

Item Number: 7
Application No: 21/00460/FUL
Parish: Barton-le-Street Parish Meeting
Appn. Type: Full Application
Applicant: Mr Chris Ramsey
Proposal: Erection of replacement building for general purpose agricultural storage, the housing of livestock and workshop use following demolition of existing buildings/structures used for general purpose agricultural storage
Location: Buildings At Boynton Lane Butterwick Malton North Yorkshire
Registration Date: 17 March 2021
8/13 Wk Expiry Date: 12 May 2021
Overall Expiry Date: 17 August 2021
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Barton-le-Street Parish Meeting	No response received
Barton-le-Street Parish Meeting	No response received
Environmental Health	Recommend condition
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objections

Representations: Ms Susan Brown, Mr And Mrs Yellen, Ms Mary Tate, Mr Ian Garfitt, Mr Philip Tate, Mrs Diana Prestwich, Miss Rebecca Cartwright, Mr Stuart Ponting,

SITE:

The application site is a smallholding which is located at the eastern end of Boynton Lane in Butterwick, Malton. The application area covers 400 square metres and is within a wider site of approximately 6 acres in size. The applicant currently keeps 10 alpacas, 7 goats and 20 chickens on the land, and it is the stated intention to develop an alpaca breeding business at the site.

There is an existing building/structure on the site, which includes two shipping containers, with a covered space between them. This is currently used for storage purposes associated with the small holding.

The site is located within Flood Zone 2, and there are two Public Rights of Way which are adjacent to the northern and southern boundaries of the site.

PROPOSAL:

This application seeks planning permission for the erection of an agricultural building following the demolition of the existing building/structure. The applicant initially proposed the use of the building for general purpose agricultural storage. It has however also been confirmed that it is the intention that the building would be used to house livestock in periods of bad weather or to give birth. The application description was therefore amended.

The new building was originally designed to include a separate mess room and shower room, however it was considered that this was not necessary for the proposed agricultural use of the building. As a result the application was also revised to remove reference to these elements and to remove a proposed window.

The new building is proposed to be situated on the site of the existing structure at the northern end of the wider site. The building is proposed to have a low, pitched roof form, with gable ends to the south-east and north-west. The building is proposed to be constructed from green stained horizontal weather boarding, under a green steel sheet roofing. The roof will also feature 6 clear roofing panels. There will be a large, agricultural opening on the south-eastern elevation of the building, with a single personnel door on the south western elevation of the building.

The overall ridge height of the building is proposed to be approximately 3.5 metres, with an eaves height of approximately 2.2 metres. The overall footprint of the extension is proposed to be approximately 88.4 square metres.

PLANNING HISTORY:

20/00836/AGNOT: An application for the formation of a 126 metre long x 3.5 metre wide limestone based farm road to access the existing agricultural buildings was determined as permitted development, without the need for prior approval.

19/00644/CLEUD: A Certificate of Lawfulness was granted in respect of the works to erect the buildings subject of this application for general purpose agricultural storage were substantially completed more than four years before the date of this application.

POLICIES:

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

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location and Settlement Hierarchy.
Local Plan Strategy - Policy SP9 The Land Based and Rural Economy
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

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

Barton-le-Street Parish Meeting was consulted on all three revisions of the application, but has not responded.

8 objections were received in response to the original consultation, outlining the following concerns:

- The proposed building is too large for the scale of the agricultural activity/economic need: Footprint is double the existing structure and will be 1 metre taller, so will be more visible and inconsistent its surroundings.

- Concern the building will be used as a dwelling; there is no need for upstairs windows and two bathrooms within an agricultural building.
- Building is not in keeping with the designated use of the land as grazing land.
- Land has recently been domesticated; field is mown not grazed and a new access has been created by cutting back hedges/verge. Concern the land will be slowly converted from agricultural to recreational and then residential.
- The new access track will affect flooding and drainage.
- The application incorrectly relies on the Certificate of Lawfulness which does not set a precedent; current application should be considered on its own merit.
- There is grounds for the Certificate of Lawfulness to be revoked as it was based on false statements.
- The existing structure is not a 'building', but a shipping container, and would not have been granted planning permission if it had originally been sought. The existing buildings were not used for agricultural activity and so no precedence has been set.
- The site was previously used as grazing land for commercial use and would no longer be used this way.
- The site is 6 acres in size not 400 square metres.
- Concern the land will be used as a caravan site.
- Policies SP1 and SP9 are not relevant as there is no commercial dimension to the current use of the site. The development is not policy compliant.
- Concern that the applicant travelled to the site during the lockdowns and incorrectly handles plastic waste. The recently installed mains water supply should comply with any pesticide certification requirements.
- There is a caravan on the site which the applicant uses at weekends.
- A more modest building would be suitable for the minimal activity at the site and would see the removal of the shipping containers and the land kept in agricultural use.
- If the LPA is minded to approve, conditions should be added to restrict further any development, the height of the structure and to eliminate noise and light pollution.

