

Item Number: 13
Application No: 22/00498/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr Jack Howarth (Leas Farm Ltd)
Proposal: Erection of an agricultural building to store grain and feed (retrospective)
Location: Leas Farm Lendales Lane Pickering North Yorkshire YO18 8EE

Registration Date: 25 April 2022
8/13 Wk Expiry Date: 20 June 2022
Overall Expiry Date: 22 July 2022
Case Officer: Eleanor Hardie **Ext:** Ext 43342

CONSULTATIONS:

Original consultation

Pickering Town Council	No objection	
Flood Risk	Further information required	
Highways North Yorkshire	No objection	
Public Rights of Way	Recommend informative	
Environmental Health	No comments	
Sustainable Places Team (Environment-Agency Yorkshire Area)		No objection
Vale of Pickering Internal Drainage Boards	Recommend conditions	

Re-consultation

Pickering Town Council	No objection	
Flood Risk	No objection	
Highways North Yorkshire	No comments	
Public Rights of Way	No comments	
Environmental Health	No comments	
Sustainable Places Team (Environment-Agency Yorkshire Area)		No comments
Vale of Pickering Internal Drainage Boards	No objection	

Representations: Mr & Mrs Lovell, Mike Dineen,

SITE:

Leas Farm is an established dairy farm, with the site located to the west of Leas Lane and comprises a range of livestock buildings and a newly constructed agricultural workers dwellings.

The site by virtue of its position lies outside of Development Limits and is located within the wider open countryside, as defined in The Ryedale Local Plan.

There is an existing public right of way running west through the site from Leas Lane.

PROPOSAL:

This application seeks approval for the erection of an agricultural building for the storage of grain and feed.

The proposed building spans 27.3 metres by 12.2 metres and would have a mono-pitched roof measuring 7 metres to the ridge and 4.812 metres to the eaves.

This would incorporate low concrete panels to 3 metres, with juniper green steel profile sheeting to the northern, southern and western elevations. The eastern elevation would feature six steel roller shutter doors to each of the bays, with juniper green steel sheeting to the top 1 metre of the building. The roof would be completed with juniper green steel profile sheeting.

Following validation of the application, the Local Planning Authority were made aware that works had commenced on the building and as such, the application description has been amended to reflect the retrospective nature of the application.

Further to this, following the Officer's site visit it was evident that the building was not built as per the submitted elevational drawings and as such, the Agent has provided revised drawings to reflect the as built structure.

HISTORY:

3/102/215/PA Construction of a pig fattening unit with slurry convey/storage system and automatic feed system and extension of existing concrete service road at Leas Farm. Approved 06.12.76

3/102/215A/PA Proposed addition to pig fattening unit at Leas Farm (amended by letter received on 27.6.77). Approved 01.08.77

3/102/52A/FA Change of use and alterations to redundant farm buildings to provide 2 dwellings. Approved 11.12.89

3/102/52B/LB Internal and external alterations to existing attached barn and outhouse to form two dwellings with garages. Approved 11.12.89

3/102/52D/LB Internal and external alterations to farm buildings to form a dwelling (amended details). Approved 17.8.90

3/102/52C/OA Erection of dwelling and garage (site area 0.110HA). Refused 13.3.90

3/102/52G/FA Change of use of and alterations to existing barns to form a dwelling and garage. Approved 3.11.93

3/102/52H/LB Internal & external alterations to existing barns to form a dwelling and garage. Approved 03.11.93

00/00180/LBC Erection of extension to garage. Approved 06.04.2000

00/00181/FUL Erection of extension to garage to form office. Approved 05.04.2000

02/01003/FUL Erection of lean-to extension to agricultural building to form milking parlour and dairy. Approved 12.12.2002

12/00792/AGNOT Erection of agricultural building to house livestock. Determined 06.09.2012

12/01031/FUL Siting of a one bedroom mobile home for use as a temporary agricultural worker's dwelling with parking area. Approved 21.12.2012

14/00748/FUL Erection of an extension to existing livestock building and alteration of access. Approved 27.08.2014

15/01289/FUL Erection of an agricultural building for storage and the housing of livestock. Approved 23.12.2015

17/00071/FUL Formation of an area of concrete hardstanding (retrospective). Approved 27.03.2017

17/00303/OUT Erection of an agricultural workers dwelling (site area 0.1ha). Approved 30.06.2017

17/00957/REM Erection of a 3 bedroom agricultural workers dwelling (outline approval 17/00303/OUT dated 30.06.2017 refers). Approved 09.10.2017

18/01194/FUL Erection of a three bedroom agricultural workers dwelling with detached double garage (part retrospective application). Approved 23.01.2019

18/01364/FUL Formation of cattle track (retrospective). Approved 01.02.2019

20/00454/FUL Erection of an agricultural building for the housing of cattle. Approved 17.07.2020

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 of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP9 The Land Based and Rural Economy

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

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.

Two letters of objection have been received from neighbouring properties, Beckside and Willow Cottage. These are available to view in full on the planning register, where Members can review the original document. The following summarised points were contained within the representations:

- Retrospective nature of the application.
- Application form inaccuracies
- Possible farm expansion as a result of the development
- The design and size of the building is not in keeping with traditional agricultural buildings
- Lack of landscaping scheme to mitigate impact of the building on the landscape and reduce impact of noise and light pollution
- Increase in HGV movements and highways safety
- Light and noise pollution
- Drainage/flood risk
- The building appears to be impeding the existing public right of way

Pickering Town Council have no objections to the application, as have the Local Highway Authority.

Environmental Health have provided no comments on the application.

Public Rights of Way have recommended an informative to ensure that the PROW is not obstructed during construction.

