

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0736/FL

**Development description:** installation of flue

**Site address:** Rockwood Farm, Gowland Lane, Cloughton,

**Parish:** Cloughton

**Case officer:** Mrs Helen Stephenson

**Applicant:** Mr M Powell  
Glendum Close, Pinchbeck, Spalding, PE113DQ

**Agent:** Hayward Architects  
fao: Mr Lee Ward, Ground Floor , 19 Station Road, Hinckley, LE10 1AW

## Director of Planning's Recommendation

Approval subject to the following:

### 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.	PLAN02	<p>Strict Accordance With the Plans/Specifications or Minor Variations</p> <p>The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.</p>
3.	MATS00	The flue hereby permitted shall be coloured matt black or matt grey to match the existing roof and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

#### 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.	MATS00	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

## Informatives

Informative number	Informative code	Informative text
1.	MISCINF01	<p><b>Bats</b></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>

## Consultation responses

### Parish

#### Natural England

Original Plans - Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

Additional information - Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

#### Environmental Health Officer

There are no sensitive dwellings likely to be affected by this development at this location. As such I have no objections.

### Third party responses

#### Name

None received.

#### Publicity expiry

Site notice expiry date – 03 November 2021.



## Background

Rockwood Farm lies on the east side of Gowlands Lane some 2.5 kilometres to the north west of Cloughton. There are a number of other properties and businesses in the area, Linglands Cottage (boarding kennels) opposite and Copper Gate Cottage (kennels) to the south. The site comprises the main dwelling granted planning permission in 1984 as an agricultural workers dwelling. The occupancy restriction has since been amended to allow for occupancy by the current occupier for so long as he operates a mixed agricultural and coal delivery business from the premises.

Planning permission was granted in June 2021 for a detached 3-bay garage with playroom above.

The current application proposes a single flue emitting from the roof of an existing agricultural/industrial building to serve a biomass boiler which is located within the building. The building is located to the rear (east) of the yard and although it is visible from the road it is not prominent in landscape. The roof of the building can be seen in views approaching the site from the north but is barely visible in views looking north.

## Policy Context

The relevant NYM Local Plan Policies to consider with this application are Policy BL3 (Rural Diversification) and Strategic Policy A (Achieving National Park Purposes and Sustainable Development).

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 BL3 seeks to support proposals for the diversification of existing agricultural or land-based businesses where: the scheme is well designed and makes use of an existing building and complies with Policy CO12; the proposed use is compatible with and ancillary to the existing farming activity; the proposal is of a quality, scale and design that takes into account the sensitivity of the local landscape; existing access arrangements are appropriate for the proposed use and there are satisfactory arrangements for the storage, parking and manoeuvring of vehicles.

## Main issues

The main issues are considered to be whether the siting and scale of the flue is compatible with the main building and its setting, together with consideration of whether the emissions are likely to adversely affect residential amenity or ecological quality.

## Siting and Design

The proposed flue is of typical design being a single feature inserted through the roofslope and extending above the ridge. It is considered to be of an appropriate scale for the associated building and its visual impact is not anticipated to be unacceptable given its slim proportions. However, it is recommended that a condition be added to ensure the flue is finished in an appropriate colour (black or grey to match the roof) and with a matt finish. In views looking south, the flue will be seen against a backdrop of mature trees and in views looking north, it will read as part of the main farmstead.

## Impact on Air Quality

The Environmental Health Officer has no objections to the proposal, advising that there are no sensitive dwellings likely to be affected by this development at this location

Natural England has advised that nearby designated sites (Sites of Special Scientific Interest, Special Areas of Conservation and/or Special Protection Areas) may be sensitive to impacts from aerial pollutants. On the basis the proposed development relates to combustion, the impacts of the development must be properly assessed. To determine likely air quality impacts arising from the proposal, a screening for air quality impacts should be completed and submitted.

The applicant has submitted the requested information and the Authority's Ecologist has considered the detail. The Ecologist has assessed the input information (which was based on a 1km radius to receptor sites) and used it to perform calculations on a 10km radius which is the standard used for screening. The results returned 16 designated sites, however the potential impact of the development at each is negligible. Therefore there is not likely to be a significant effect on any designated site from the development and I have no objection to approval being granted.

For the purposes of the Habitat Regulations, the Ecologist has confirmed:

- The proposed development is not necessary for the management of any European designated site, and
- The proposed development will not have a likely significant effect on any European designated site.

The proposal is considered to be of an acceptable size, scale and design in the context of the host building and wider agricultural site which also operates a solid fuels business.

Based on the detailed assessment by the Environmental Health Officer and the Authority's Ecologist, Officers are satisfied that the proposal will not result in unacceptable harm to residential amenities or have a detrimental impact on nearby designated sites or local ecology. The proposal is considered to comply with Strategic Policy A and Policy BL3 of the NYM Local Plan and approval is therefore 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 areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information 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.