed development would result in any significant transport and highway impacts, contamination or flood risks. Therefore, it would be acceptable in terms of matters (a), (c) and (d) of

Paragraph Q.2(1) of Part 3 of Schedule 2 of the GPDO. With regard to matter (b), other than the impact of noise from ongoing agricultural operations at the site on the proposed dwelling, which has been considered above as part of matter (e), no other evidence of noise impacts has been presented.

18. In terms of the design and external appearance of the proposed dwelling, matter (f), although plans were submitted showing the associated building operations, in the light of my conclusion on the change of use under Class Q(a), I have no need to address this matter.

Conclusion

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

M Hayden

INSPECTOR



Appeal Decision

Inquiry held on 17 March 2015

Site visit made on 17 March 2015

by **B.S.Rogers BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 April 2015

Appeal Ref: APP/Y2736/X/14/2223182

Steam & Moorland Garden Centre, Malton Road, Pickering, YO18 7JW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Hopkinson and Sons Ltd against the decision of Ryedale District Council.
 - The application Ref: 13/01242/CLEUD, dated 23 October 2013, was refused by notice dated 3 July 2014.
 - The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is retail sales of class A1 goods in breach of condition 06 attached to planning permission reference 00/00400/OUT.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the matter constituting a failure to comply with a condition which is considered to be lawful.

Preliminary Matters

2. At the inquiry, the Council referred to "without prejudice" communications between the parties which should not have been included in the evidence before me but which, nevertheless, I had been provided with and had read. Because of this, I was asked to consider whether I could proceed to a fair decision or whether I felt I should reclude myself. I indicated that I felt able to proceed.
3. At the request of both main parties, I adjourned the inquiry shortly after opening to enable discussions to take place between them. During the adjournment, I carried out an accompanied site visit.
4. Although the appellants indicated in writing prior to the inquiry that a costs application would be made, they indicated at the inquiry that such an application was no longer being pursued.

Reasons

5. The condition in question, no.06, limits the goods that may be sold to a list of 9 specific categories and prohibits the sale of any other goods. The appellants made it clear at the inquiry that the LDC application relates only to the specific

schedule of goods sold in breach of the condition, which was agreed with the Council at the inquiry and set out in Doc.2.

6. Following the resumption of the inquiry, the Council conceded that it was now accepted that the appellants could show, on the balance of probability, that the schedule of goods listed in Doc.2 had been sold for a continuous period of more than 10 years prior to the date of the application. As a result, the Council decided not to call any witnesses. Having read the proofs of evidence of both main parties and heard the representations made at the inquiry, I have seen no reason to disagree with the Council's position. There was no need for the appellants' witnesses to be called.
7. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed.

B.S.Rogers Inspector

Appearances

For the Appellants:

Paul Brown QC - Instructed by Ms T.Hubbard

He did not call any witnesses. However, proofs were received from:

Mr C.Hopkinson - Appellant

Mrs B.Hopkinson - Appellant

Mr P.Turnbul - Former employee of Appellants

Ms T.Hubbard - Malcolm Scott Consultants Ltd

For the Council:

Giles Cannock of Counsel - Instructed by Mr A Winslip, Ryedale D.C.

He did not call any witnesses. However, proofs were received from:

Mr G.Housden - Head of Housing & Planning, Ryedale D.C.

Ms S.Wilson - Former Enforcement Officer, Ryedale D.C.

Mr C.M.Cooper - Local resident

Mr J.Flintoft - Local resident

Mr P.Bowley - Local resident

Ms K.Wynn - Local resident

Documents

1. Attendance list
2. Schedule of goods which form the subject of the LDC application
3. Plan of appeal site, showing area of permission no.14/000692/73A
4. Transcript of Berg v IML London Ltd (QBD) [2002]



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that, on 23 October 2013, the matter described in the First Schedule hereto, constituting a failure to comply with a condition or limitation subject to which planning permission has been granted, in respect of the land specified in the Second Schedule hereto and edged in a bold black line on the plan attached to this certificate (but excluding the hatched area, which was the subject of application no.14/000692/73A), was lawful within the meaning of section 191(3) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated that, on the balance of probability, the goods set out in the first schedule have been sold continuously in breach of condition no.06 attached to outline planning permission no.00/00400/OUT for a continuous period of more than 10 years prior to the date of the application.

