

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/W9500/W/21/3278291

Appeal By

MR JOHN SIMPSON

Site Address

Land North of
Brooklands Farm
Harward Dale
North Yorkshire
YO13 0DT

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes No

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

Please describe

Covid - 19

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes No

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes No

5. Was a site ownership certificate submitted with the application? Yes No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and

Yes No

Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?

7. Does the appeal relate to a county matter? Yes No

8. Please indicate the development type for the application to which the appeal relates.

Major Developments

Minor Developments

Other Developments

8.b. Minor Developments

Dwellings

Offices/R and D/light industry

General industry/storage/warehousing

Retail and services

Traveller caravan pitches

All other minor developments

Is the appeal site within:

9.a. A Green Belt? Yes No

9.b. An Area of Outstanding Natural Beauty? Yes No

10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes No

PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes No

12.a. Is the site in a Conservation Area? Yes No

12.b. Is the site adjacent to a Conservation Area? Yes No

12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? Yes No

13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? Yes No

13.b. Would the proposed development affect the setting of a listed building? Yes No

14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No

15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? Yes No

16. Is any part of the site subject to a Tree Preservation Order? Yes No

17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? Yes No

18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? Yes No

19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 4

Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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20.c.i. Have you issued a screening opinion (SO)	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.	Applies	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>
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21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
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Please attach copies of any comments that you have received in response.

[see 'Questionnaire Documents' section](#)

PART 5

22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
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Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	<input checked="" type="checkbox"/>
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24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	<input checked="" type="checkbox"/>
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Deadline

19/10/2021

- 24.c. all representations received from interested parties about the original application;
- see '[Questionnaire Documents](#)' section
- 24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;
- see '[Questionnaire Documents](#)' section
- 24.e. any representations received as a result of a service of a site ownership notification;
- 24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);
- You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*
- see '[Questionnaire Documents](#)' section
- see '[Questionnaire Documents](#)' section

List of policies

North York Moors BL5

- 24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;
- 24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;
- 24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;
- In the case of emerging documents, please state what stage they have reached.*
- 24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;
- Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*
- 24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;
- 24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;
- 24.m. your Authority's CIL charging schedule is being/has been examined;
- 24.n. your Authority's CIL charging schedule has been/is likely to be adopted;
- 24.o. any other relevant information or correspondence you consider we should know about.

For the Mayor of London cases only

- 25.a. Was it necessary to notify the Mayor of London about the application? Yes No
- 25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

NYM/2021/0200/FL

Completed by

Mrs Dawn Paton

On behalf of

North York Moors National Park Authority

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Mrs Hilary Saunders

Phone no (including dialling code)

01439 772700

Email

planning@northyorkmoors.org.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/W9500/W/21/3278291

Appeal By MR JOHN SIMPSON

Site Address
Land North of
Brooklands Farm
Harward Dale
North Yorkshire
YO13 0DT

The documents listed below were uploaded with this form:

Relates to Section: PART 4

Document Description: 21. Copies of any comments that you have received in response.

File name: Copy of Site Notice.pdf

File name: 2021-05-10 Public - Consultation Responses.pdf

Relates to Section: PART 5

Document Description: 24.a. A copy of the letter with which you notified people about the appeal.

File name: Appeal Letter.pdf

Relates to Section: PART 5

Document Description: 24.b. A document containing a list of the people you notified of the appeal.

File name: List of Those Notified.pdf

Relates to Section: PART 5

Document Description: 24.c. Copies of all representations received from interested parties about the original application.

File name: 2021-05-10 Public - Consultation Responses.pdf

Relates to Section: PART 5

Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.

File name: 2021-05-19 Public - Officer Delegated Report.pdf

File name: 2021-05-19 Public - Decision Notice.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: Copy of Front Sheet 2020.pdf

File name: Title Page 2020.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: BL5.pdf

Completed by Not Set

Date 20/09/2021 14:31:30

LPA North York Moors National Park Authority

From:

Sent: 09 May 2021 14:27

To: Planning

Subject: Comments on NYM/2021/0200/FL

Erect general purpose agricultural building and create hardstanding and access track, land north of Brooklands Farm, Harwood Dale

The above application has been considered by Hackness & Harwood Dale Group Parish Council and no objections are offered. Council observed that the foundation trenches seem to have already been dug.

