

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0090

**Development description:** prior notification for erection of extension to existing building to provide grain store, workshop and store under part 6 (revised scheme to NYM/2020/0257/AGRP)

**Site address:** Russell Hall Farm, Stainsacre Lane, Whitby

**Parish:** Hawsker-Cum-Stainsacre

**Case officer:** Mrs Helen Stephenson

**Applicant:** F Cummins and Sons

fao: Mr Tom Cummins, Russell Hall Farm, Stainsacre Lane, Whitby, North Yorkshire, YO22 4NW,

**Agent:** Bell Snoxell Building Consultants

fao: Mr Louis Stainthorpe, Mortar Pit Farm, Sneatonthorpe, Whitby, YO22 5JG

## Director of Planning's Recommendation

No objection subject to the following conditions:

### Conditions

Condition number	Condition code	Condition text
1.	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>
2.	MATS00	<p>The materials used for the external elevations and roof covering shall match those of the existing building and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.</p>
3.	MATS19	<p>Roof Colouring (insert)</p> <p>The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.</p>
4.	LNDS00	<p>The replacement hedge planting shall consist of at least six native species including those such as hazel, dog rose, dogwood, field maple and guelder rose and shall be carried out no later than the first planting and seeding seasons following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.</p>
5.	MISC03	<p>Building to be Removed if Not Used for Agriculture</p> <p>If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the</p>

		building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.
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## Informatives

Informative number	Informative code	Informative text
1.	MISCINF01	<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>
2.	MISCINF12	<p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England  <a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a>. Further information on wildlife legislation relating to birds can be found at <a href="http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf">www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</a>.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a>.</p>
3.	MISCINF00	<p>Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; <a href="https://www.swift-conservation.org/">https://www.swift-conservation.org/</a> with additional swift box ideas from Action for Swifts; <a href="http://actionforswifts.blogspot.com/search/label/nestbox%20design">http://actionforswifts.blogspot.com/search/label/nestbox%20design</a></p>

## Consultation responses

None.

## Publicity expiry

Site notice expiry date - 25 March 2022.



View of farm from A170 travelling south. Only the farmhouse roof is visible over the substantial hedge adjacent the road.



View of application site from Enterprise Way. The rooftops of the farm buildings are only just visible over the screen planting which is separated from the industrial estate by a larger field.



View of farm from Stainsacre (outside The Windmill Inn). The existing buildings are visible but the application building is located to the rear of the site where clear views are restricted.

## Background

Russell Hall Farm is a large, long established dairy farm located in open countryside, adjacent to the main A171, approximately 250m south east of Enterprise Way; the eastern limb of Whitby Business Park. The farm is very well screened in views from the main road by a substantial and mature hedge and also benefits from screen planting to the north west, obscuring views of the buildings from Enterprise Way. The holding extends to some 174 hectares (84 hectares grazing and 75 hectares in arable production) with an additional 44 hectares of grazing land on short term tenancy. The farm's main operation is a 180 head dairy herd with 140 followers but arable crops also make up part of the business' income.

A prior notification was granted in 2020 for the construction of an extension to an existing agricultural building at the northern tip of the farmyard. The proposal comprised a 3-bay extension to an existing building of matching proportions together with a lean-to projection leading from the north-east facing elevation of the extension resulting in an 'L-shape' building. The extension provided a grain store which was to be compliant with new strict regulations requiring bird, insect and rodent proof storage conditions to ensure high quality grain. The lean-to element provided a workshop and store area with the original building maintained as cattle housing.

This notification has been submitted as a revision to the 2020 scheme and although there are no changes to the footprint, general layout/design or use of the proposed extension, it is proposed to increase the overall height of the grain store to approximately 11m at the ridge in order to accommodate a 10m tall grain dryer and allow sufficient height for tipping vehicles. The construction materials would match those of the main building.

As previously identified, the extension will require the removal of a section of existing hedgerow of approximately 15m in length. The applicant's agent has provided written agreement to a longer stretch of compensatory planting including a six-species mix of native species.

## Main issues

In the consideration and determination of prior notification applications, the Authority can only assess the proposal in relation to its siting (landscape impact), design and impact on ecology and archaeology.

The farm is visible in the landscape but the main yard and buildings are not prominent in views from the public highway. The farm nestles amongst the mature hedges, tree belts and substantial screening adjacent the A171. The existing yard is quite tightly defined and characterised by buildings of a similar size, scale and design, situated in very close proximity to each other. The clearest view of the farm is from Stainsacre village but on

the basis the building to be extended is towards the rear of the yard, it is difficult to pick it out from the buildings in the foreground.

The large modern building which is proposed to be extended under this notification is to the north of the yard and views of the building can be obtained from the nearby public rights of way network and rooftops can be made out in views from Enterprise Way. Although the proposal comprises an extension, higher than the height of the existing modern building, the visual impact is considered to be relatively low by virtue of the layout of the farmyard, screening and distance from the main public vantage points.

The applicant has re-submitted the landscaping proposals agreed as part of the previous application. The Authority's Ecologist has reconsidered the details and has confirmed that the details for the replacement hedgerow are appropriate mitigation for the loss of the section of hedgerow to be removed to allow the construction of the extension. The section of hedge to be removed is 15m and the section to be re-planted is 15-20m in length and comprises a mix of six native species.

The building is proposed for high quality grain storage in association with the existing agricultural enterprise. The Authority is satisfied that the proposed agricultural building is suitably designed for the purposes of agriculture in terms of its appearance, scale and location and will not have an adverse impact on the character of the wider open agricultural landscape of this part of the Park. The building is proposed to serve an established agricultural enterprise and is clearly designed for agricultural purposes, of similar proportions and matching materials to the existing building. By virtue of the fact it is an extension; the building will be located within the existing farmyard ensuring a close physical relationship to existing buildings. Furthermore, the proposal will help to improve the quality of storage facilities on the farm (which are now c.50 years old), enabling the business to function in an efficient and competitive manner, complying with increasing standards and thus ensuring a sustainable future.

The lean-to workshop facility will provide much needed secure and undercover space for maintaining expensive, modern machinery. It is therefore considered that there is a functional need for the building.

There have been no objections or other representations submitted in connection with the proposal and in view of the above, Officers are satisfied that there is a functional need for the building and that the building has been designed for the purposes of agriculture within the unit. It is not considered that the building would cause unacceptable harm to local ecology, archaeology or the wider National Park landscape or the setting of the house. Consequently, no objections are offered.

### **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 assessing the proposal against all material considerations, including



planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.