



Appeal Decision

Site visit made on 15 May 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/U2750/W/23/333324

Ians Field Farm, Burniston Road, Newby, Scarborough YO13 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Shaun Millward against the decision of North Yorkshire Council.
 - The application reference is ZF23/01568/AD.
 - The development proposed is agricultural storage building (straw).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for agricultural storage building (straw), at Ians Field Farm, Burniston Road, Newby, Scarborough, YO13 0DA in accordance with the application ZF23/01568/AD and the details submitted with it, including plan no SM010923 – Proposed site location plan.

Application for costs

2. An application for costs was made by Mr Shaun Millward against North Yorkshire Council. This application is the subject of a separate decision.

Background and Main Issue

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. Development that fails to meet these requirements of Schedule 2, Part 6, Class A, Paragraph A, would fall outside the scope of these permitted development rights and would require an application for planning permission.
4. Where it is determined that development does fall within the scope of these provisions, and any limitations are met, the local planning authority is required to assess an agricultural building solely on the basis of its siting, design and appearance.
5. The Council's decision notice raises concerns with the siting of the proposed agricultural building only. No concerns are raised relating to its design or

appearance. While there is reference within the Council's Statement of Case (SoC) to the proposed building not being essential to the viable operation of the farm, on the basis that existing buildings could revert to agricultural use, the Council does state that it has been demonstrated that the proposed building would be 'essential so as to support the needs of agriculture or forestry'.

6. The proposed building would be used for the storage of hay produced on the farm, to reduce weather damage. The stored hay would then be used as part of the pig rearing business on site or sold. As such, it would be reasonably necessary for the purposes of agriculture within that unit. The information before me indicates that the existing buildings referred to by the Council, benefit from planning permission to be used for commercial storage as part of a farm diversification scheme, and that this alternative use is operational.
7. As the proposed building would be reasonably necessary for the purposes of agriculture within the unit, the main issue is the effect of its siting on the character and appearance of the area.

Reasons

8. The proposed building would be sited approximately 15m to the south of an existing livestock unit, in an area presently used for the external storage of hay. To the south of the proposed building is an existing grassed bund. To the west is a mature hedgerow that lines a public footpath known as the Cinder Track. To the north, beyond the existing livestock unit, is a line of mature trees. The commercial buildings forming the farm diversification, along with the farmhouse, lie further to the southeast, along with a household waste recycling centre and a caravan park.
9. The proposed building would lie close to the existing livestock unit and would relate well to it in form and layout. While this existing building is somewhat detached from other buildings at the farm, it is sufficiently close not to appear isolated. Given the presence of this existing building, the proposal would not appear to encroach unacceptably into the open countryside.
10. Public views of the proposed building would be possible at a distance from the surrounding road network, and more closely from the Cinder Track. Within these public views, the proposed building would be seen alongside the existing livestock unit. The Council acknowledges that the Cinder Track passes through working farmland and often in close proximity to numerous agricultural buildings and working farmsteads throughout its length. While the proposed building and the existing livestock unit lie at a higher ground level than the adjacent track, the track benefits from mature vegetation along much of its length where it passes the appeal site, including a number of evergreen trees. This planting would adequately screen or filter views of the proposal for users of the Cinder Track and so the proposal would not appear unduly prominent in views for recreational users of this route. Nor would it impact detrimentally on the experience of recreational users of this route, given that agricultural buildings are not an uncommon feature along the track.
11. To conclude, the siting of the proposed building would not harm the character and appearance of the area. Policy ENV6 of the Scarborough Borough Local Plan, July 2017 seeks to ensure that the character of the open countryside is protected, maintained and where possible enhanced, while policy INF 4

requires that proposals within the vicinity of the Cinder Track do not harm the character, integrity or amenity value of the route. As the siting of the proposal would not harm the character and appearance of the area, including the amenity value of the Cinder Track, it would accord with the requirements of these policies.

Other Matters

12. My attention has been drawn to the site's planning history, including the odour complaints that led to re-locating the existing livestock unit to its current position. While I note the Council's concerns relating to precedent, I am assessing the scheme before me with regards to the provisions of the GPDO only, in particular, whether the siting is acceptable. It is necessary for me to reach a decision based on the present circumstances, which include the re-located livestock unit. Any future developments would need to be considered on their individual planning merits.

Conditions

13. Any permission granted under the GPDO is subject to the conditions at paragraph A.2(2) that development shall be carried out in accordance with the details approved and be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

S Brook

INSPECTOR