

# North York Moors National Park Authority

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Parish: Harwood Dale

App No. NYM/2020/0425/FL

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**Proposal:** erection of agricultural livestock building

**Location:** Burgate Farm, Harwood Dale

**Applicant:** Mr J Cook  
Burgate Farm, Harwood Dale, Scarborough, YO13 0DS

**Agent:** J M Walker (Farm Buildings) Ltd  
fao: Mr John Walker, Holly Farm, Kirby Sigston, Northallerton, DL63TB, United Kingdom

**Date for Decision:** 19/08/2020

**Extended to:**

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## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site plan	Scale 1:500	24/06/2020
Plans & elevations	Scale 1:200	24/06/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 3 The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
- 4 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.
5. Prior to the digging of any foundations protective fencing to form a Tree Protection Zone shall be installed around each tree or tree group to be retained, unless otherwise agreed in writing with the Local Planning Authority. The fencing shall comprise a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) and shall be positioned at a distance from the trunk as set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone.

The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.

6. No trees, shrubs or hedges adjacent the western elevation of the building hereby approved 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.

### **Informative(s)**

#### **1 HWAY INF12C Adjacent Public Rights of Way**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

### **Reason(s) for Condition(s)**

- 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 Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
- 3 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 4 In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan 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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- 5 In order to comply with the provisions of NYM Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
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**Consultations**

**Parish** – No objections

**Highways** – No objections.

**Forestry Commission** – Standing advice re ancient woodlands

**Advertisement Expiry Date** – 5 August 2020



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**Background**

Burgate Farm is a working dairy farm, located in a valley bottom approximately one kilometre east of Harwood Dale village. It is barely visible from the road and is accessed via single track lane which passes through two other farms/properties before terminating at Burgate Farm. The main farm comprises a traditional stone under slate farmhouse with a range of traditional stone under pantile agricultural buildings forming a courtyard with an extensive range of modern farm buildings beyond.

This application seeks full planning permission for the construction of a steel portal frame lean-to attached to an existing substantial cattle building. The building would measure 5.79m wide x 32m long x 4.57 m high to the eaves.

The proposed building is to be used for the housing of cattle and is required due to an outbreak of TB (Bovine Tuberculosis) last year, meaning that the cattle couldn't be sold for a length of time.

The proposed extension will create more space for livestock and reduce the stock density and make it more viable for the farm to manage. The cattle are to be housed on a dry straw based muck system which will then be spread onto surrounding arable land, with no slurry.

Once the livestock is out grazing during the summer the lean-to will be used to store straw.

The proposed building would be steel portal frame, with one gable end clad with vented box profile sheeting above pre-cast concrete panels. The other gable end is to be clad to eaves level with vented box profile sheeting. The eastern side would be joined to the existing building. The roof would be clad with Anthracite coloured fibre cement sheeting.

In terms of concerns regarding possible conflict with trees, the applicant has advised that:

Whilst if one looks on Google earth it does appear that the existing building is very close to the trees; this is caused by shadows and on the ground and there is sufficient space for both the lean-to and the right of way without removing any trees. To avoid any confusion the first tree had to be felled since the Google earth was photoed last year. This was because horses had barked the tree right round at the bottom and it had died. The barked stump is still present as evidence. I have fenced off the remainder of the trees to prevent any further such accidents and am constructing a tree guard next to the stump were we shall plant out a horse-chestnut seedling that we currently have growing in a pot in our garden.

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**Main Issues**

Policy BL5 (Agricultural Development) of the Local Plan seeks to permit new agricultural buildings where the scale is appropriate to its setting and will not have an adverse impact on the special qualities of the National Park; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings available; the building is designed for the purposes of agriculture and is related physically and functionally to existing buildings; the proposal will not significantly harm local amenity; and in the absence of existing screening, a landscaping scheme is provided.

The applicant sets out the agricultural need for the building and there would be no wider landscape impact as it would be seen in the context of the larger building to which it would be attached.

There is a public footpath located to the north and west of the building, and some tree screening. However the erection of this agricultural lean-to building at this location is not considered to impact on these rights of ways due to the trees and no objections have been received in relation to these.

In light of this, the application is considered to accord with the requirements of Policy BL5 of the NYM Local Plan and approval is recommended.

**Pre-commencement Conditions**

N/A

**Explanation of how the Authority has Worked Positively with the Applicant/Agent****Approval (No Amendments Required)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.