

# North York Moors National Park Authority

## Plans list item 1, Planning Committee report 02 December 2021

**Application reference number:** NYM/2020/0990/FL

**Development description:** re-sheeting, re-cladding, installation of roller shutter door and enlargement of second access to agricultural building (Building 1), erection of replacement building to form stables (Building 2) together with removal of greenhouse and erection of general purpose agricultural building (Building 3) (part retrospective)

**Site address:** Land south of Wardles Farm, Egton

**Parish:** Egton

**Case officer:** Mr Mark Hill

**Applicant:** Mr Paul Stevenson, c/o Agent

**Agent:** Strutt & Parker, fao: Catherine Greenwood, Thornfield Business Park, Standard Way, Northallerton, DL6 2XQ, United Kingdom

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text
1	RSU000	<p>The premises shall not be used other than as:</p> <p>Building 1 as an agricultural workshop/agricultural store/livestock housing in connection with the agricultural use at the site and ancillary hobby use,</p> <p>Building 2 for agricultural use or use as domestic horse/pony stabling,</p> <p>Building 3 for agricultural use or for use as a non-commercial hedgehog rescue sanctuary</p> <p>and none shall be used for any other purpose (including any other purpose in Class (B2) of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted</p>

Condition number	Condition code	Condition text
		Development) Order 2015 (or any order revoking and re-enacting that Order). For the avoidance of doubt this permission does not permit any of the buildings to be used as a commercial agricultural equipment and/or vehicle/tractor repair and sales business.
2	GACS00	Appropriate sound attenuation measures or curtailing of noisy operations shall be undertaken such that during the hours 20.00 hrs until 07.00 hrs on the following day, noise levels at the site (LAeq(1hour)), from the any mechanical or electrical plant or equipment or testing of vehicle/equipment engines/motors , shall not exceed the background noise level (LA(90) (1 hour)) by more than 10 dB(a) at any time measured at any external elevations of any neighbouring residential property in the locality.
3	GACS00	All/any external lighting attached to the three buildings shall be positioned to point downwards and fitted with timers (so as not to be in constant use from 20.00 - 07.00) or motion sensors within one month of the date of this permission to avoid undue light pollution. All internal lighting in the buildings shall be switched off when the buildings are not in use.
4	LNDS00	Within six months of the date of this permission a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for shrub based screening on land between building 1 and the adjacent residential properties that will not exceed 3m in height together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
5	GACS18	No burning of manure or stable sweepings shall take place anywhere on the site and any such materials stored on the site shall be moved and the area and site completely cleared once a month.
6	GACS19	No burning of manure or stable sweepings shall take place anywhere on the site and full details of the proposed method of storage and disposal of waste from this stable including the

