



**YEW TREE  
ASSOCIATES**  
LAND, TOWN PLANNING &  
DEVELOPMENT CONSULTANTS

**Supporting Planning Statement  
(Including Flood Risk Assessment)**

**for**

**The Erection of A Replacement  
Agricultural Storage and Workshop Building**

**at land at**

**Boynton Lane**

**Butterwick**

**Malton**

**North Yorkshire**

**YO17 6PS**

**for**

**Mr C Ramsey and Miss A Smith**

**17.3.21**

[www.yewtreeassociates.co.uk](http://www.yewtreeassociates.co.uk)



**RTPI**  
Chartered Town Planner

Director  
MARK NEWBY Dip T & R P MRTPI  
Director  
VALERIE NEWBY BA (Hons)

Yew Tree Associates Limited, Hill Dene, Rice Lane, Flaxton, York

Registered in England & Wales company number 9221926.

## **Contents**

- 1. Introduction**
- 2. Site Location and Description**
- 3. Planning History**
- 4. The Proposal**
- 5. The Planning Policy Context**
- 6. Key Issues**
- 7. Conclusions**

## 1.0 Introduction

- 1.1 This statement provides support for a Detailed Planning Application for the erection of a replacement agricultural storage and workshop building at land at Boynton Lane, Butterwick, Malton. North Yorkshire YO17 6PS for Mr C Ramsey and Miss A Smith.

## 2.0 Site Location and Description

- 2.1 The application site relates to flat land south of Boynton Lane, Butterwick Malton and comprises agricultural grazing land together with a number of single storey structures adjacent to the northern boundary of the site which are currently used for the storage of agricultural machinery and associated materials in connection with the site.
- 2.2 The site is within open countryside to the east of Butterwick and outside of development limits of the village. It is bounded by well-established trees and hedgerows and is accessed from Boynton Lane to the north. The total site area is 400 sqm. (See Fig. 1 below).

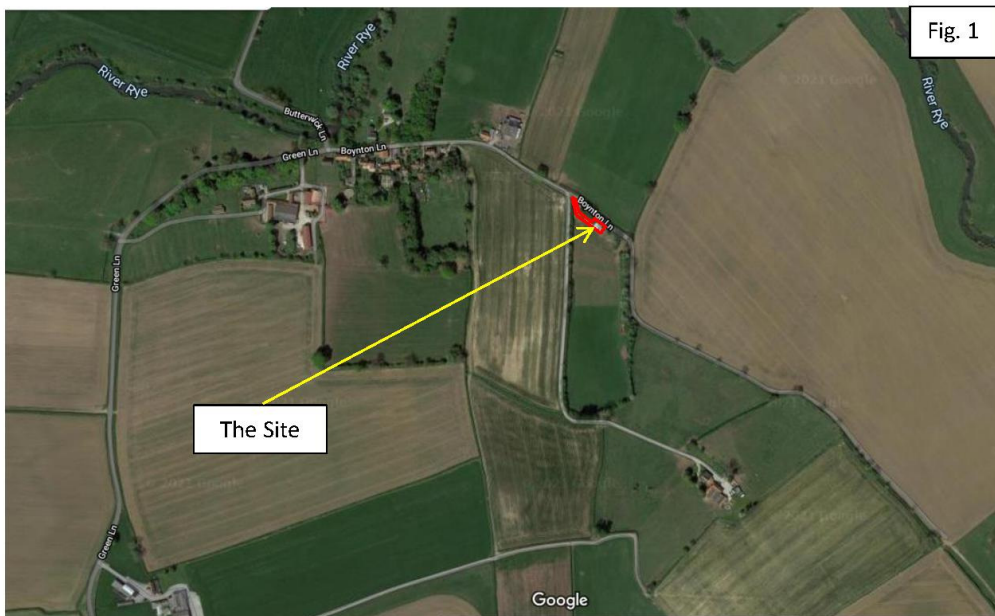


Fig. 1

## 3.0 Planning History

- 3.1 Application Ref 19/00644/CLEUD  
Certificate of Lawfulness 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 at Buildings at Boynton Lane, Butterwick, Malton. North Yorkshire – Granted 12<sup>th</sup> July 2019. (See Photos below at Figs. 2, 3 and 4).



Fig. 2



Fig. 3





#### **4.0 The Proposal**

- 4.1 The proposal is for the erection of a single storey agricultural storage and workshop building to replace the existing structure/building referred to above under ref 19/00644/CLUED.
- 4.2 The proposed building measures 11m in length, 8m width and 3.5m at its highest point and will be situated on the footprint of the existing structures/building to be replaced. The building is required to house the applicant's agricultural machinery and material in association with the use of the land which currently includes the keeping of alpacas.

#### **5.0 The Planning Policy Context**

- 5.1 In determining the application in planning policy terms we must turn to the Planning Acts.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5<sup>th</sup> September 2013). Its relevant policies are as follows:-
- 5.3 The Ryedale Plan – Local Plan Strategy 2013  
Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP9 - The Land-Based and Rural Economy  
Policy SP13 - Landscapes  
Policy SP16 - Design  
Policy SP17 -Managing Air Quality, Land and Water Resources  
Policy SP20 - Generic Development Management Issues

#### 5.4 National Planning Policy Framework/Guidance

The relevant paragraphs and references are:  
National Planning Policy Framework 2019 (NPPF)  
National Planning Practice Guidance 2014 (PPG)

### 6.0 **Key Issues**

6.1 The key issues to be taken into account when assessing this proposal are:

1. Principle of the development
2. Design, appearance and landscape impact
3. Impact upon the public highway
4. Drainage and Flood Risk

To take each in turn.

#### 6.2 The Principle of Development

6.2.1 Paragraph 38 of the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way.

6.2.2 Policy SP1 of the Ryedale Plan- Local Plan Strategy states:-

*'SP1 General Location of Development and Settlement Hierarchy*

*Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:  
..In all other villages, hamlets and in the open countryside development will be restricted to that:*

*' which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*

*' which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or*

*' which is justified through the Neighbourhood Planning process*

(Our emphasis)

6.2.3 and Policy SP9 of the Ryedale Plan – Local Plan Strategy states:-

*'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*

*' Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion*

*' Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity*

*' Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21)*

*' Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6*

*' Appropriate farm and rural diversification activity including innovative approaches*

*· Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be supported where they do not adversely affect easily accessible convenience shopping.*  
*· Appropriate new uses for land including flood management and energy production related research and education in this field*  
*· Small-scale extraction of local building stone and limited aggregate provision\**  
*And indirectly by supporting:*  
*· The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents*  
*· Local weekday and Saturday markets, farmer's markets and events*  
*· Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming, conservation, local traditional building techniques'*  
(Our emphasis)

- 6.2.4 The site is within the open countryside and the principle of the development is supported by Policies SP1 and SP9 of The Ryedale Plan – Local Plan Strategy for a new building to replace a non-traditional one that is necessary to support land-based activity and a working countryside, including farming.

### 6.3 Design, Appearance and Landscape Impact

- 6.3.1 The NPPF at paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 6.3.2 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.3.3 Policy SP13 of The Ryedale Plan – Local Plan Strategy Landscapes states that:-

*'The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:*

*Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of:*

*· North York Moors and Cleveland Hills*

*· Vale of Pickering*

*· Yorkshire Wolds*

*· Howardian Hills*

*· Vale of York .....*

*Landscape Character*

Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting
- The character of individual settlements, including building styles and materials
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides
- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure’.

(Our emphasis)

6.3.4 Policy SP16 of The Ryedale Plan – Local Plan Strategy Ryedale Design states:-

*‘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*

6.3.5 Policy SP20 of The Ryedale Plan – Local Plan Strategy Ryedale Generic Development Management Issues states:-

*‘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’.*

(Our emphasis)

6.3.6 We believe that the proposed building design is will not have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance. Indeed, on the contrary, it will, in our view, improve by removing the unsightly existing stricture/building, the impact on the character of the area. As such we submit that the proposed scheme therefore complies with and policies SP, 13, 16 and 20 of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.

6.4 Impact upon the public highway

6.4.1 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

*‘Access, Parking and Servicing*



Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

(Our emphasis)

- 6.4.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.
- 6.4.3 In addition paragraph 108 of the NPPF states that in assessing sites that may be allocated for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.4.4 The replacement building would be served from an existing access from the north of the site where adequate visibility is available and adequate parking provision has also been provided for within the site. Traffic movements to and from the site will be similar to those that currently exist.
- 6.4.5 We submit that the proposal will not adversely impact on the highway network either from an access or parking standpoint and therefore submit that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan-The Local Plan Strategy and Paragraph 108 of the NPPF.