Signed

B.S. Rogers

Inspector

Date: 24 April 2015

Reference: APP/Y2736/X/14/2223182

First Schedule

Use of the land and building(s) identified on the plan edged in a bold black line (but excluding the area hatched black) for sale (within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (as amended)) of the following goods in breach of condition 06 attached to planning permission no.00/00400/OUT:

1. Books (non-gardening);
2. Indoor toys and games;
3. Outdoor toys and games;
4. Food (for consumption off the premises) comprising jams, biscuits, preserves, cans of drink, ice creams, chocolates, sweets, cakes and crisps;
5. Non-gardening clothing: country and casual day wear including: travel jackets, ladies fleeces, ladies jackets, men's gilets and fleeces, shirts, shooting waist coats, wax jackets, tweed caps, socks, scarves, hats, gloves, thermals, trousers (moleskins, corduroy, canvas and jeans) but excluding evening or dress clothing;

6. Non-gardening footwear comprising wellington boots, winter boots, safety boots, walking boots, brogues office and day shoes, sandals and flip-flops but excluding evening or dress shoes and sports shoes;
7. DIY and hardware comprising:
 - * non-powered hand tools, hand-held powered tools (drills, drill bits, sanders and jig saws;
 - * electrical fittings and cables;
 - * nuts, bolts, washers, screws, nails and metal fittings and fixtures;
 - * outdoor paint and preservatives (excluding interior paints);
 - * caulk, caulking guns, sand paper and sealant;
 - * door furniture, gate furniture and shed furniture;
 - * chains and ropes;
 - * cable ties and clips;
 - * batteries;
8. Homewear;
9. Gift ornaments, souvenirs, lamps and pictures;
10. Candles, home scents and toiletries;
11. Garden buildings, greenhouses and accessories; and
12. Gas, coal and logs, winter fuels, de-icer and grit.

Second Schedule

Land at Steam and Moorland Garden Centre, Malton Road, Pickering, YO18 7JW, edged in a bold black line on the attached plan, but excluding the cross-hatched area which was the subject of application no.14/000692/73A.

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the matter, constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 or 187A of the 1990 Act, on that date.

This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

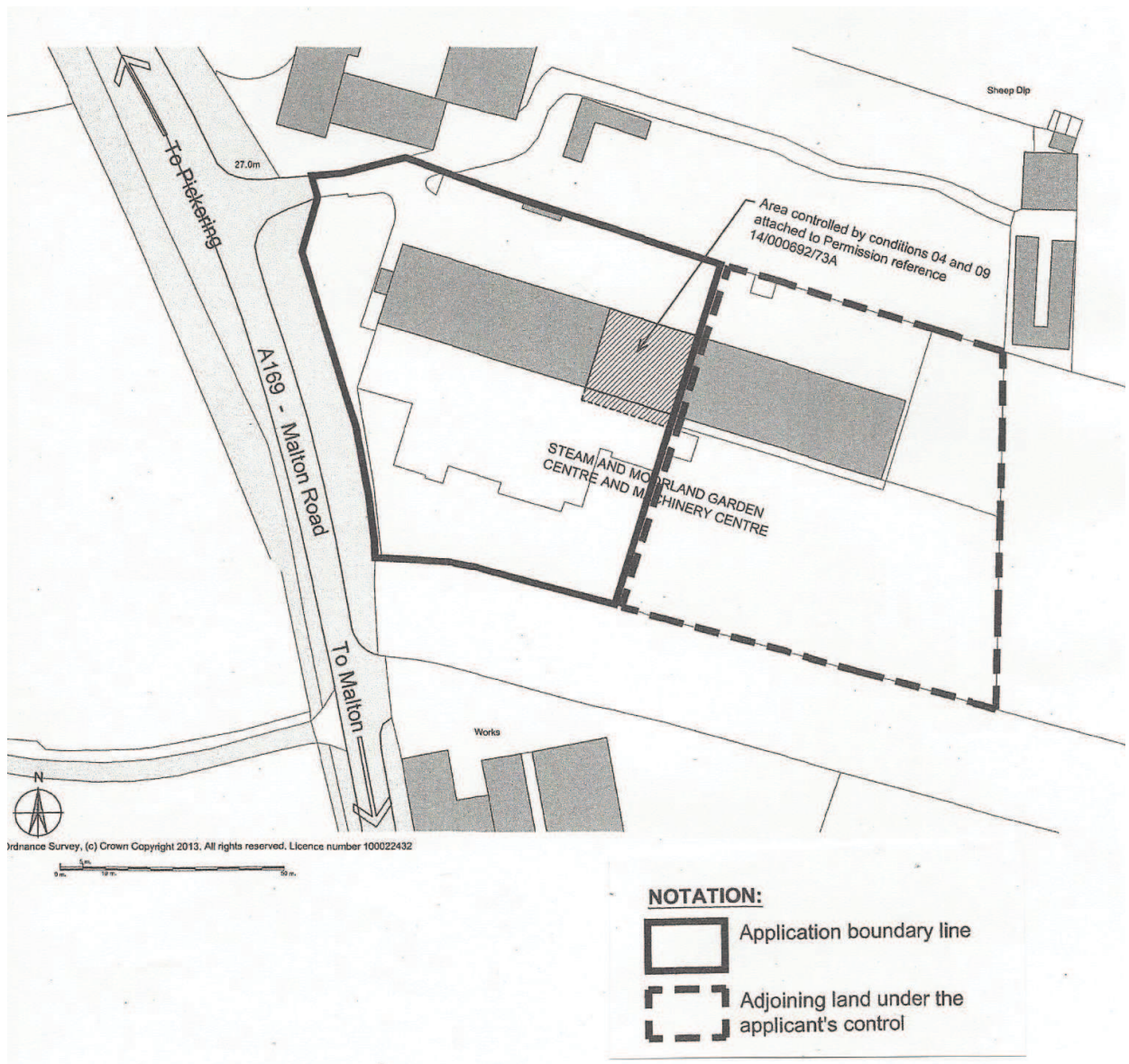
This is the plan referred to in the Lawful Development Certificate dated:

by **B.S.Rogers BA(Hons) DipTP MRTPI**

Land at: Steam and Moorland Garden Centre, Malton Road, Pickering, YO18 7JW

Reference: APP/Y2736/X/2223182

Scale: NTS





Appeal Decision

Site visit made on 15 April 2015

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29/04/2015

Appeal Ref: APP/Y2736/D/15/3003359
76 Parliament Street, Norton, Malton YO17 9HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal in part to grant planning permission.
 - The appeal is made by Mr W Brannon against the decision of Ryedale District Council.
 - The application Ref 14/01184/HOUSE, dated 29 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is described as first floor extension over an existing single storey flat roofed rear extension to form a bathroom, erection of a porch over the rear entrance door and formation of a room in the roofspace including the construction of a dormer window on the rear elevation.
-

Decision

1. The appeal is dismissed insofar as it relates to the first floor extension over an existing single storey flat roofed rear extension to form a bathroom and erection of a porch over rear entrance door. The appeal is allowed insofar as it relates to the remainder of the application and planning permission is granted for the construction of a dormer window on the rear elevation at 76 Parliament Street, Norton, Malton YO17 9HE in accordance with the terms of the application, Ref 14/01184/HOUSE, dated 29 October 2014, subject to the following condition:
 - 1) The dormer window hereby permitted shall accord with the revised plan drawing no. 14-1055-2.