--

J Marley (Mrs) CiLCA

Clerk to Hackness and Harwood Dale Group Parish Council

(comprising the parishes of Broxa cum Troutsdale, Darncombe cum Langdale End, Hackness, Harwood Dale, Silpho, and Suffield cum Everley).

Annan,
41 Scalby Road,
Burniston,
Scarborough
YO13 0HN

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**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM21/0200/FL**

Proposed Development: Application for erection of general purpose agricultural building and creation of a hardstanding and access track

Location: land north of Brooklands Farm, Harwood Dale

Applicant: Mr John Simpson

CH Ref: **Case Officer:** Kay Aitchison

Area Ref: 4/26/74 **Tel:**

County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 20 April 2021

FAO: Hilary Saunders **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application is for the construction of a new agricultural building and associated access track to join the highway at Moor End Road, Harwood Dale. The site is currently the access to agricultural fields and is unconstructed. This application will intensify the use of the existing un-made accesses, albeit to a minor level. In order to protect the existing highway and improve the access, preventing any mud and debris being deposited on the highway it is recommended that the proposed access be constructed to the LHA specification. As the proposed access is located on the outside of a bend, speeds are relatively low and visibility is in excess of the minimum required.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

MHC-03 New and altered Private Access Verge Crossing at Land north of Brooklands Farm Harwood Dale

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM21/0200/FL

The development must not be brought into use until the access to the site at **land north of Brooklands Farm Harwood Dale** has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with Standard Detail number **E20** and the following requirements.

- Any gates or barriers must be erected a minimum distance of **14 metres** back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- The final surfacing of any private access within **8 metres** of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason for Condition

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

MHi-C New and altered Private Access Verge Crossing – (MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM21/0200/FL**

Signed:

Kay Aitchison

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail: _____

From:

Cc: [Planning](#)

Subject: NYM/2021/0200/FL - land north of Brooklands Farm, Harwood Dale

Date: 23 April 2021 16:20:11

Dear Hilary

I have no objection to the proposed development. Re the proposed hedgerow to screen the development, this should be comprised of at least 6 native shrub species, planted at a density of 6 (total) stems per metre in double staggered rows and secured by condition.

Best wishes

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

From:
To: [Planning](#)
Subject: Plannining Consultation NYM/2021/0200/FL
Date: 12 April 2021 16:37:41

Dear Sir or Madam

Your ref: NYM/2021/0200/FL

Proposal: the erection of general purpose agricultural building and creation of a hardstanding and access track at land north of Brooklands Farm, Harwood Dale.

Address: Brooklands Farm, Harwood Dale.

Thank you for consulting this team in regard of planning application NYM/2021/0200/FL for the erection of general purpose agricultural building and creation of a hardstanding and access track at land north of Brooklands Farm, Harwood Dale.

Having reviewed the above application I have no comments to make from a commercial regulation perspective.

Kind regards

Anne Ellmore

A. Ellmore MSc BSc (Hons) Cert. of CLM
Environmental Health Technical Officer
Commercial Regulation
Environmental Health Services
Scarborough Borough Council
Town Hall
St Nicholas Street
Scarborough
North Yorkshire
YO11 2HG

Web: www.scarborough.gov.uk

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Date: 09 April 2021
Our ref: 349133
Your ref: NYM/2021/0200/FL



North York Moors National Park Authority
general@northyorkmoors.org.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Mrs H Saunders

Planning consultation: Application for erection of general purpose agricultural building and creation of a hardstanding and access track
Location: land north of Brooklands Farm, Harwood Dale

Thank you for your consultation on the above dated 06 April 2021 which was received by Natural England on 06 April 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this

consultation please send your correspondences to

Yours sincerely

Amy Knafler
Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under [s28G of the Wildlife & Countryside Act 1981 \(as amended\)](#). The National Planning Policy Framework (paragraph 175c) states [that development likely to have an adverse effect on SSSIs should not normally be permitted](#). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

North York Moors National Park Authority

Parish: Harwood Dale

App No: NYM/2021/0200/FL

Proposal: erection of general purpose agricultural building and creation of a hardstanding and access track

Location: land north of Brooklands Farm, Harwood Dale

Applicant: Mr John Simpson
Keasbeck Hill Farm , Harwood Dale , Scarborough, YO13 0DT

