

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0555

Development description: erection of steel portal framed agricultural livestock building

Site address: Burgate Farm, Harwood Dale

Parish: Harwood Dale

Case officer: Mrs Hilary Saunders

Applicant: Mr J Cook
Burgate Farm , Harwood Dale, Scarborough, YO13 ODS

Agent: J M Walker (Farm Buildings) Ltd
fao: Miss Hollie Atkinson, Holly Farm, Kirby Sigston, Northallerton, DL63TB, United Kingdom

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.
2	PL02	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	GPMT05	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.
4	GPMT06	The external cladding on the gable ends of the building hereby approved shall be coloured dark green, dark grey or dark brown and shall thereafter be so maintained.

5	MC07	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.
6	MCO0	Prior to the building hereby approved being first brought into use, guttering should be provided on the building directed to either a a soakaway or water storage facility and thereafter be so maintained.
7	MCO0	The development hereby approved shall be completed and maintained in perpetuity, in accordance with the submitted Air Quality Report, which demonstrates that the proposed development will result in a less than 1% increase in levels of nitrogen deposition, including that no more than 30 cattle will be housed within the building.
8	LNDS00	The trees immediately to the north/northeast of the building hereby approved shall not be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of the first occupation of the building for its permitted use.
9	LNDS00	<p>No work shall commence to clear the site in preparation for the development hereby permitted until protective fencing to form a Tree Protection Zone has been installed around the trees immediately to the north/northeast of the proposed building. The fencing shall comprise a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) and shall be positioned at a distance from the trunk as set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone.</p> <p>The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.</p>

10	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
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Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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 & 4	RSN GPMT02	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.
5	RSN MISC05	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 planning policies which seek to restrict new development in the countryside.
6	RSN MISC00	In order to ensure that clean roof water does not mix with areas fouled by cattle and machinery and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan.
7	RSN UOR05	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the NYM National Park.

8&9	LNDS02	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
10	AC07	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents and to preserve and enhance the National Park's Dark Night Skies, in accordance with Policy ENV4.

Consultation responses

Parish

No comments received.

Natural England

8/8/2022 - There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21day consultation period, once this information is received by Natural England, for us to respond.

22/11/2022 - Not able to provide specific advice so no comments to make.

Environmental Health

No comments to make.

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date – 2nd September 2022

Proposed building would be behind the large building on the left



Proposed building to the right of the building below



Background

Burgate Farm is a working dairy farm, located in a valley bottom approximately one kilometre east of Harwood Dale village. It is barely visible from the road and is accessed via single track lane which passes through two other farms/properties before terminating at Burgate Farm. The main farm comprises a traditional stone under slate farmhouse with a range of traditional stone under pantile agricultural buildings forming a courtyard with an extensive range of modern farm buildings beyond.

This application seeks full planning permission for the construction of a steel portal frame agricultural building for the purpose of housing livestock. The proposed building is to be used for calving and rearing.

The building has been designed specifically for agriculture with design and materials to match the rest of the farms complex. The structure will be a steel portal frame, juniper green box profile vented sheets for cladding with be pre-cast concrete panels around the building apart from the east elevation which will be open. The roof will be fibre cement sheeting (to match existing building) along with roof lights as this allows for natural lighting and keeps condensation to a minimum.

In support of the application the applicant's agent has stated that:

The current calving yard is now too small for the number of cows that are calving, whereas the proposed building will provide higher and efficient health and welfare to the cows and calves as the building will be of a modern design. The current calving yard will turn in to a storage building for such as feed and machinery. The livestock will be housed on a dry muck system of which is spread on to surrounding agricultural land which acts as a natural fertiliser. The proposed building will be a total area of 637.57 square metres.

Main issues

Local Plan

Policy BL5 (Agricultural Development) of the Local Plan seeks to permit new agricultural buildings where the scale is appropriate to its setting and will not have an adverse impact on the special qualities of the National Park; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings available; the building is designed for the purposes of agriculture and is related physically and functionally to existing buildings; the proposal will not significantly harm local amenity; and in the absence of existing screening, a landscaping scheme is provided.

The applicant sets out the agricultural need for the building and there would be no wider landscape impact as it would be seen in the context of the larger building by which it would be screened.

There are a couple of trees to the north of the proposed building, and it is recommended that a condition be added to ensure the root protection zones are protected.

A SCAIL assessment and further air quality report have been submitted and assessed by the Authority's Ecologist who is satisfied with the details and mitigation submitted.

In light of this, the application is considered to accord with the requirements of Policy BL5 of the NYM Local Plan and approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

N/A

Explanation of how the Authority has worked positively with the applicant/agent

Approval (No Amendments Required)

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.