

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0187/FL

Development description: creation of fenced and surfaced enclosure for livestock

Site address: Chapel Farm, Harwood Dale,

Parish: Harwood Dale

Case officer: Mrs Helen Stephenson

Applicant: Mr Mark Pashley

Chapel Farm, Helwath Road, Harwood Dale, Scarborough, YO13 0LB

Agent: Pitch and Track Ltd

Chapel Farm , Harwood Dale, Scarborough, YO13 0LB

Director of Planning's Recommendation

Approval subject to the following conditions:

Conditions

Condition number	Condition code	Condition text
1.	TIME01	Standard Three Year Commencement Date

Document title

		The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.									
2.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed Menage Plans & Elevations</td> <td>1216-10 Rev A</td> <td>16 March 2021</td> </tr> <tr> <td>Email re. Drainage & Lighting</td> <td></td> <td>11 October 2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed Menage Plans & Elevations	1216-10 Rev A	16 March 2021	Email re. Drainage & Lighting		11 October 2021
Document Description	Document No.	Date Received									
Proposed Menage Plans & Elevations	1216-10 Rev A	16 March 2021									
Email re. Drainage & Lighting		11 October 2021									
3.	RSU000	There shall be no commercial use of the facility hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes ancillary to the occupation of the property known as Chapel Farm and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.									
4.	GACS00	With the exception of the replacment light on the existing building, as described in the e-mail received 11 October 2021, no external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.									

Reasons for conditions

Reason number	Reason code	Reason text
1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN00	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.	RSU000	In order to comply with Policy CO20 of the North York Moors Local Plan which seeks to ensure that proposals for stables are well related to a domestic curtilage and to enable the Local Planning Authority to control any commercial use of the stables which could give rise to conditions detrimental to the special qualities of the National Park and the residential amenities of adjoining occupiers which would be contrary to Strategic Policy A of the Local Plan.
4.	GACS00	In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.

Consultation responses

Parish

No objection.

Highways

No objection

Natural England

Original plans - Request SCAIL modelling

Amended Plans – No objection.

Environment Agency

No objection.

Third party responses

Name

None received.

Publicity expiry

Site notice expiry date – 30 April 2021.



View of application site from within the applicant's field. The grazing land slopes gently down towards the existing modern agricultural building on the northern boundary (in the right of the picture). An area of flat pasture lies in front of the building upon which the proposed surfaced stock holding area is proposed. To the south of the site is an overgrown hedgerow (seen on the left).



View of application site over the dry stone boundary wall from the public bridleway to the north-east of the site.

Background

Chapel Farm occupies an isolated position to the northwest of Harwood Dale and comprises the main farmhouse; a grade II listed building, along with a range of traditional stone outbuildings which have been converted into additional/holiday accommodation. There is a detached stable block to the south and a large agricultural building in the field to the northwest.

This application seeks full planning permission for the installation of a surfaced enclosure in front of the large agricultural building in the lower field for use as a livestock and equestrian collection/exercise area. The enclosure would be approximately 30 metres by 20 metres and surfaced with a silica sand and rubber mix (typical of outdoor equestrian arenas) and would be fenced by a simple timber post and rail fence.

The applicant has explained that following years of poor land management by previous owners, this area suffers in winter months from poor drainage and poaching. It is therefore proposed to improve the drainage of the land and to use an all-weather surface material to help with stock management and provide an exercise area.

Policy Context

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Policy BL5 (Agricultural Development) and Policy CO20 (Equestrian Development for Private Use). Regard is also given to Policy ENV4 (Dark Night Skies).

SPA states that a positive approach to new development within the Park will be taken in line with the presumption in favour of sustainable development and where decisions are consistent with National Park Statutory Purposes (applying the Sandford Principle if necessary). Development will be supported where it: is a high quality of design which respects the local landscape and built heritage; supports the function and vitality of communities; protects or enhances natural capital and ecosystem services; maintains and enhances geodiversity and biodiversity through conservation; builds resilience to climate change; makes sustainable use of resources and; does not reduce the quality of soil, air and water in and around the National Park.

Policy CO20 relates to Equestrian Development for Private Use and seeks to permit applications for equestrian use (including stables, outdoor arenas and permanent field shelters) where there would be no adverse landscape impact; where existing buildings are used as far as possible and where new buildings are closely associated with existing buildings; where the scale/design is appropriate; where it will not disturb neighbouring amenities; lighting is discreet and where there is adequate parking for horse-related vehicles.