Agent: Ian Pick Associates Ltd
fao: Mr Ian Pick, Station Farm Offices , Wansford Road , Nafferton ,
Driffield, YO25 8NJ

Date for Decision: 19/05/2021

Extended to:

Director of Planning's Recommendation

Refusal for the following reason(s):

1. The siting of the proposed building, remote from any associated farmstead and other buildings would represent sporadic development in the open countryside, which would be detrimental to the landscape character and appearance of this part of the National Park. The building would be clearly seen in isolation from the adjacent public highway and by reason of its isolated nature would have a harmful impact on this landscape which is not characterised by isolated buildings. The proposal would therefore be contrary to Policy BL5 of the North York Moors Local Plan.

Consultations

Parish –09 May 2021 - Council and no objections are offered. Council observed that the foundation trenches seem to have already been dug.

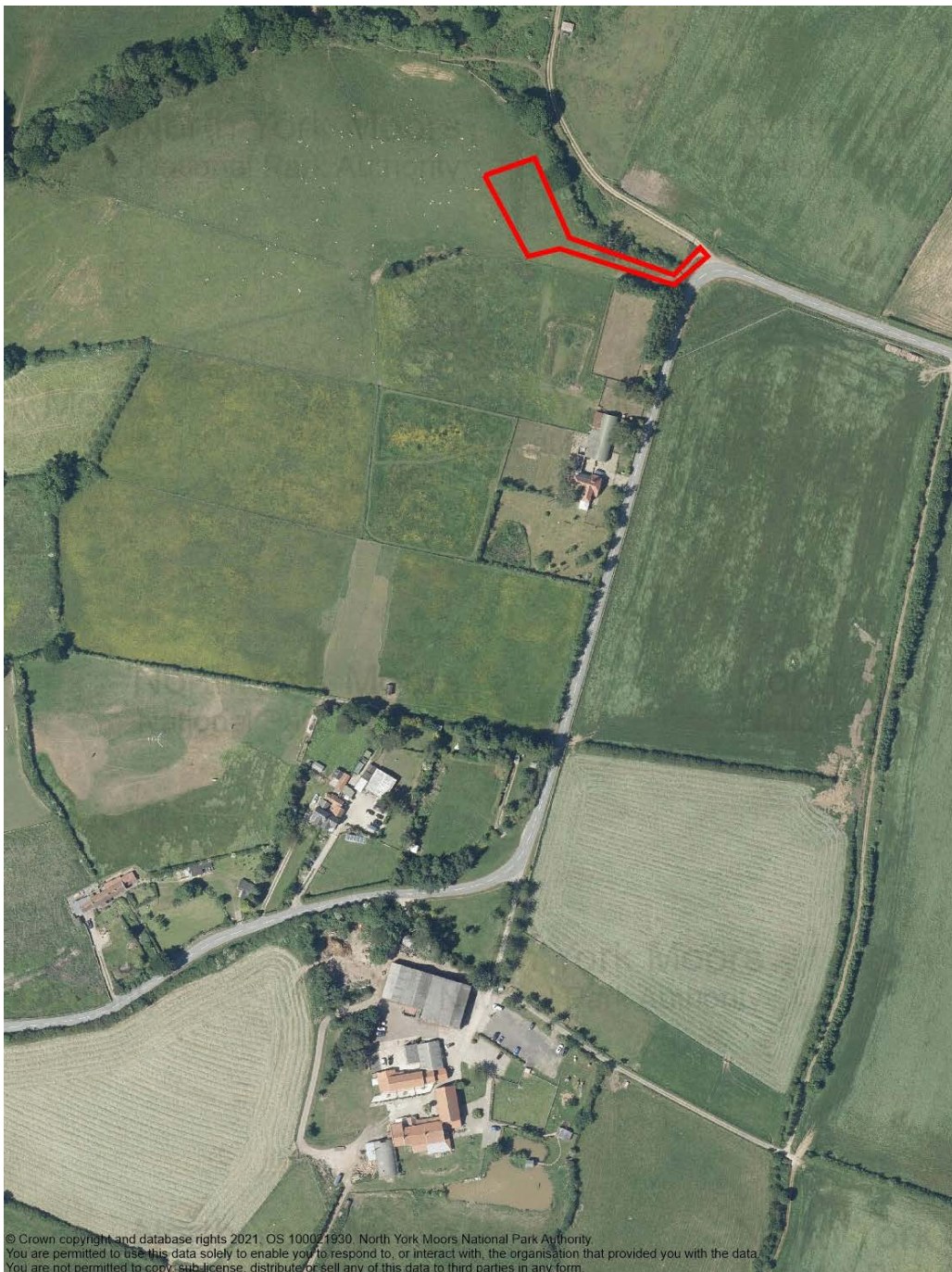
Highways – 20 April 2021 - The site is currently the access to agricultural fields and is unconstructed. This application will intensify the use of the existing un-made accesses, albeit to a minor level. In order to protect the existing highway and improve the access, preventing any mud and debris being deposited on the highway it is recommended that the proposed access be constructed to the LHA specification. As the proposed access is located on the outside of a bend, speeds are relatively low and visibility is in excess of the minimum required.

