

TOWN AND COUNTRY PLANNING ACT 1990
YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
PERMISSION TO CARRY OUT DEVELOPMENT**

To: **Mr R Brewer**

Decision No: S/03/481A

The above named Authority being the Local Planning Authority for the purposes of your application received on 16/02/2015 for full planning permission for erection of agricultural building at Cross Hall Farm, Cautley, Sedbergh, SD688939 have considered the said application and have GRANTED permission for the proposal subject to the following Conditions:

1. The development hereby permitted shall be begun (as defined by Section 56 of the Town and Country Planning Act 1990) before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the details indicated in the following drawings/documents:-

Site location plan, received 26th March 2015.
Proposed plan view, received 16th February 2015.
Proposed east elevation, received 16th February 2015.
Proposed west elevation, received 16th February 2015.
Cross section (section plan), received 16th February 2015.
Proposed south elevation, received 26th March 2015.
Proposed north elevation, received 26th March 2015.
Proposed roof plan, received 26th March 2015.
3. The roof sheets of the building hereby permitted shall be factory painted RAL Colour Range 7015 (anthracite grey) and not painted in-situ. Once installed, the roof sheets of this colour shall be retained thereafter.
4. Rooflights shall be limited to one per bay per side in accordance with the amended drawings submitted on 26th March 2015.
5. When the development hereby approved ceases to be used for agricultural purposes, it shall be demolished and removed from the site together with all the ancillary equipment to leave the site clear. The site shall be restored in accordance with details first submitted to and agreed in writing with the local planning authority.
6. No external lighting is to be erected on the building hereby permitted.
7. For the avoidance of any doubt, the re-routed access track shown on the proposed site plan/site location plan shall be the same width as the existing access track. The track shall be surfaced with material to match the existing track.
8. The Yorkshire boarding shall be stained dark brown and thereafter maintained as such.

EIA

Date: **10 APR 2015**

Redacted by YDNPA

Designation

HEAD OF DEVELOPMENT MANAGEMENT

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

NOTE:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate
Temple Quay House
Room 3/13
2 The Square
Temple Quay
Bristol
BS1 6PN
0303 444 50 00

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

(approval/refusal)

Reason(s):

1. To comply with the requirements of Sections 91-93 of the Town and Country Planning Act 1990 (as amended).
2. To define the plans that relate to this permission.
- 3, 4, 8. To ensure the satisfactory external appearance of the building in the interests of visual amenity in accordance with saved policies GP2 and F1 of the adopted Yorkshire Dales Local Plan (2006).
5. To remove buildings and other features which have ceased to be used for agricultural purposes and in order for the local planning authority to retain control over the land in accordance with saved policies GP2 and F1 of the Yorkshire Dales Local Plan (2006).
6. In the interests of amenity to protect the qualities of the landscape in accordance with saved policy GP2 of the adopted Yorkshire Dales Local Plan (2006).
7. To ensure the satisfactory external appearance of the development in the interests of the landscape character of the area in accordance with saved policies GP2 and F1 of the adopted Yorkshire Dales Local Plan (2006).

Notes to Applicant:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, subject to the conditions listed above, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

DCPermitRpt

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Application No:	S/03/481A	
District:	South Lakeland	
Parish:	Sedbergh	
Applicant's Name:	Mr R Brewer,	
Grid Ref:	SD68819394	
Received by YDNP:	16/02/2015	Officer: Paul Martinson

PROPOSAL: full planning permission for erection of agricultural building

LOCATION: Cross Hall Farm, Cautley, Sedbergh

CONSULTEES

Sedbergh PC

No objections in principle. However recommend that the height is reduced and that the structure could be set further into the rising ground. The number of clear roof panels appears excessive and inaccurately drawn. The Council suggests that the planting of a small number of trees to soften the appearance of the structure in the landscape as viewed from the public highway, whilst siting of the building slightly closer to those existing would result in a more pleasing and compact grouping.