BL5 is supportive of new agricultural buildings and structures or extensions to existing buildings where: the form, height and bulk is appropriate to its setting; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings; the building is designed for agricultural purposes; the site is related physically and functionally to existing buildings unless there is an exceptional agricultural need for a more isolated location; the proposal will not significantly harm local amenity and; in the absence of existing screening, a landscaping scheme is provided.

ENV4 seeks to ensure the darkness of night skies above the National Park are maintained and all development will be expected to minimise light spillage. No external lighting will be permitted in Remote Areas and in the Open Countryside, lighting (which meets adopted lighting guidelines) will only be permitted where it can be demonstrated it is essential for safety or security reasons. Within settlements, external lighting will be permitted where it can be demonstrated that the lighting is essential for safety, security or community reasons and the lighting details meet adopted guidelines.

Main issues

The main issues to consider with this application are whether the proposed development is acceptable in landscape terms and whether it is of a suitable size, scale and design in relation to its intended uses.

The proposed surfaced area is very much akin to an outdoor equestrian manège being a fenced area with silica sand surface. However, it is also proposed to be used as a livestock (sheep) handling area in order to reduce the impact of poaching on the field. The size of the facility is considered to be acceptable for the proposed uses and not excessive for either its intended purpose or its location.

The applicant has explained that the drainage in the field is poor which leads to poaching of the land and flooding. The area concerned is located to the front of an existing building and is therefore an important location for livestock handling and feeding. Currently, the poor drainage leaves the land unusable in winter months and therefore the proposal to install better drainage and an all-weather surface ensures livestock can be adequately cared for whilst addressing the drainage and flooding issues. For this reason the use of a free draining all weather surface material is preferable to crushed stone or concrete. It also provides the opportunity to create a dual purpose facility to include equestrian exercise/turn out which therefore consolidates new development which helps to achieve the aims of SPA.

Although a short distance from the main farmstead, the location of the proposal is immediately adjacent an existing modern agricultural building and is not visible from the main public road. However, views of the site can be obtained from the adjacent public Bridleway but by virtue of the relatively small scale nature of the proposal and its close association to the existing building and overgrown hedge. The proposal is not considered to result in unacceptable landscape impact.

The Authority's Ecologist initially expressed concern in respect of the drainage issues and sought clarification in relation to the handling of manure. If the area is used as a holding pen/winter feeding area for sheep, the concentration of manure and urine is likely to be much greater than an average equestrian facility. Concern was expressed in relation to the likely rapid draining of foul water from the site (due to the construction detail of the manège) and the outflow from the drains to the watercourse which has the potential to discharge pollutants from animal urine, and washed pollutants from manure, straight into the watercourse, impacting on water quality. Ideally the drainage for the manège site would discharge to a drainage field rather than watercourse to enable any effluents present to percolate into the soil as a natural fertiliser.

The applicant has considered the points raised by the ecologist and advised that a land drain has recently been installed into this area which has helped considerably and discharges into a nearby ditch. This ditch does not run into any main water courses but connects to the land drainage system of the lower field. The water then passes through over 500m of land drainage, mostly dispersing into the lower fields, before it eventually reaches the stream feeding Low North Beck and eventually the Derwent. The water is therefore filtered through many metres of soil before it can reach the stream.

The area applied for will have a filter wrapped land drainage system below the surface to alleviate the flooding in this field. All animal waste will be collected for spreading onto our other grassland for fertilisation as is the norm. The area is not having a change of use but being made usable under winter conditions.

In respect of lighting, the applicant has confirmed that there is no intention to use the area for any commercial purposes and therefore no external lighting is required. The existing barn is fitted with an external light which will partially serve the area. It is proposed to replace the existing light with a new LED unit on a PIR to conform with E1 requirements and Policy ENV4.

The Ecologist has considered the revised information and confirmed that she is satisfied with the additional detail which addresses her concerns. Furthermore, Natural England has also confirmed no objection.

The Parish Council, Environment Agency and Local Highway Authority have all confirmed no objection to the proposal and no other representations have been received. In view of the above, approval is recommended.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.