Application Number: NYM/2021/0200/FL

Natural England – 9 April 2021 – No objections

Environmental Health Officer – 12 April 2021 – No comments

Site Notice Expiry Date – 5 May 2021



Application Number: NYM/2021/0200/FL



View towards site from South East



Access to site from East



Adjacent track to North

Background

This application seeks full planning permission for the construction of general purpose agricultural building for the storage of machinery and produce and for lambing purposes.

The proposed building would measure 22.9m long x 13.715m wide with an eaves height of 5.5m and a ridge height of 6.753m. The building would be of a steel frame construction with a grey fibre cement roof. It would be open sided but with the gables clad in timber boarding. In front of the building would be a new stone yard area and stoned access to the highway.

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The proposed building would be located in an open field, approximately 85m to the North of the nearest buildings at Brooklands Farm. The site is screened to the south by trees and there is a line of hedgerow to the north, however, the site would be visible from the C class road that runs passed the site and the adjacent track immediately to the north which provides a link between two public footpaths.

The land previously formed part of Keasbeck Hill Farm but the house and associated buildings have been sold off separately and the applicant has retained 155 acres (63 hectares) of agricultural land but none of the agricultural buildings that were associated with Keasbeck Hill Farm.

The applicants farming operations include breeding sheep, lamb finishing, store cattle and the production and sale of hay.

In support of the application is stated that currently:-

The business has 210 breed sheep, 250-500 store lambs, and 50 store cattle and the conditions of sale of The Grainary are such that the applicants are required to vacate the farm buildings in the spring which will leave 155acre farming business without any farm buildings.

Main Issues

Local Plan

Policy BL5 – Agricultural Development 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.

Material Considerations

Whilst there may be a functional need for the building and it has been designed for the purposes of agriculture, it is not related physically and functionally to existing buildings.

In terms of landscape impact, whilst the site benefits from some screening along the southern boundary, the building would be very isolated, and would be seen in isolation from public viewpoints, such as the adjacent public highway and farm track which leads to a public footpath.

The siting of agricultural buildings in remote locations is uncharacteristic for this National Park. This proposed building is not physically or functionally linked to any other buildings and would be seen from public vantage points as an isolated form of development, reducing the enjoyment of this typically rural and open landscape.

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The purpose of Policy BL5 is to permit proposals for new agricultural buildings where 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. This is to ensure that the siting of buildings does not have an adverse impact on the landscape character of the area.

In this case the building is required because the applicant has sold off his house and land including all existing agricultural buildings, but has retained some land for grazing. This isn't considered to consist of an exceptional circumstance as the applicant could have retained some of his agricultural buildings, rather than selling them all off. The applicant has put forward various personal circumstances and his historical farming activities in the locality which he considers comprise exceptional circumstances. However, personal circumstances of the applicant are not a material planning consideration.

On the basis that the proposed building would constitute isolated and sporadic development in the open countryside which constitutes development uncharacteristic of the wider landscape of the National Park that would have adverse landscape impact and, refusal is recommended.