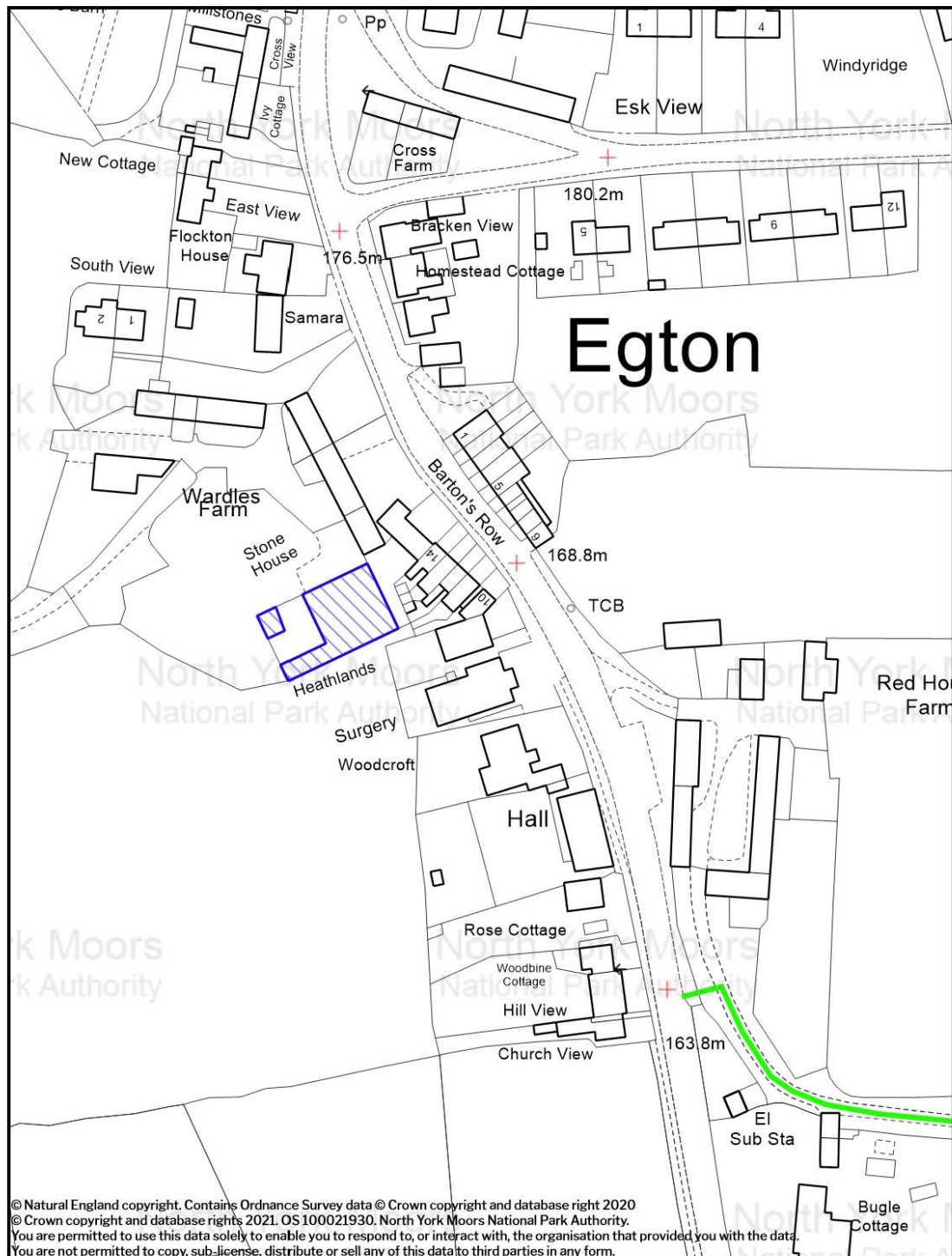
Condition number	Condition code	Condition text
		location of any storage and the frequency of disposal off the site shall be submitted to the Local Planning Authority within one month of the date of this consent. The method of waste disposal shall accord with the details so approved and there shall be no variation unless otherwise agreed with the Local Planning Authority.



**North York Moors  
National Park**

Application Number: NYM/2020/0990/FL

Scale: 1:1250



**Building 1 before alterations carried out**



**Building 1 after wall cladding carried out and open end section walled in to left of picture**





**Building 2 dark green sheeted store/hedgehog rescue replacement building**



**Building 3 dark green sheeted pony stable replacement building**



## **Consultation responses**

### **Parish**

Object. The Parish Council are disappointed in being asked to comment on a retrospective planning application. The Parish Council are supportive of the objections raised by the immediate neighbours of the subject property. It is considered that the quality of the planning application is not in keeping with the normal standards of planning applications. The supplied drawings make it very difficult to ascertain if the completed building renovations reflect the proposed changes to the buildings requested in the application. Concerns that a Bat Survey has not been completed prior to works being carried out are also raised. The Parish Council have concerns that there has been a change of use for a commercial business which has not been included in the application for the agricultural building.

### **Environmental Health**

We are already investigating whether there is a statutory noise nuisance at the site so unsure whether a planning noise condition would be needed. Recommend any approval include conditions relating to; prohibition of manure/stable waste burning, a restriction on the amount of manure and stable waste to be stored on site and that lighting is shielded or angled to avoid light nuisance.