The Environment Agency have no comments to make on the application, given the site is within Flood Zone 1 and a less vulnerable development.

The LLFA initially objected to the scheme, however following the submission of additional information have confirmed that they no longer have an objection.

The Vale of Pickering Internal Drainage Board responded to the original scheme with no objection, but recommended a condition requiring the submission of the drainage design. Following a reconsultation on the additional drainage information, they have confirmed that they have no objection to the application and no longer recommend any conditions.

No responses have been received from any other third party or neighbouring property.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of Development
- ii. Design, appearance and impact upon the open countryside
- iii. Highways impact
- iv. Impact upon neighbouring amenity
- v. Drainage and Flood Risk
- vi. Impact on public right of way
- vii. Other matters

Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore 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 building will allow for the storage of grain and feed, to allow the site to become more efficient. Currently, feed is stored directly within the feed silos, with extra being stored within existing buildings on site, as and when that storage is available. This building will allow for longer term storage of the feed to allow full loads of feed to be delivered to site.

The site is within the open countryside, however the principle of the development aligns with local Policies SP1 and SP9 and the NPPF as the purpose built agricultural building would support land based activity and the rural economy. The proposed development would support the functioning of the established farming enterprise and, in turn, would sustain existing levels of employment at the site.

Design, appearance and impact upon the open countryside

The building is adjacent to the existing silage clamp to the north. As noted, it would span 27.3 metres by 12.2 metres and would include a mono-pitched roof measuring 7 metres to the ridge and 4.812 metres to the eaves.

The design of the building is typical of modern agricultural buildings. The concrete panels and metal sheeting is considered to be representative of other modern agricultural buildings in Ryedale.

The new building would be seen within the context of the existing buildings within the agricultural unit and as such, it is not considered that the building would appear incongruous or out of place within the wider rural landscape.

It is considered that the siting, scale and design is considered to be acceptable and would not have a materially adverse effect on the character of the agricultural landscape in compliance with Policies SP16 and SP20.

Highways impact

The building would be served by the existing access which links to the public highway. It is not anticipated that the proposed building would give rise to any significant increase in farm traffic on the local highway network.

The Local Highway Authority confirmed *“The applicants advised upon further request that the agricultural building serves to reduce vehicular activity to the site due to the expansion of area to store agricultural materials thus ensuring a reduction in vehicle trips to and from the application site therefore; there are **no local highway authority objections** to the proposed development.”*

As such, it is considered that the proposed development would not have a detrimental impact on highway safety in compliance with the relevant part of Policy SP20.

Impact upon neighbouring amenity

The building is located approximately 52 metres from the nearest point of residential curtilage of Becksides to the south and 43 metres away from Bridge End. It is not considered that either property would be affected due to loss of privacy or shadowing.

The proposal does not seek to install any additional external lighting and seeks to upgrade current working practices, rather than expand the business enterprise.

Nevertheless, it is considered prudent to impose a condition that requires any details of lighting to be submitted for approval by the local planning authority prior to their use on site, to preserve the amenity of the area.

The building is compatible with the established land use and it is not anticipated that the proposed development would give rise to any unacceptable visual impact or any pollution or disturbance and as a result there would not be an adverse impact upon residential amenity in compliance with Policy SP20.

Drainage and flood risk

The Applicant's Agent has confirmed that the site drains to existing land drains with no proposed alterations to the arrangements.

The Lead Local Flood Authority initially objected to the application, requesting further information regarding drainage systems, layout plans and maintenance plans. The Agent has confirmed that the yard

currently drains to a gully which discharges to the beck. The proposal would route roof water via a drainage channel to the beck and a site plan has been provided to show this. Following the provision of this information, the LLFA have confirmed that they no longer have an objection to the application.

The Environment Agency have responded to the application advising that as the site is within Flood Zone 1 and a less vulnerable development they have no comments.

Following receipt of the additional information, the Vale of Pickering Internal Drainage Board have confirmed that they have no objections.

As such, it is considered that the proposed development would not have a detrimental impact on flood risk in compliance with the relevant part of Policy SP17.

Impact on public right of way

Concerns have raised regarding the impact of the development on the existing public right of way.

The Agent has confirmed that the right of way is adjacent to the building, with the Public Right of Way team advising the recommendation of an informative.

Other matters

Members will be aware that the Local Planning Authority must give this application the same consideration as any other proposal and that this decision cannot be prejudiced by virtue of the fact the application is retrospective.

The comments received from the objectors have been identified above. It is considered that whilst the concerns are acknowledged, the material issues raised have been addressed in the sections above.

Conclusion

The principle of the development is in line with national and local planning policy and represents development that supports the land-based, rural economy through the expansion of an established mixed farming enterprise. The proposed development would not have an unacceptable impact on the open countryside, local amenity, highway safety or flood risk. In light of the above assessment, it is considered that the proposal is acceptable and complies with Policies SP1, SP9, SP16, SP17, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

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

Location Plan, drawing number IP/JH/01, scanned to file 09.05.2022

Site Plan, drawing number IP/JH/02/A, scanned to file 08.07.2022

Elevations, drawing number IP/JH/03/A, scanned to file 20.06.2022

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

- 2 Unless otherwise approved in writing by the Local Planning Authority all external constructional materials and colour finishes to be used for the building shall be in accordance with those identified in the application as shown on the approved elevation drawings.

Reason: In the interests of visual amenity and to comply with Policies SP16 and SP20.

- 3 Prior to its installation, precise details of any external lighting to be used on the exterior of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent inappropriate lighting and light pollution within this area of unlit open countryside and to comply with the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1
- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
 - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.