Decision under the Temporary Scheme of Delegation

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Refusal (No Amendments Requested/Departure from Development Plan)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

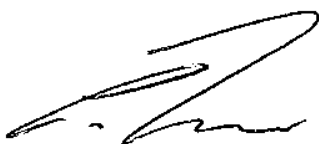
To Mr John Simpson
c/o Ian Pick Associates Ltd
fao: Mr Ian Pick
Station Farm Offices
Wansford Road
Nafferton
Driffield
YO25 8NJ

The above named Authority being the Planning Authority for the purposes of your application validated 24 March 2021, in respect of **erection of general purpose agricultural building and creation of a hardstanding and access track at land north of Brooklands Farm, Harwood Dale** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The siting of the proposed building, remote from any associated farmstead and other buildings would represent sporadic development in the open countryside, which would be detrimental to the landscape character and appearance of this part of the National Park. The building would be clearly seen in isolation from the adjacent public highway and by reason of its isolated nature would have a harmful impact on this landscape which is not characterised by isolated buildings. The proposal would therefore be contrary to Policy BL5 of the North York Moors Local Plan.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



Mr C M France
Director of Planning

Date 19 May 2021

Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.



Harwood Dale Parish Council
c/o Mrs J Marley
Annan
41 Scalby Road
Burniston
Scarborough
YO13 0HN
Via Email

Your ref:
Our ref: NYM/2021/0200/FL
Date: 15 September 2021

This matter is being dealt with by: Mrs Hilary Saunders
Direct Dial 01439 772559

Dear Sir/Madam

Land at: land north of Brooklands Farm, Harwood Dale

Proposed development: erection of general purpose agricultural building and creation of a hardstanding and access track

Appeal reference(s): APP/W9500/W/21/3278291

Appeal starting date: 14/09/2021

Appellant(s) name: Mr John Simpson

An appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority. A copy of the appeal documentation can be obtained from or viewed by prior appointment at The Old Vicarage, Bondgate, Helmsley and is available to view on the [Planning Explorer](#) section of the Authority's website under the application reference number.

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Planning Inspectorate, copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write directly to the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN **within five weeks** of the appeal start date, quoting the appeal reference number. Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter however; they will ensure that it is passed on to the Inspector dealing with the appeal. Once decided a copy of the appeal decision will be published on the Planning Explorer section of the Authority's website under

Working together to sustain the landscape and life of the
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
01439 772700 general@northyorkmoors.org.uk
planning@northyorkmoors.org.uk northyorkmoors.org.uk



Our Ref:

2

Date: 15 September 2021

the application reference number and Planning Portal website <https://www.gov.uk/appeal-planning-inspectorate>. Guidance on the appeal process can be found on the Planning Portal website <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Should you have any further questions, please do not hesitate to contact the Authority.

Yours faithfully

Mark Hill

Mr M Hill
Head of Development Management

North York Moors National Park Authority

LOCAL PLAN

July 2020

Policy BL5 - Agricultural Development

Development of new agricultural buildings and structures or extensions to existing buildings will only be permitted where:

1. The form, height and bulk of the development is appropriate to its setting and will not have an adverse impact on the landscape and special qualities of the National Park;
2. There is a functional need for the development to sustain the existing primary agricultural or forestry activity and the scale of the development is commensurate with that need;
3. It can be demonstrated that there are no suitable existing buildings available to support the existing business;
4. The building is designed for the purposes of agriculture and uses appropriate materials with subdued colours and non-reflective surfaces;

5. The site is related physically and functionally to existing buildings associated with the business unless there is an exceptional agricultural need for a more isolated location;
6. The proposal will not significantly harm local amenity in terms of noise, odours or level of activity either individually or in combination with the existing agricultural activity; and
7. In the absence of existing screening, a landscaping scheme is provided which is appropriate to the character of the locality and retains existing and/or introduces new planting to reduce the visual impact of the proposal on the wider landscape and encourages biodiversity.

The Authority will impose a condition on appropriate planning permissions requiring the removal of the building or structure if it is no longer required for agricultural purposes.