### **Highways**

No highway objections.

## **Third party responses**

**A & L Carter, Egton**

**M & E Carter, Egton**

**M Forster, Egton**

**L & M Webster, Egton**

**CJ Sismey, Egton**

**E. Harper, Egton**

**G Holmes, Egton**

All of the above object or have one or more of the following concerns:

Are concerned regarding the large numbers of vehicles and heavy machinery that come and go at the site, the business would be better on an industrial estate.

There are details published on Facebook which demonstrate that DJC Ltd based at the site operates a commercial tractor restoration & sales business for which the site is considered unsuitable due to proximity to nearby houses and impact on residents enjoying their gardens and patios.

The amount of workshop use at the site is leading to unacceptable noise & vibration levels, light pollution, diesel & paint spraying fumes, waste pollution, excessive vehicle usage of narrow driveways together with safety conflict when the vehicles joining the public road including children pedestrians.

The box profiling used to re-sheet the buildings are not in keeping with the locality, and the sheeting in of an open covered area has brought the workshop closer to residential properties.

The new stable and other building will have a negative impact on the wider landscape.

The application is retrospective.

Query the address given for the application site as there is a dispute over which property is legally entitled to use the address 'Wardle's Farm'.

### **Consultation expiry**

26 February 2021

## **Background**

Wardells Farm comprises a small 10 hectare agricultural holding with a small 50 head of sheep livestock operation run by the owner who is an agricultural contractor on farms in the locality. The original farmhouse was sold off separately several years ago, the current farmhouse is a Grade II listed barn/byre conversion, of traditional stone and pantile construction. The property sits on the western side of Egton high street and the principle elevation of the dwelling looks out towards the west over open countryside. A row of residential properties called Barton's Row have rear elevations which face onto the main large agricultural building. The premises are partially within the Egton Conservation area; the agricultural building that lies south of the property is not within the Conservation Area but does sit directly adjacent to the boundary. The site has very little planning history, other than the 1987 permission for the conversion of the agricultural buildings to form two dwellings (NYM/4/32/123) and a prior notification for the erection of a cattle shed (NYM/4/32/AF4).

This application seeks retrospective planning permission for the re-cladding and re-roofing of the existing agricultural building which lies south of the main dwelling and south-west of the residential properties of Barton's Row. The original building was constructed in the late 1980s and whilst permission was granted by the Authority for a beef fattening shed, the plans submitted at that time do not match what was actually built. The building is slightly larger and much closer to the residential properties than originally proposed; despite this, the building is considered lawful due to the passage of time. In recent years, the agricultural shed had been used largely for quiet storage purposes only.

The Authority has some evidence of what the original building looked like prior to the applicant carrying out works on the building, and it is believed that it was clad in a combination of Yorkshire boarding and asbestos sheets. The applicant has since clad the building in dark green box profile steel sheets, although the north elevation remains timber clad. However, it is clear from photographic evidence that an open sided part of the building has been walled-in and thus the residents feel it has been extended closer to the residential properties on Barton's Row than the original building. The roof of the building has also been clad with the dark green box profile steel sheets, with full length translucent panels on the eastern roof slope facing towards the residential properties of



Barton's Row. The application also seeks retrospective permission for the enlargement of the openings on the northern elevation, together with the installation of roller shutter doors. All alterations to this building were completed prior to the submission of an application.

This application also seeks planning permission for the erection of two additional buildings adjacent to the existing agricultural building. The applicant has advised that Building 2 is proposed to form a stable unit for three small pony/horses, whilst Building 3 is to be a general purpose agricultural building albeit the owner has indicated that she intends to operate an ancillary use as a small hedgehog rescue centre. Both the general purpose building and stable unit have been constructed of dark green box profile steel sheets and concrete blocks, with just a single opening to each building.