Procedural Matter

2. The Council's decision on the application the subject of this appeal was split, granting planning permission for the dormer window and refusing permission for the rear extension and porch. Although the dormer window has already been constructed and the grounds of appeal state that the appeal is against the partial refusal, it is an appeal against the decision of the Council on the above application. Therefore, I have considered the whole proposal and determined the appeal on the basis of section 79(1) of the Town and Country Planning Act 1990, which allows the Secretary of State to deal with an application as if it had been made to him in the first instance.

Main Issue

3. The main issue in this case is the effect of the proposed first floor rear extension on the living conditions of the occupier of the neighbouring property at 78 Parliament Street, with particular reference to visual impact, daylight and sunlight.

Reasons

Living Conditions

4. The appeal property sits at the western end of a row of two-bed, two-storey, terraced houses. The dwellings front Parliament Street, but enjoy a south facing rear aspect, with small back yards forming private amenity spaces, overlooking allotments to the south.
5. The existing ground floor rear extension to no. 76 projects approximately 3.5 metres from the rear wall of the house and is approximately 1 metre from the side boundary with 78 Parliament Street. The proposed first floor extension would increase the height of the rear extension to approximately 5 metres to the ridge and 4.2 metres to the eaves.
6. At the rear of no. 78 is lean-to porch and a canopy forming the rear entrance to the property and providing the occupier with a covered, private amenity space, which is immediately adjacent to the boundary with no. 76. Beyond this is a small back yard, measuring approximately 4 metres wide by 8 metres long. There is a window to the kitchen in the rear wall of no. 78, which sits underneath the canopy, and a window in the rear elevation of the porch.
7. The proposed first floor extension to no. 76 would result in a wall measuring approximately 4.2 metres high and 3.5 metres long, within 1 metre of the boundary with no. 78. As such it would dominate the outlook from the rear of no. 78 and have an overbearing effect on its small back yard and covered private amenity space beneath the canopy. Although the presence of the canopy does currently restrict light to the kitchen window, the proposed extension would further reduce daylight and afternoon sunlight to the kitchen and to the area beneath the canopy to an unacceptable level.
8. On this basis I conclude that the proposed first floor extension would cause unacceptable harm to the living conditions of the occupier of 78 Parliament Street. Therefore, it would be contrary to Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy (September 2013) which seek development that protects amenity and does not have a material adverse impact on the amenity of occupants of neighbouring properties, including loss of daylight or an overbearing presence. It would also conflict with the core planning principle in paragraph 17 of the National Planning Policy Framework to seek a good standard of amenity for future occupants of land and buildings.

Other Matters

9. The proposed porch would appear as an acceptable single storey, lean-to addition to the rear of the appeal property, consistent with other single storey rear extensions along the street. It would allow the rear access to no. 78 to be retained and, being on the opposite side of the rear extension from no. 78, it would have no effect on its outlook. However, based on the plans submitted, the roof of the porch would connect to the first floor extension and would not be severable from it. Therefore, given that the first floor extension would be unacceptable, the porch as designed would also be unacceptable.
10. The dormer window on the rear roof slope has been installed in accordance with the submitted plans. Its design, proportions and position on the roof slope are acceptable, it is not visible from Parliament Street and it overlooks allotments to the rear of the property. Therefore, I conclude that the dormer

window does not harm the character and appearance of the host dwelling and the surrounding area nor the living conditions of the occupiers of neighbouring properties. As such it accords with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy (September 2013) and with paragraphs 17 and 58 of the Framework which seek good design and standards of amenity.

Conditions

11. Given that the dormer window has already been constructed there is no need for a condition to limit the life of the permission. However, in the interests of proper planning I have included a condition tying the permission for the dormer to the revised submitted plan, so that there is no doubt about what has been approved.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed in part for the dormer window and dismissed in part in relation to the first floor rear extension and porch.

M Hayden

INSPECTOR