

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0675

Development description: prior notification for erection of agricultural storage building under Part 6

Site address: Hodgson Moor Farm, Gowland Lane, Cloughton

Parish: Cloughton

Case officer: Mr A Muir

Applicant: Mr David William Fenby
Green Garth, Samy Lane, Robin Hoods Bay, Whitby, North Yorkshire, YO22 4PD

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

| Condition number | Condition code | Condition text |
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| 1 | TIME00 | The development hereby permitted shall begin not later than 5 years from the date of this decision. |
| 2 | PLAN00 | The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved. |
| 3 | MISCO0 | 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 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. |
| 4 | GACS00 | No external lighting shall be installed in the development hereby permitted. Any variation to this will require a new grant of planning consent from the Local Planning Authority. |
| 5 | GACS00 | The building shall not be used for the housing of livestock or slurry/manure. The use of the building the subject of this notification for livestock accommodation or slurry/manure storage will require a separate grant of planning permission. |
| 6 | MATS00 | 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. |
| 7 | LNDS00 | Prior to the development being brought into use, details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the soft landscaping of the site to form a native species rich area along the northern and western boundaries of the site and shall specify plant species, sizes and planting densities for the 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 |

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| | | approved landscaping scheme shall be maintained in perpetuity. |
| 8 | DRGE00 | <p>No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:</p> <p>i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</p> <p>ii) include a timetable for its implementation; and,</p> <p>iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</p> |

Reason(s) for condition(s)

| Reason number | Reason code | Reason text |
|---------------|-------------|--|
| 1 | TIME00 | 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 | MISC00 | In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal |

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| | | planning policies which seek to restrict new development in the countryside. |
| 4 | GACS00 | In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies. |
| 5 | GACS00 | In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan which seeks to ensure that the proposal will not significantly harm local amenity in terms of noise, odours or level of activity either individually or in combination to justify an exception being made to normal planning policies which seek to restrict new development in the countryside. |
| 6 | 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 building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded. |
| 7 | LNDS00 | In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features. |
| 8 | DRGE00 | To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water. |

Consultation responses

None received

Third party responses

None received

Publicity expiry

Site notice expiry date 17 October 2022



View of proposed location from within the site



View of site from nearest public right of way

Background

Hodgson Moor Farm is located west of Gowland Lane, close to the junction with the main A171. It comprises a collection of fairly large modern agricultural buildings which are currently used to house cattle and pigs. A number of other agricultural items are stores outside at the site including machinery and wrapped silage bales. To the north of the site is a substantial and mature woodland plantation which extends the full length of the access track. The holding extends to 66 hectares of grazing land. The farm's livestock operation comprises 35 suckler cows/heifers and 45 followers with a further 2000 bed and breakfast pigs arriving every 12 weeks. There is no residential dwelling at the site and it is currently managed from an address in Robin Hoods Bay.

The existing buildings have been constructed under a series of agricultural notifications for new or extended buildings; one building in 2004, two in 2008 – one of which was subject to a S106 agreement; a further building in 2018 following a change in site ownership; and the most recent in 2021 which is an open fronted agricultural machinery store

The current notification seeks to erect a steel portal building clad in concrete panels to a height of 1m with Yorkshire boarding above and roofing sheets over. The building is to provide agricultural storage including straw and sawdust for the agricultural unit. The new building is to be constructed to adjoin the west elevation of the existing modern pig rearing agricultural buildings and will measure 15.24m wide, 30.5m long, 3.9m to eaves and 5.2m to ridge.

Main issues

Under the Town and Country Planning (General Permitted Development) Order Part 6, the prior notification procedure does not allow the Authority to look at the principle of the development and can only assess the proposal in relation to its siting (landscape impact), design and impact on ecology and archaeology.

Local Plan

Relevant policies of the Local Plan are Policies ENV1 (Trees, Woodlands Traditional Orchards, and Hedgerows), ENV4 (Dark Night Skies), ENV7 (Environmental Protection and BL5 (Agricultural Development).

ENV1 seeks the retention and enhancement of existing trees, woodland, traditional orchards, and hedgerows that are of value on all developments. ENV4 seeks to ensure that the dark night skies above the National Park are maintained and where possible enhanced.

ENV7 seeks to protect amongst other things, the water quality within the National Park including groundwater, rivers, streams, and coastal and bathing waters.

BL5 seeks to ensure that there is a functional need for new agricultural buildings which have been designed for the purposes of agriculture and that the site is related physically and functionally to existing buildings associated with the business.

The Authority is satisfied that the proposed agricultural building is suitably designed for the purposes of agriculture in terms of its 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 farm is visible in the landscape but benefits from substantial screening to the north which blocks all views from 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. Due to the open nature of the landscape and the scale of existing development the site is fairly prominent in views from Gowland Lane. However, as the proposal relates to a relatively modest building located between the existing 2018 building and woodland to the north, the visual impact of the proposal is considered to be relatively low.

The Authority's Ecologist has not responded formally. However it is considered that appropriate provision of guttering to the new building and some form of water storage or soakaway is included to avoid the creation of additional dirty water. Therefore a condition has been included.

The building is proposed for the storage of machinery and implements associated with the holding which are currently stored outside. 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 – having a close physical and functional relationship with existing buildings. The proposal will not therefore have an adverse impact on the character of the wider open agricultural landscape of this part of the Park.

The scale and location of the building means that its profile will not stand out and will be broken up by the existing buildings and landscape setting. However, additional landscaping will ensure that the building's outline will be broken up further and eventually undiscernible from wider views. The landscaping is sought by condition attached above.

The location is in a very remote and as such a condition has been applied to protect the dark skies in this location.

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 storage 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.

Pre-commencement conditions

N/A

Contribution to Management Plan objectives

Approval is considered likely to help meet objectives 9 and 19 which seeks to increase the intrinsic darkness of the NYM dark night sky reserve and maintain a strong and viable farming and land management community that delivers more for climate, nature, people and place.

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.