## 6.6 Flood Risk and Flood Risk

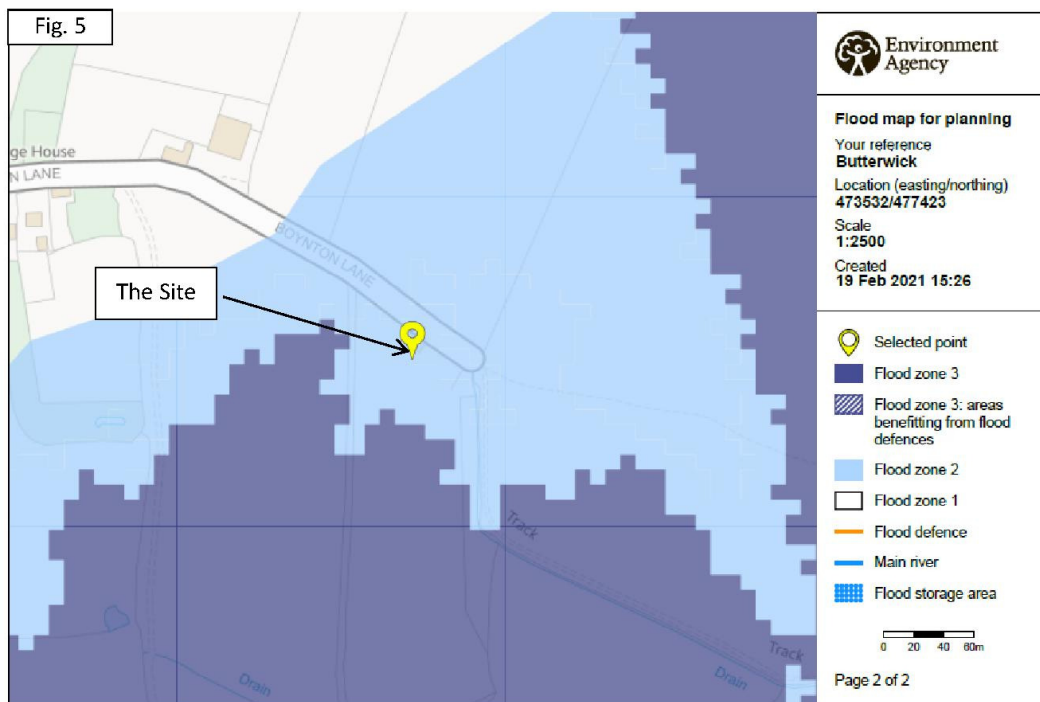
- 6.6.1 The NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. NPPF paragraph 150 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 6.6.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-  
*'Land resources will be protected and improved by:*  
*· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place*  
*· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource*  
*Flood risk will be managed by:*  
*· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as*

*having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system*

*· Ensuring new development does not prevent access to water courses for the maintenance of flood defences*

*· Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required'*

- 6.6.3 The application site is located in Flood Zone 2 as shown on the Environment Agency's Flood Map for Butterwick (See Fig. 5 below) However, the proposed building is to be located in the Flood 2 part of the site, which is at a medium probability of flooding.



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- 6.3.4 Technical Guidance to the National Planning Policy Framework advises on Flood Risk at Table 2 'Flood risk vulnerability classification', that the proposal is considered to be 'less vulnerable' being land and buildings used for agriculture and forestry. As such under Table 3 'Flood risk vulnerability and flood zone 'compatibility'', the development is considered appropriate.

- 6.6.5 In terms of Foul Water the proposed toilet/shower and wash basin waste will be discharged to a new treatment plant and Surface Water will be discharged to a soakaway.

- 6.6.6 We submit therefore that the proposed development is acceptable from a risk of flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policies and the guidance in NPPF.

## **7.0 Conclusions**

- 7.1 We believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and material considerations we respectfully submit that the proposal is acceptable in all respects and should receive the support of the local planning authority.

SMN/ YTA 17.3.21