



Appeal Decision

Site visit made on 19 December 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/U2750/W/23/3329543

Bumble Barn, Green Lane, Monk Fryston, Selby, North Yorkshire LS25 5EJ

- 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 Mr P Smith against North Yorkshire Council.
 - The application Ref 2023/0356/FUL, is dated 29 March 2023.
 - The development proposed is erection of a general purpose agricultural building for the secure storage of agricultural machinery, fodder and seasonal housing of livestock.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a general purpose agricultural building for the secure storage of agricultural machinery, fodder and seasonal housing of livestock at Bumble Barn, Green Lane, Monk Fryston, Selby, North Yorkshire LS25 5EJ in accordance with the terms of the application, Ref 2023/0356/FUL, dated 29 March 2023, subject to the following 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: Block Plan; Location Plan; Northern Elevation; Eastern Elevation, Southern Elevation; Western Elevation and Floor Plan.
 - 3) The external finish of the building hereby permitted shall be constructed in red brick and red pantile to match the existing adjacent agricultural building.

Application for costs

2. An application for costs has been made by Mr P Smith against North Yorkshire Council. This application is the subject of a separate decision.

Procedural Matters

3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

4. The appeal was made on the grounds of non-determination of the application. This was because the Council was seeking a response from the Environment Agency (EA) with respect to the potential use of the building for the housing of livestock and its position within a nitrate-vulnerable zone (NVZ). I have sought comment from the EA during the appeal.
5. The EA's response sets out the legislative requirements for dealing with waste, including the effects on NVZs and the storage of slurry, silage, fuels etc. It is clear that the responsibility for compliance with these regulations lies with the appellant and that the EA is the regulatory authority. The main parties were given the opportunity to comment on this, which clearly signposts the appellant to the relevant legislation and guidance.
6. The Council have supplied me with a statement. This sets out that it considers the proposal would be not inappropriate development in the Green Belt and that it would be acceptable subject to the imposition of conditions. I have no reason to disagree with this assessment and as such, there are no issues to consider.

Conditions

7. I have imposed the standard time limit and approved plans conditions in the interests of certainty. The Council requested a condition be imposed requiring the materials for the proposed development to match those of the adjacent building. I consider this to be reasonable and necessary in the interests of the character and appearance of the area.
8. The Council also requested a waste management condition be imposed given the site is located within an NVZ and surrounding development. The comment received from the EA sets out that this issue is comprehensively addressed through other regulatory regimes. Paragraph 194 of the Framework is clear that planning decisions should assume that separate pollution control regimes will operate effectively. Consequently, the suggested condition would not be necessary and as such would fail to comply with the tests set out in paragraph 56 of the Framework. I have therefore not imposed this condition.

Conclusion

9. I conclude that the appeal should succeed and planning permission granted.

J Downs

INSPECTOR