

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2018/0342/CU

Proposal: change of use of agricultural building to storage (Use Class B8) (no external alterations)

**Location: Bridge Farm
Browside
Fylingthorpe**

**Decision Date: 18 July 2018
Extended to:**

Consultations

Parish – No objections

Highways – No objections

Natural England – No objections

Environmental Health Officer – No objections

Site Notice Expiry Date – 8 July 2018

Others -

David Sherwood, Fairview, Thorney Brow – Have concerns as I feel the access track and maintenance of it will cause problems for all other existing users. There is no legal binding maintenance agreement between residents using the road and the inevitable increase in traffic will be unsuitable.

Mr & Mrs Noble, Bridge Farm, Browside - Objecting for the following reasons:

1) This is a very isolated farm with an agricultural occupancy condition attached. The access road passes through our property and is an unadopted road that runs Over Fylingdales moor and not suitable for heavy traffic eg delivery vans or lorries.

2) It concerns me that someone should apply for change of Use for an agricultural building, but no external alterations. If they are planning to go into some sort of business other than farming. e.g. some sort of buying and selling internet business, It would be a very quiet and secluded location for any business and detrimental to the abundant wild life that thrives here.

Signature:



Date:

18/07/18

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Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	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.
3.	RSU00	The storage use hereby permitted shall form and remain part of the curtilage of the main dwelling known as Bridge Farm as a single planning unit and shall not be sold or leased separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.
4.	RSU001	The premises shall not be used other than as storage and shall not be used for any other purpose (including any other purpose in Class B8 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 Development) Order 2015 (or any order revoking and re-enacting that Order).

Informative

You are advised to contact Scarborough Borough Council to establish access rights if at any time it is intended to use the Cinder Track to provide access to the property for business purposes.

Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	RSU005	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
4.	RSU001	In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by 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 the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.

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Background

Bridge Farm is located in a rural position in open countryside, in the area of Fylingdales, between Whitby and Scarborough.

The farm is situated at the end of a private stoned roadway which extends approximately 2.5km from the A171, and is primarily single track. The farmstead comprises a modern farmhouse constructed in 1990 which was originally subject to an agricultural occupancy clause, but which was amended to a Local Occupancy restriction following approval of an application to vary the agricultural restriction in 2016.

There is a small modern agricultural building to the west of the house. A concrete roadway leads from the house to the General Purpose building.

This application seeks planning permission to change the use of the agricultural building into a storage building associated with the new owners business.

The building measures 152 square metres internally and whilst a full planning application has been submitted, under Class R, Part 3, Schedule 2 of the 2015 General Permitted Development Order, the development comprises Permitted Development, subject to a Prior Notification being submitted. All that can be considered as part of such a Prior Approval are transport and highways impact, noise impacts, contamination risks and flooding risks.

Main Issues

Considering this application as a full planning application, the main Policy consideration would be Development Policy 10 of the Local Development Plan, which seeks to permit the re-use of existing buildings for employment and training purposes where the building is of sound construction, there is sufficient land, storage space and parking, the building does not have an adverse impact on the character of the area and there are existing adequate access arrangements.

However, under the Town and Country Planning (General Permitted Development) Order Part 3 Class R the Authority can only consider the four issues mentioned above in the determination of this Notification, and it can only have regard to the Development Plan and National Planning Policy Framework so far as relevant to the subject matter of the prior approval.

Under the GPDO the Authority must consult the local highway authority where it considers the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. DP10 also only supports such development where there is satisfactory access.

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The route to the application site is along a mainly single track road which for much of its length is generally made up of unbound material. The road is accessed off the A171 near the Flask complex and the site is approximately 2.5km away from this access. The Highway Authority has been consulted and has no objections to the application. The Authority's Ranger team have also been consulted and have not objected to the scheme.

To some extent it is anticipated that the access route itself will dictate the size of vehicles which will access the site, but as it has previously had an agricultural use, the road is likely to have been previously used by large farm vehicles.

The nearest public footpath is approximately 500m away and beyond that a public footpath does run alongside the track that leads to the A171. This track provides access to a number of residential properties and farms along the track.

No objections have been received from the Highway Authority or the Rangers and it is not considered that the traffic generated by using this modest sized building for storage would have an unacceptable impact on Highway safety.


In terms of noise, the site is in an isolated location without immediate neighbours and it is not considered that the use of the building for storage would have a detrimental impact on the quiet enjoyment, peace or tranquillity of this area of the Park. Whilst the storage use may result in a different form of traffic on the road, other than farm vehicles, it is not considered that this would have such an adverse impact on the character of the area or on users of the nearby footpaths to justify a refusal, particularly as no objections have been received from the Authority's Rangers.

It is not considered that the use of this existing agricultural building for storage purposes would result in any flooding or contamination issues.

In view of the above approval is recommended as the proposal would be in accordance with Development Policy 10 of the Local Development Plan.

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.

Signature: 	Date: 18/07/18
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