The Authority's ecologist has asked that external and internal lighting be minimised to avoid impact on local wildlife and dark night skies. The Authority's Building Conservation team do not consider the agricultural development will adversely affect the setting of the two Listed Buildings or conservation area but ask that lighting be minimised.

## **Main issues**

### **Local Plan**

**Strategic Policy A** relates to achieving National Park purposes and sustainable development. Within the North York Moors National Park a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

**Strategic Policy C** relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

**Strategic Policy I** relates specifically to development affecting the historic environment. The policy states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

**Policy ENV11** relates specifically to historic settlements and the built heritage. The policy states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features.

**Policy BL5** relates to the development of new agricultural buildings and structures or extensions to existing buildings. The policy is clear that development will only be permitted where 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. There must be 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. The building must be designed for the purposes of agriculture and uses appropriate materials with subdued colours and non-reflective surfaces. The site must be related physically and functionally to existing buildings associated with the business.

**Policy C020** relates specifically to horse related development for private use, including stables, outdoor exercise arenas and permanent field shelters. The policy states that development will only be permitted where there is no unacceptable impact on the local landscape character or the special qualities of the National Park. Existing buildings must be used as far as possible and any new stables, yard areas and facilities are closely associated with existing buildings and are not prominent in the landscape. The scale of any new structures must be appropriate to their setting and the design must reflect the principles outlined in the Authority's Design Guide. The development must not harm the amenities of neighbouring occupiers by reason of noise, disturbance, smell or other adverse impact; any lighting should be discreet in order to minimise/prevent light pollution.

## **Main issues**

Visual appearance: The applicants have indicated that Building 1 was a semi derelict asbestos sheeted building and did not realise that planning permission was required to improve and renovate the building together with replacing two small derelict buildings. The General Permitted Development Order does allow agricultural buildings to be renovated although there is a requirement for prior approval and no such prior approval was submitted hence the submission of this application to normalise the situation following an enforcement investigation into the works and activity at the site.

Whilst the Authority's Design Guide for agricultural buildings advocates the use of Yorkshire boarding to all upper walls to break up visual massing, the current buildings use of a mix of timber boarding and dark green metal sheeting for walling and the same sheeting for the roofing, the palette is not unusual and is not considered to be harmful in visual or landscape terms and the Authority's Building Conservation team consider the building does not have an adverse impact on the character and appearance of the Conservation Area. Buildings 2 & 3 on the site of former agricultural buildings are not visible in wider views and are not considered harmful in this steading context.

Residential amenity: Several residents were concerned at the noise and disturbance from the construction phase of the renovation works and have concerns that the intended use of the large workshop building is for a commercial agricultural repairs business including tractor repairs, renovations and sales. There are also concerns about the movement of large agricultural vehicles along the shared driveway to the farm and residential properties.

The works to the buildings are now complete so further construction noise and disturbance is considered unlikely. The applicants have advised that whilst he is an agricultural contractor the work is essentially undertaken off site. Furthermore he states that there is no commercial agricultural repair business being carried out at the site. The applicant does have a number of owned tractors being an enthusiast but these are for his own hobby use or to use offsite when contracting.

Officers consider that subject to the imposition of appropriate conditions precluding a potentially harmful commercial operation being established in this location and appropriate noise, landscaping and lighting conditions that the retention of the renovated agricultural buildings would not harm the levels of residential amenity that could reasonably be expected adjacent to a working in-village small scale farm operation.

### **Summary**

Whilst the Parish Council and local residents are concerned that the works to renovate the main building number 1 to create a farm workshop / store and over wintering facility for sheep are also likely being used for a commercial agricultural equipment and vehicle business, that is not what the application before the Authority is seeking, the applicant denies it and conditions are recommended to ensure this does not occur. The physical works are considered to represent a net environmental improvement from the previous asbestos sheeted and concrete block building. As such a conditional approval is recommended.

### **Pre-commencement conditions**

There are no pre-commencement conditions.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Policy B20 which seeks to support appropriate economic development.

### **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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.