
Appeal Decision

Site visit made on 2 October 2017

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2017

Appeal Ref: APP/G2713/W/17/3179392

Longbridge House Farm, Stillington Road, Easingwold, North Yorkshire YO61 3ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Jane Grant against Hambleton District Council.
 - The application Ref 15/02666/FUL, is dated 10 November 2015.
 - The development proposed is erection of general purpose agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a general purpose agricultural building at Longbridge House Farm, Stillington Road, Easingwold, North Yorkshire YO61 3ET in accordance with the terms of the application, Ref 15/02666/FUL, dated 10 November 2015, subject to the attached schedule of conditions.

Procedural matter

2. The Council resolved at its Planning Committee meeting on 17 August 2017 that it should resist the appeal proposal as it considers it contrary to development plan policy being outside the development limits of Easingwold and that the scheme has not been shown to be necessary to meet the needs of farming.

Main Issue

3. The main issue for the appeal is whether the proposal would comply with policies for the location of new development.

Reasons

Policy background

4. Hambleton Local Development Framework Core Strategy April 2007 (Core Strategy) Policy CP4 is concerned with the settlement hierarchy and includes amongst other things that development in the countryside will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.

5. There is no dispute between the parties that the appeal site is outside of the development limits for Easingwold. No objection is raised to the appeal scheme by the Council in respect of Policy CP1 which is concerned with 'sustainable development' which includes that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted, or Core Strategy Policy CP2, which is concerned with minimising the need to travel.

Necessary to meet the needs of farming

6. The appeal site consists of an area of agricultural land adjacent to the existing group of buildings, tanks and open yard at Longbridge House Farm. I saw at my site visit that Longbridge House Farm, in addition to agricultural use and storage houses some variety in business uses which include road haulage. The proposed steel framed building would provide covered agricultural storage. I have had regard to the planning history of Longbridge House Farm and the change of use of agricultural buildings to other agricultural uses which have taken place in making my decision.
7. It is clear that the appeal proposal relates to an established agricultural business with arable and livestock interests across the wider area. The need for the additional storage building is said to arise from an expansion of farming activities through contract and share farming. I have been provided with copies of a share farming agreement in respect of New Manor Farm, Carlton Husthwaite (dated 7 November 2016) for about 304 acres which has a duration until September 2021 and a farm business tenancy agreement relating to land at Woodhouse Grange, Rufforth for about 408 acres which runs to October 2021. Additionally, I understand that the appellant also has an agreement to take straw from 700 acres of land per annum near Selby, although the details before me are limited.
8. I note that the contracted farmed land is some distance away from the appeal site and that the contracts do not include use of buildings on those holdings. I have very few details before me however regarding any such buildings or whether they could provide acceptable alternatives to that proposed. I do not however find such arrangements to be particularly unusual in terms of farming practice. I have also had regard to the comments concerning the suitability of the land at Rufforth for the production of the crops set out in the application. However, this does not necessarily mean that the farming of the land would not give rise to a requirement for some additional agricultural storage.
9. I have considered the comments by the Council concerning the lack of evidence that the farm business growth and increased operations have been constrained by the lack of an additional building at the site, or that temporary storage facilities have been needed. However, I also note the appellant's comments that straw is sold from the field and stored outside which has an effect on prices and on balance, consider that the Council's concerns do not refute the need for the appeal building.
10. I am satisfied therefore that the additional farming activities identified will generate a significant storage requirement for the farm business and consequently that the proposed building is necessary to meet the needs of farming. Furthermore, the growth of the farm business and the creation of several additional jobs will help support a rural economy in accordance with paragraph 28 of the National Planning Policy Framework (the Framework).

11. Whilst I have regard to the comment by the Council that the determination of the application required a judgement on the competing issues of promoting economic growth and protection of the openness of the landscape as required by Core Strategy Policies CP15 and CP16, I nevertheless find that the appeal proposal complies with the policies for the location of new development and does not conflict with Core Strategy Policy CP4.

Other matters

12. I have had regard to the comments regarding the separation distance between the appeal building and residential properties but am satisfied that whilst the appeal building would be relatively large in scale, it would not give rise to unacceptable overshadowing or loss of light to nearby dwellings. I have also had regard to concerns raised about potential noise, lighting and disturbance from the appeal property and the need for the provision of additional landscaping. However, these matters could be addressed by way of planning conditions.
13. I note the comments from the interested person regarding their understanding that the land would not be built on. However I have found the proposed agricultural building to accord with development plan policy. I have also had regard to the comments concerning property values, but the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

Conditions

14. The Council has suggested a number of planning conditions which the appellant has not disputed. I have made some changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. I have not applied a condition as suggested requiring the removal of the building if it is no longer required for agricultural purposes as I do not consider that such a condition is necessary given that I have found that the building is needed for agricultural use. I have also not applied a condition restricting the outside storage of materials within the appeal site as defined in the site location plan, as it would not be reasonable to extend such a restriction over the whole of the land included within the red line boundary, given that it includes areas presently used for such storage.
15. I have applied conditions regarding timescale, specifying the approved plans and use of the building for agricultural storage as that provides certainty. I have imposed conditions regarding noise attenuation details, lighting, preventing the formation of new openings in the western, southern and northern facades of the building, preventing mechanical extraction or use of drying equipment, and regarding hours of operation to safeguard the living conditions of nearby residents. I have also specified additional landscaping to safeguard the character and appearance of the area.

Conclusion

16. For the above reasons and having considered all matters raised, I conclude that the appeal should be allowed and planning permission granted.

Philip Lewis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and drawing number PB15/89 revision B.
- 3) Prior to the commencement of development details of noise attenuation and acoustic cladding including the acoustic specification with reference to background noise levels at the nearest noise sensitive receptors (Hurns Way) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development shall not be commenced until a detailed landscaping scheme for additional planting between the approved building and Hurns Way indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless or until the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
- 5) No external lighting for security or other purposes shall be installed until a lighting scheme has been submitted to and been approved in writing by the Local Planning Authority. The lighting scheme shall include the number, position, height, main beam angle, spill shield details, hours of use and the intensity of all lights. Lighting shall not be installed other than as approved.
- 6) No mechanical extraction or drying equipment shall be installed either temporarily or permanently for use with the building.
- 7) The building hereby approved shall not be used other than for bulk storage of agricultural commodities and non-perishable items used in conjunction with agriculture and agricultural contracting. The building shall not be used to store farm waste or other waste.
- 8) No additional opening windows or doors shall be installed in the western, northern or southern façade of the building.
- 9) No operations within or deliveries to the building shall take place outside the hours of 0700 and 2000 hours on any day.