Following a change in the description of the development, a re-consultation exercise was undertaken. Four objections were received. The occupiers of Orchard Cottage and Low Farm both wrote in to confirm that their previous objections to the development still stand. The occupiers of Wallpepper and Crumpet Hall both wrote in to confirm their previous objections still stand, and made the following additional comments:

- The amendment to the description remains defective and misconceived, as the current structures are not 'buildings' so this cannot be a 'replacement building'.
- The land is currently used as amenity land which is a departure from its use as grazing land.
- There is nothing in Policy SP1 or S9 which is relevant to this application, as the proposed enterprise is of a small scale and can't be regarded as part of the land and rural economy.
- A new building would remain in perpetuity and could not be conditioned on the choice of leisure activities enjoyed on site.

Following revisions to the design of the proposed building, a further re-consultation was undertaken. The occupiers of Low Farm, Orchard cottage and Bridge Farm all wrote to confirm that their objections still stand.

Following the submission of the Flood Risk Assessment, a final re-consultation was undertaken. The Environment Agency confirmed they have no objections to the proposed development, providing it is built in accordance with the FRA. The Occupiers of Crumpet Hall, Bridge Farm and Wallpepper wrote in to confirm that their previous objections remain unaltered, and also made the following additional comments:

- The Flood Risk Assessment is in error presuming the application site is under 1 hectare, as it is important the whole field remains as agricultural land.
- The FRA contradicts itself, referring to the 'residential' nature of the development and then the 'seasonal' nature of the development. Both statements cannot be true.

- The FRA uses standards for finished floor levels in residential developments, not agricultural storage buildings.
- The FRA does not consider the impact of flooding on any foul drainage and the consequent pollutant risk.
- Plans in the FRA are blurred and difficult to read.
- The use of the new building for livestock fails to consider adequate ventilation or welfare requirements; does the proposed cladding provide enough ventilation or would vertical open slated cladding not be more appropriate?

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development
- Design, appearance and impact on the landscape
- Impact on residential amenity
- Other Matters

Principle of Development

The proposed development is designed to support the agricultural use of the site.

Policy SP1 of the Ryedale Local Plan Strategy supports new development within the open countryside, which supports a sustainable, vibrant and healthy rural economy and community. Policy SP9 aims to help sustain and diversify Ryedale's land-based economy, and supports new buildings which are necessary to support land-based activity and a working countryside.

The applicant currently grazes 10 alpacas and 7 goats, and has stated that it is their intention to breed both species at the site. Existing storage facilities at the site are dilapidated and the applicant requires the proposed building for the safe storage of agricultural machinery, tools, animal feed and bedding. The building may also be used as a shelter for the animals during bad or extreme weather, and for the housing of pregnant animals. The building is proposed for agricultural use. Although the building is larger in volume than the existing storage facility at the site, it is considered to be relatively modest in scale, low profile and of a size that is proportionate to the wider site area. The proposed building is therefore considered to be acceptable. The proposed building would support land-based activity and the rural economy in accordance with Policies SP1 and SP9 of the Local Plan Strategy.

Design and Landscape

The new building is proposed to be situated at the northern end of the site, in the location of the existing structure. It is proposed to have a low pitched-roof form, and will be constructed from green stained weatherboarding under a green steel sheet roof. On this basis, it is considered that the proposed building will have a simple, unobtrusive form, which will have a functional and agricultural appearance. In addition, the proposed scale of the building is commensurate to the needs of the agricultural use of the site. The proposed building would not be out of character with the surrounding farmed rural landscape.

The building will not be particularly prominent or dominant in the landscape, largely as a result of its proposed low form and scale; green-colour material palette and existing mature boundary hedges, particularly along the northern site boundary. The new building would not be overtly visible from public vantage points. Some glimpsed views through the boundary planting may be achieved from Boynton Lane, however it is not considered that the new building would be a prominent addition to the locality.

Revisions to the design of the building, including the removal of shower and mess room facilities and a 'picture' style window in the south-western elevation ensure that the proposed building reflects its

intended use as an agricultural building. A WC is still proposed within the building which is considered to be acceptable given that the site is a smallholding with no other on site or nearby facilities.

If permission is granted for the building the existing building on the site will be demolished. Although this building /structure is not particularly visible in the landscape, it is dilapidated and has an unsightly appearance. The removal of the existing building/structure from the site and its replacement with a new purpose built structure is considered to be beneficial and is welcomed by officers.