Highways Control Officer

Recommend the imposition of several conditions relating to a provision of a Parking/Turning/Loading Space, proposed access gates recessed, surfacing of access drive and surface discharge onto highway.

Wildlife Conservation Officer

No objections.

Area Ranger (Cumbria)

The proposed development at Cross Hall Farm does not affect the public right of way. Footpath No.303/77 in parish of Sedbergh located to the south of the proposed development.

Cumbria Police

No response received.

PUBLIC RESPONSES

None to date.

RELEVANT PLANNING POLICIES

F1(06) - Agricultural Buildings and Structures

EP1(06) - Protecting The Environment

GP2(06) - General Design Policy

OFFICERS' OBSERVATIONS

APPLICATION SITE

Cross Hall Farm is a working livestock farm located adjacent to the south side of the road from Sedbergh to Cautley. The farm consists of a mixed group of traditional buildings and more modern buildings located on the opposite side of the yard to the dwelling which is part of a terrace of 3

properties 2 of which are in the ownership of the applicant with the northern end terrace dwelling being a residential property. The farm yard and buildings are set down from the level of the road behind a hedge. A caravan park is located to the south of the farmyard.

PROPOSAL

The application seeks planning permission for the erection of a new steel portal framed agricultural building. The building would be sited to the east of the existing building group with a 5m wide walkway between the west elevation and the east elevation of the existing group. The building would measure 22.86m x 22.86m and would have a pitched roof with a height the ridge of 7.62m. The roof would be finished with anthracite grey fibre cement panels and the external walls would consist of concrete panels to a height of approximately 2m with Yorkshire boarding above. An access door would be installed in the 2 gable elevations.

RELEVANT PLANNING HISTORY

S/03/481 – Conversion of barn to form additional living accommodation. Approved

KEY ISSUES

- Planning policy
- Agricultural justification
- Visual amenity
- Neighbour amenity

PLANNING POLICY

Saved policy GP2 of the adopted Local Plan states that new development should be of a kind, scale, siting, and design which is sympathetic to or enhances the landscape character or distinctiveness of the surrounding area, uses appropriate materials and does not have an unacceptable impact on neighbouring amenity.

Saved policy EP1 states that development will not be permitted where it would result in an unacceptable impact on either surface or ground water; the quality of the air, land or soil; the level of noise, dust, vibration or light; or the health and safety of the public.

Saved policy F1 permits agricultural and forestry buildings and structures subject to certain criteria, including; that it is necessary in that location and cannot be achieved by adaption of a traditional building; would not detract from the surrounding landscape, including any wildlife, archaeological or building conservation interest; it meets policies EP1 and NE1 in respect of the environment and protection of the open upland; it would not adversely affect residential amenity or a public right of way; and would not create any significant traffic problems. Where necessary an agreed landscaping scheme will be required to meet the requirements of policy GP4.

AGRICULTURAL JUSTIFICATION

The extension is proposed adjacent to an existing building which is used for housing cattle and sheep at lambing time. The building would be sizeable, measuring 22.86m x 22.86m but would cover a smaller floor area than the extent of the existing buildings. The applicant farms around 20.5Ha in the immediate vicinity of the farm and is looking to expand the business to include calf rearing. The calves would be bought at the age of 6 weeks and then reared and sold as store cattle 12 months later. The applicant has 119 breeding ewes at present which are used to produce fat lambs as well as 14 store cattle which are housed in the existing buildings. It is understood that the existing buildings are not particularly suitable for housing larger numbers of livestock due to welfare issues. Overall it is considered that the proposed building although large, would allow the applicant to develop his established agricultural livestock enterprise and therefore it is considered that the building is justified in accordance with saved policy F1 of the Yorkshire Dales Local Plan (2006).

