

COMMITTEE REPORT

Date: 17 March 2011 **Ward:** Bishopthorpe
Team: Major and Commercial **Parish:** Bishopthorpe Parish Council
Team

Reference: 10/02684/FUL
Application at: Part OS Field 1722 Sim Balk Lane Bishopthorpe York
For: Erection of an agricultural building for the keeping of Livestock
By: Mr Kevin Linfoot
Application Type: Full Application
Target Date: 8 March 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full planning application for the erection of a livestock building on land at Sim Balk Lane, Bishopthorpe.

1.2 The site is located on the north east side of Sim Balk Lane. The application area consists of an existing tarmac access road from Sim Balk Lane which leads to a hardstanding measuring approximately 19 metres by 20 metres (380 square metres). The hardstanding area is surrounded by existing fencing and conifer hedging standing in excess of 3 metres high. The area to the rear of the hardstanding has been included within the site as a vehicle turning area. To the west of the site is an existing pumping station and to the south is Bishopthorpe Garth a grade II listed building. The boundary to Bishopthorpe conservation area is approximately 40 metres to the south of the site.

1.3 The proposal is to construct a building measuring 18 metres by 10 metres with a height to eaves of 4 metres and to apex of 4.5 metres. The building is to be constructed of concrete panels to 2 metres with Yorkshire boarding above. The roof is to be clad in profiled composite metal in slate blue colour. Access to the field is through the building and the hardstanding will be extended into the entrance to the field to provide a turning area for vehicles.

1.4 The application has been called into committee by Cllr Galvin who is concerned that the proposal is inappropriate development within the green belt.

Planning History

1.5 A certificate of Lawfulness was issued in December 2006 in respect of the hardstanding and its use for agriculture. It was determined that, on the balance of probabilities, the hardstanding would only be used for agriculture and was therefore permitted development.

1.6 Planning permission was granted retrospectively for the surfacing and improvement of the existing access to the site in January 2007. The access permission was restricted to agricultural use only.

1.7 There have been several enforcement issues raised on this site however none have resulted in the serving of an enforcement notice.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections in principle. The amendments to the scheme demonstrate that a rigid HGV could turn around within the site albeit with a multipoint turning manoeuvre. Since the turning area is over 100m from the public highway it is not considered that vehicles will reverse onto the highway. Conditions are requested to ensure the provision of a turning area within the site.

3.2 Environmental Protection - No objections. An informative is requested with regard to the environmental requirements for the operation of the site both during construction and for the subsequent use of the site

EXTERNAL

3.3 Bishopthorpe Parish Council - The proposal is for an Agricultural Shed to be placed on an area of hardstanding. When approval for the hardstanding was given it was for the provision of hardstanding area in conjunction with the use of the land for agricultural purposes. The comments of the Conservation Officer at the time addressed the agricultural statement as being not definite in its justification of the proposals firm requirements relating to the exact nature of the operation have not been set out etc, etc. The officer report concluded that the LPA is satisfied that the applicant has proven that on the balance of probability the hardstanding would only be for agricultural use. Up to this time the hardstanding was used to store construction material and service work going on at the Garth. Very little change was noticed afterwards and what was more noticeable was the parking of a Red Double Decker bus which has recently disappeared. Domestic oil delivery vehicles have been seen entering and leaving the site. The movement of animals on the adjoining field has been through the opening in the fence on the other side of the pumping station. Based

on the above we believe the balance of probability was wrong and permission should not have been given. Consequently this application has been viewed by us with suspicion. The applicant is intending to expand the herd numbers to approximately 50 cows grazing in the agricultural field. The agricultural assessment in the hardstanding application stated that the adjoining field would cater for 18 breeding cows or calves. A big difference. A shelter with an opening to the worst weather? In time we have seen a few highland cattle in the field in the earlier days (since the hardstanding application) but mostly sheep. Very few lambs have been observed but we are sure farm records would clarify this point. However they have been accommodated without a shelter as proposed and have been moved in and out of the field through the fence gap. In the application Foul sewage would be disposed of via the main sewer. No details have been given as to how much foul sewage there will be and its disposal especially as there is no proposal detail to connect to the existing drainage system. In this case would the sewage be classified as Trade Effluent for which the proposal said no to the disposal (Statement 16). It is of interest that there are no employees involved (Statement 19).

3.4 Overall the Parish Council have doubts about this proposal (as they did in the hardstanding application) and therefore consider this to be inappropriate development in the Green Belt (with insufficient justification).

PUBLICITY

3.5 The application has been advertised by means of a site notice posted on the 24th January 2011 and via neighbour notification letters.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Principle of the development in Green belt
- Design and siting including proximity to a grade II listed building and Bishopthorpe Conservation Area
- Residential Amenity
- Access arrangements
- Drainage

Policy Background

4.2 The site is located within green belt. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.3 Planning Policy Guidance note 2 'Green Belts' (PPG2) says the construction of new buildings inside a green belt is inappropriate unless it is for one of a number of stated purposes including agriculture and forestry. Paragraph 3.15 of PPG2 says the visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the

purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

4.4 PPS7 Sustainable Development in Rural Areas 2005 states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

4.5 Policy GB1 says within the green belt planning permission for development will only be granted where: the scale, location and design of such development would not detract from the open character of the green belt; it would not conflict with the purposes of including land within the green belt: it would not prejudice the setting and special character of the City of York and is for one of a number of purposes including agriculture and forestry.