It is considered that the proposed development can be accommodated at the site without detriment to the character or appearance of the landscape and is of a design that is commensurate with its proposed use. As a result, the proposed development is considered to comply with SP13 (Landscapes) and SP16 (Design) of the Ryedale Local Plan Strategy.

Effect on Neighbours

There are no immediate neighbouring properties to the site and as such, the proposed building would not result in adverse impacts on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing effects.

The proposed building is considered to be compatible with the established, surrounding agricultural land use, and it is not anticipated that the proposed development would give rise to any unacceptable visual impact or disturbance.

The proposal is accompanied by a statement which confirms the capacity of the site to absorb waste produced in terms of nitrogen loading in order to allay concerns relating to manure waste. The Council's Environmental Health Officer has been consulted, and has concluded that the information that has been supplied to date does not consider the potential issues of the development in terms of odour, or other controls such as offsite disposal of manure. In order to ensure that there is no adverse impact on amenity caused by inappropriate manure storage, the EHO has recommended the imposition of a condition requiring a manure management plan to be produced that details how manure is to be appropriately dealt with at the site, including manure produced by livestock whilst housed within the building.

Subject to an appropriate planning condition, it is not considered that the proposed development would result in an adverse impact on residential amenity, in compliance with Policy SP20 of the Ryedale Local Plan Strategy.

Other Matters

The application site is located within Flood Zone 2. The building is necessary for the purposes of agriculture/ the smallholding in this location and in this respect, cannot be accommodated in an area at lower risk of flooding. The sequential test is therefore considered to be passed. The use proposed is a less vulnerable use in terms of flood risk and the application is accompanied by a flood risk assessment reflecting the EA's standing advice. The Flood Risk Assessment has been carried out on the basis of the proposed use of the development and current use of the site. It confirms the requirements for finished floor and ground levels to avoid the building being flooded in a flood event, and to allow for access and egress from the site in the event of a flooding event. Surface water drainage will be dealt with by means of a soakaway and the Flood Risk Assessment confirms that the building would not increase the risk of surface water flooding elsewhere.

An objector to the application has questioned the extent to which the description of the development is accurate, on the basis that they do not take the view that it is replacing an existing agricultural building. In addition, the objector has requested that the lawful development certificate issued in respect of the existing building should be revoked.

The current building at the site is lawful. This means that it is immune from enforcement action. It does not however establish a need for an agricultural building on the site, or that the development

proposed is acceptable in principle on the basis of the presence of the existing building. The proposed building has been considered on the basis that it is required to support agricultural activity on the smallholding.

The Certificate of Lawfulness was issued following a detailed assessment of the submitted evidence and facts. The Council is not in receipt of any further information which would indicate anything to the contrary.

Conclusion

In light of the above considerations, the erection of the proposed agricultural building is considered to satisfy the relevant policy criteria outlines within Policies SP1, SP9, SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended 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 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Site Location Plan, drwg. no. BW04 (scanned to file on 22.03.2021)
- Revised Proposed Site, Elevation and Floor Plans, drwg.no. BW 02 D (scanned to file on 04.06.2021).

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

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

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

4 The existing hedge and trees along the northern boundary of the site, and those within the site shall be suitably protected during construction, maintained and retained. Details of the measures to protect the hedge and trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. In the event of the existing hedge or trees dying, these features shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new planting shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: It is considered that the existing boundary hedge and trees within the site are of amenity value and should be protected during the course of development and retained, in accordance with Policy SP13 (Landscapes).

- 5 Prior to the development hereby permitted being brought into use, a Manure Management Plan including full details of the location, storage and disposal of manure waste including procedures for dealing with manure produced by livestock whilst housed in the building shall be agreed in writing by the Local Planning Authority. The site shall thereafter operate in accordance with the details agreed in the Manure Management Plan.

Reason: To ensure that there are no adverse impacts on amenity as a result of inappropriate or inadequate manure storage in accordance with Policies SP17 and SP20 of the Local Plan Strategy.

- 6 Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

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

- 7 Notwithstanding the submitted details, full details of the finished floor level of the building and ground level of the access to building from the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid flood risk and to ensure safe access and egress to the site during a flood event in accordance with Policy SP17 and SP20 of the Local Plan Strategy.

- 8 Prior to the use of the building hereby approved, all parts of the current building/structure on the site including shipping containers shall be removed from the site.

Reason: In the interest of the character and appearance of the site in accordance with Policy SP20 of the Local Plan Strategy.

- 9 The proposed development shall be built in accordance with the mitigation measures identified in section 5 of the submitted Flood Risk Assessment (Final RevC August 2021).

Reason: The application site is partly situated within Flood Zone 2, and to comply with Policies SP17 and SP20 of the Ryedale Local Plan Strategy.