

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: Cloughton

Application No. NYM/2019/0608/FL

Proposal: erection of agricultural storage building following demolition of existing structures

Location: Ripleys Farm, Ripleys Road, Cloughton

Decision Date: 21 November 2019

Consultations

Parish - No objection.

Police - No comments to make.

Amended Plans - No comments.

Council for National Parks -

North York Moors Association -

Council for the Protection of Rural England -

Site Notice Expiry Date - 05 November 2019.

Director of Planning's Recommendation

Approval subject to the following conditions:

1. **Standard Three Year Commencement Date**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**

The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location Plan	TQRQM19226091739393	29 August 2019
Proposed Plans & Elevations	Drawing Number 2	24 October 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. **Trees/Hedging to be Retained (insert)**

No trees, shrubs or hedges **north-east** of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

4. **LNDS14 Tree Survey Submitted (inserts)**

The development hereby permitted shall be carried out in accordance with the Tree Protection Measures set out in **section 6 and paragraph 1.5** of the **Arboricultural Survey Ref.: ARB/AE/2273, dated October 2019 by Elliot Consultancy Ltd.**

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5. Building to be Removed if Not Used for Agriculture

If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.

Informatives

1	<p>Bats</p> <p>All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>
2	<p>Birds</p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England</p> <p>http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 & 4. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
5. In order to comply with the provisions of NYM Development Policy 12 which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.

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Background

Ripley Farm occupies an isolated position to the west of Cloughton, accessed off Harwood Dale Road via a single track lane known as Ripley's Road. The farm is a long established and large mixed agricultural holding comprising a beef and arable enterprises. The land extends to some 255 hectares; 95 hectares of grazing land and 160 acres of arable land. The Farm buildings and yard areas are arranged neatly and in a compact arrangement to the rear of the main farmhouse with a substantial belt of mature trees to the north providing a backdrop for the farm and screening the views in longer distances.

An agricultural notification was submitted in 2018 for the erection of a grain store at the east of the existing yard, and included in this notification was the proposal to demolish traditional cattle buildings and remove a large grain silo from the site. No objections were raised to the agricultural notification and all works have since been completed.

This application seeks full planning permission for the erection of an agricultural storage building following the demolition of further sheds/structures. The building is proposed to be sites towards the rear of the main yard and would occupy the footprint of the buildings demolished previously and the sheds proposed to be replaced as part of this application. Its position is close to the trees which comprise the screen planting and as originally proposed, the building measured 53.2 metres long by 20 metres wide. The floor area exceeded 100 square metres and as such the proposal was a major application.

Due to the proximity of the proposed development to the tree belt, an arboricultural assessment was requested and that has since been submitted. Due to the results of the survey, the applicant has also voluntarily reduced the size of the proposed building to 53.2 metres by 18 metres. This reduction in floor area means that the floor area has reduced to 957.6 square metres and therefore application is no longer of sufficient size to be treated as a major application.

The proposed building is to be constructed of concrete panels to a height of 3 metres with plastic coated box panels (green) under a fibre cement sheet roof. The height to eaves is 6.2 metres with an overall height of 8.6 metres. (The proposed heights and appearance are very similar to the building recently completed under the agricultural notification).

Policy Context

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application are Core Policy A (Delivering National Park Purposes and Sustainable Development, Core Policy D (Climate Change) and Development Policy 12 (Agriculture) together with the advice contained within Part 5 of the Authority's adopted Design Guide.

CPA seeks to further the National Park purposes and duty by encouraging a more sustainable future for the park and its communities whilst conserving and enhancing the Park's special qualities. Priority will be given to development that will not have an unacceptable impact on the wider landscape, quiet enjoyment of the Park or quality of life of residents or visitors; development in locations and of a scale which supports the character and function of settlements; maintaining and enhancing the natural environment; conserving and enhancing the landscape, settlement, building features and historic assets of landscape character areas; applying sustainable design and energy use; provision of a choice of housing; strengthening and diversifying the rural economy and enabling access to services, facilities, jobs whilst minimising environmental impacts of transport.

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CPD seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring commercial development of over 200sqm to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

DP12 seeks to permit proposals for new agricultural buildings, tracks and structures or extensions to existing buildings where there is a functional need for the building, the building is designed for the purposes of agriculture, the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location, and a landscaping scheme which reduces the visual impact of the proposal on the wider landscape is submitted as part of the proposal.

The Authority's Design Guide in relation to new agricultural buildings identifies that the position of new farm buildings is usually dependent on its function and the space available but as a general rule, buildings should be sited within or adjacent to existing groups of agricultural buildings. Poorly sited buildings can have a significant impact on the landscape regardless of its design. It is recommended to avoid locating very large buildings close to smaller ones and where possible roof pitches should be matched to those on the existing buildings and using a multi-span building rather than a single span building can reduce the overall height and therefore landscape impact. The range of materials should be limited since too many can result in a cluttered appearance and materials should be selected to match other at the site and be suitable for the climate. Dark colours are generally more appropriate and consideration should be given to the general colour of the backdrop against which they will be seen.

Main Issues

The main issues to consider with this application are whether the proposal accords with the requirements of the above planning policies in terms of there being a functional need for the building, its position and appearance is consistent with its use and setting and whether it would result in any adverse landscape impact.

The proposed building is clearly designed for the purposes of agriculture and will in fact, be very similar in appearance to the recently completed building at the eastern limit of the farm yard. On the basis the proposed building will be constructed on the footprint of former buildings which form part of the existing yard and seek to utilise the existing landscaping scheme, Officers are satisfied that the building relates extremely well to existing development.

The applicant's agent has provided a tree survey in support of the application which identifies that there will be no need to remove any trees in order to allow the removal of the existing barn. However, the arboriculturist identifies that to allow construction for the proposed building, there was likely to be damage caused to the roots on the basis the building would be 2 metres closer to the trees on land that has not been excavated or disturbed. Following receipt of this information, the applicant has proposed a design change to reduce the width of the building by 2 metres. This will bring the building in-line with the extent of existing barns and those recently removed.

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The tree survey confirms that the presence of covered buildings in the proximity of the tree belt (including retaining wall) will have minimised root extension to the south and consequently it is not expected that any significant root damage will be caused and therefore no significant impact will be felt by the trees. A small amount of pruning is recommended and following the pruning, but prior to commencement of construction works, it is recommended that a tree protection fence line should be placed 1 metre to the north of the construction line. Further tree protection measures during construction are recommended and included in the above recommended conditions.

Having spoken to the applicant on site, Officers are satisfied that there is an acceptable functional need for the building which will provide improved storage facilities to support the arable enterprise. The agent has explained that currently the farm does not have sufficient storage capacity for grain and the applicant explained on site that during last year's harvest, several tractors and trailers were leading grain to alternative storage facilities located at Sinnington, near Pickering. The proposed building will therefore significantly reduce haulage costs, mileage and staff time.

In response to the requirements of Core Policy D, the applicant's agent has confirmed that there will not be any significant energy requirements (only lighting) as the building will be used for storage purposes.

No objections have been raised to the proposal. The proposed siting, design and scale of the building is considered acceptable for this site and the existing tree belt is considered to provide a suitable backdrop for the development. The position makes use of previously developed land and therefore ensures that the farmyard does not significantly extend the limits of the yard to any significant degree.

In view of the above, the proposal is considered to be in accordance with the above development policies and approval is recommended.

Draft Local Plan

Local Plan Policy BL5 relates to Agricultural Development and is similar in nature to the existing agricultural policy however, significant objections have been raised to the emerging policy and therefore no weight can be attached to it.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.