Principle of the Development

4.6 Both Government advice and local plan policy is supportive of the principle of agricultural buildings in green belt locations. The information supporting the application, including later questions raised with the applicant, says that there will be 48 Highland cattle at the site. There are also 12 goats and approximately 50 sheep to move to this site from Ravenswick (another property in Mr Linfoot's ownership that is in the process of being sold). Mr Linfoot's land holding around Bishopthorpe is around 38 Ha (95 acres) with 8Ha (20 acres) being adjacent to application site. All of Mr Linfoot's land ownership within the Bishopthorpe area is to be used for the grazing of livestock.

4.7 Lack of need is sometimes cited as an objection to agricultural buildings, but is difficult to sustain if the building is stated to be for an agricultural purpose and is clearly designed for such a use. There is no guidance in PPS7 relating to the need/viability testing of proposals for agricultural buildings, and Government advice generally is that planning decisions should not be based on considerations of whether businesses would be commercial successes or not. It should also be noted that the requirement for an agricultural building to be used in connection with a trade or business is purely a condition related to the qualification of a building for permitted development rights.

4.8 It is noted that the Parish Council says 'The applicant is intending to expand the herd numbers to approximately 50 cows grazing in the agricultural field. The agricultural assessment in the hardstanding application stated that the adjoining field would cater for 18 breeding cows or calves. A big difference' Looking back on the hardstanding I note the agricultural report said ' the 20.56 acres of grassland available directly adjacent to Bishopthorpe Garth is capable of accommodating 90+ breeding ewes and lambs all the year round or 18 breeding cows and calves or a combination thereof. The grassland north of the A64 amounting to 3.5Ha (8.77 acres) and the Ings grassland totalling 17.66 Ha (43.61 acres) could also accommodate a large amount of livestock (230 breeding ewes and lambs or 46 breeding cows and calves) and so a flexible farming system could be developed on the holding'

4.9 It is Officers opinion that the building is appropriately designed for agriculture. It has been shown that the land ownership of the applicant around the area is significant and it is clear that the applicant owns livestock. It is reasonable that the building could

be required for agricultural activity. On this basis, subject to the details of the building design being acceptable I see no in principle basis to resist this application which is considered to be appropriate development within the green belt as defined in PPG2.

Siting and Design

4.10 The building is located in an area that has been screened with conifer hedging on an area of existing hardstanding. Approaching the site from the north it is possible to see the existing trees because the road is high up where it crosses the A64. The roof of the building will be visible from this road but seen against the backdrop of the trees and the pumping station it is considered that the building will not be visually significant. The siting, materials and design of the building are considered appropriate to the green belt location and accord with the principles set out in paragraph 3.15 of PPG2. Furthermore the building is considered to be sufficient distance from Bishopthorpe Garth not to impinge on the setting of that property and well enough located and designed such that views into and out of the conservation area will not be affected.

The provision of additional hardstanding to the rear of the trees to provide turning area will be mainly obscured by the existing landscape features however the details of the materials to be used for this additional hard surface area is conditioned to ensure an appropriate material such as grass crete is used.

Residential Amenity

4.11 The livestock building requires planning permission because it is within 400 metres of a protected building. A protected building is defined within the Town and Country Planning General Permitted Development Order 1995 and includes any dwelling not in agricultural use. The proposed building is approximately 80 metres from Bishopthorpe Garth and another separate dwelling within its curtilage. The site is separated from the existing residential properties by an existing outbuilding and good landscape features which together create a good visual barrier between sites. In Officers opinion the site is sufficiently separated from existing residential properties to safeguard their residential amenity. The Environmental Health Officer raises no objections to the application.

Access Arrangements

4.12 The site is served via an existing access from Sim Balk Lane. The proposal includes an additional turning area to the rear of the hardstanding to provide turning space for larger vehicles. Highway Network Management are satisfied with the provision within the site for the turning of vehicles and raise no objections to the proposal. The additional hardstanding will not be visually significant and the materials of the hard area are proposed to be conditioned. Officers consider that the turning area is necessary for the proper functioning of the site and is accommodated without detriment to visual amenity of highway safety.

Drainage

4.13 The site is located within flood zone 2. The application is supported by a flood risk assessment which says that the Environment Agency has confirmed that there is no

records of historic flooding at the site. Agricultural buildings are classed as less vulnerable uses in Annex D of PPS25 and their location within flood zone 2 is considered to be acceptable. Surface water drainage is to be to water butts and soakaways.

5.0 CONCLUSION

5.1 It is Officers opinion that the building is appropriately designed for agriculture. It has been shown that the land ownership of the applicant around the area is significant and it is clear that the applicant owns livestock. It is reasonable that the building could be required for agricultural activity. On this basis, subject to the details of the building design being acceptable I see no in principle basis to resist this application which is considered to be appropriate development within the green belt as defined in PPG2.

5.2 The siting, materials and design of the building are considered appropriate to the green belt location and accord with the principles set out in paragraph 3.15 of PPG2. Furthermore the building is considered to be sufficient distance from Bishopthorpe Garth not to impinge on the setting of that property and well enough located and designed such that views into and out of the conservation area will not be affected.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing No. BG01/02

Drawing No. BG01/01

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the development hereby approved being commenced details of the surface of the hardsurface to the turning area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use.

Reason: In the interest of the visual amenity of this Green Belt location.

4 HWAY35 Servicing within the site

5 HWAY21 Internal turning areas to be provided

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the development, design and siting, residential amenity, traffic and drainage. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policy GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

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