VISUAL AMENITY

The proposed building would be sited over an existing area of flat rough ground located adjacent to the existing buildings and yard. The building would be served by the existing access from the highway although the existing track would be re-routed slightly. The application has been amended to reduce the number of rooflights per bay and re-site the building in line with the existing group of buildings on the site. Following the amendments the building would be sited close to the existing buildings and would be seen as part of the same farm group. The land slopes down towards the site from road level which, in addition to the screening provided by the existing hedge, would minimise any views of the building from the A683 road past the site.

The main views of the building would be from the existing access into the site from which the site can be seen at present, although due to the distance from the road and the comparatively low level at which it would be constructed it is not considered that the proposal would be visually dominant in this view. A public right of way runs through the existing farmyard on the south side of the existing farm buildings. The proposed building would predominantly be screened by the existing buildings in this view. The land falls away relatively steeply behind the building towards the caravan site and as a consequence of this topography the proposed building would not be prominent from this viewpoint. The building would consist of Yorkshire boarding over concrete panels with an anthracite coloured roof. There would be one roof light per bay and the proposal would therefore reflect the guidance contained within the Yorkshire Dales Farm Buildings Design Guide. Overall it is considered that the proposed building would continue the arrangement of buildings set back from and parallel to the A683 that defines the character of this farmstead and consequently it is considered that the proposal would not have an adverse impact on the character or appearance of the immediate area.

In terms of the wider landscape impact, this group of buildings is set in a dip in the landscape meaning that building would be unlikely to be prominent in any wider landscape views. If the building could be seen at a distance it would be viewed as part of the existing group of buildings and would not encroach any further into the open countryside. As the proposed building would be sited adjacent to an existing building and is well screened by topography and a hedgerow at present, it is not considered that a landscaping scheme would be required in this instance.

Overall it is considered that the proposed extension to the agricultural building would not detract significantly from the surrounding landscape.

NEIGHBOUR AMENITY

The extension would result in the construction of an additional building used for housing cattle on the farmstead. There is an existing range of buildings on this site, the majority of which appear to be in use for livestock housing. The building that is proposed to be constructed is located further away from the closest residential properties than any of the other buildings on the site and as this is a long established agricultural enterprise, it is not considered that the proposal would significantly harm the existing levels of amenity of the neighbouring residential properties through noise or smells arising from its operation.

HIGHWAY ISSUES

The Highway Authority have recommended the imposition of several planning conditions relating to the development. One of the conditions requests the provision of a parking/turning and loading space. As the building would be sited adjacent to a large existing hard surfaced area and the farmyard it is considered that this would be an unreasonable requirement and would also result in further intrusion into the landscape. A further condition requires access gates to be recessed by 4.5m and 45 degree visibility splays, however this is an existing large farm access with existing gates. It would be unreasonable to require this, as well as being visually harmful, as the proposal is not resulting in a change to the access and would just re-route the existing track around the building. Another condition refers to an access drive and requires this to be surfaced in bituminous or cement bound materials. It is considered that this would also be an unreasonable and visually harmful requirement. In terms of the requirement to provide details of measures taken to prevent surface water discharging onto the highway, this is also considered unreasonable as the existing access road slopes relatively steeply down towards the site from the point of its junction with the highway and therefore any surface water would travel down the slope rather than onto the highway. This condition will therefore not be imposed as would not meet the test for conditions as outlined in Circular 11/95 i.e. it is not necessary or reasonable.

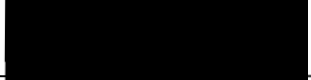
ANALYSIS OF MATERIAL CONSIDERATIONS

The proposal is justified for agricultural purposes and would have an acceptable landscape impact. It would not be harmful to neighbour amenity or highway safety. The proposal would accord with saved policies GP2, F1 and EP1 of the Yorkshire Dales Local Plan (2006) and the NPPF.

RECOMMENDATION

Grant planning permission subject to conditions.

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Signed by Case Officer

Date 09/04/2015

Redacted by YDNPA



Principal Planning Officer

Date 10.4.15