Explanation

- 6.16 The Authority will support development proposals that will enable farm businesses to become more competitive, comply with changing legislation and associated guidance, diversify into new agricultural opportunities and adapt to changing markets.
- 6.17 However, of all the activities in the North York Moors farming has one of the biggest influences on the way the National Park looks and functions. Not only is farming an economic use and provider of jobs and income in its own right, it also significantly influences the landscape of the National Park, potentially affecting the qualities upon which other economic activity (particularly tourism) is dependent. Policy protection is therefore needed to make sure that the natural beauty of the North York Moors landscape is conserved and enhanced.
- 6.18 Traditional farm buildings in the North York Moors are small in scale and built of stone with pantile roofing. Agriculture in the National Park is characterised by small agricultural farmsteads settled into the landscape and these buildings form part of the National Park's special qualities. They are usually clustered around farmhouses and courtyards, and often lend character to the local landscape. In contrast, modern farming can demand large agricultural buildings often featuring utilitarian design and prefabricated materials which are of a size and appearance more industrial than agricultural in nature. Some forms of large scale agricultural development are not appropriate in a National Park as insensitively located and designed buildings and structures can have a jarring or intrusive impact on the visual character and appearance of the landscape.
- 6.19 Proposals will therefore be expected to respect local landscape character and topography and avoid development in prominent locations such as the crests of hills. They should not use brightly coloured and reflective materials. A landscaping scheme will be required to accompany proposals which should help 'knit' buildings or works into the surrounding landscape. Where new tree planting is required a mix of fast growing conifers and native species will be the preferred option. The policy aims to result in a standard of building design that shows an understanding and respect for the National Park and its landscapes. This means that the principle of screening that is poorly sited, designed or over-sized development will not be acceptable.

- 6.20 Applicants will be required to demonstrate a functional need for a proposed development. Where a building is of a substantial size, clarification will be sought over the intended use to ensure that the size and form is justified. Intensive units which are unrelated to an existing farm business will not be supported as enterprises involved solely in intensive livestock production can be ‘foot loose’ and do not require a location in a National Park.
- 6.21 Applicants will need to demonstrate that specific and justifiable circumstances exist for proposals for new buildings in isolated locations in the open countryside. These circumstances may arise from requirements to comply with changing legislation or for example the siting of slurry stores, which through planning regulations must be sited away from certain farm buildings. Where proposals are in more isolated locations a landscaping scheme, which reduces the impact of the proposal on the wider landscape will be required.
- 6.22 The National Park Authority has produced a Landscape Assessment as well as a Design Guide for new agricultural buildings. It will be expected that applicants will have had regard to these documents when submitting proposals. Any opportunities to support or enhance biodiversity on site would also be supported.

North York Moors National Park Authority

LOCAL PLAN

July 2020



North York Moors
National Park



Planning Notice

Town and Country Planning (Development Management Procedure) Order 2015 Notice under Article 15

Application Number	NYM/2021/0200/FL
Applicant	Mr John Simpson
Site Address	Land north of Brooklands Farm, Harwood Dale
Proposal	Erection of general purpose agricultural building and creation of a hardstanding and access track

Following the Government's announcement of new national restrictions (4 January 2021) the office in Helmsley will remain closed however reception staff will be available to answer telephone calls remotely during normal office hours and will periodically visit the office to collect mail. We will continue to provide an effective planning service; however Officers will be unable to meet directly to offer advice, although site visits for applications and enforcement purposes will still be undertaken, with safeguards in place.

Documents for the application(s) are available under the application reference number on the Planning Explorer section of the Authority's website which can be accessed by scanning the QR code below or at: <http://planning.northyorkmoors.org.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx>.

Any comments you may have on the application(s) should be made **within 21 days** of the date of this notice. Where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period. You may comment by using the Authority's online consultation response form, by email (planning@northyorkmoors.org.uk), letter or fax.

Please be aware that any views submitted will be available for public inspection and will be published on the Authority's website, under the provision of the Access to Information Act.

Mr C M France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York, YO62 5BP
website: www.northyorkmoors.org.uk
email: planning@northyorkmoors.org.uk
tel: 01439 772700



Date of Notice:

Harwood Dale Parish Council c/o Mrs J Marley
Annan
41 Scalby Road
Burniston
Scarborough
YO13 0HN
Via Email

Area Traffic Manager - Scarborough NYCC - Area 3 Whitby
Discovery Way
Whitby
North Yorkshire
YO22 4PZ
via email

Forestry Commission - Public Forest Estates c/o Elizabeth Walton
Forestry Commission
Outgang Road
Pickering
YO18 7EL
via email

Natural England - Local Government Team via email

EHO - Scarborough 1
Private Sector Housing Team
via email

EHO - Scarborough 2
Commercial Regulation Manager
via email

Internal – Conservation/Enforcement
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP