

Officer Update Note

12 August 2020

Item 4.1

APPLICATION NUMBER:	2017/1381/FUL M	PARISH:	Birkin Parish Council
APPLICANT:	JE Hartley Ltd	VALID DATE: EXPIRY DATE:	10th January 2018 11th April 2018
PROPOSAL:	Proposed erection of a new grain store including a chemical store and roof mounted solar PV		
LOCATION:	Land At Viner Station Roe Lane Birkin Knottingley West Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO CONDITIONS		

The application was deferred from the meeting of 24 June 2020 by the CEO

Comments and queries raised by Councillors at the time of that meeting are responded to here.

- 1. The report fails to address the issue of views into and out of the Green Belt as required by the NPPF*

Officer Response

There is nothing in the NPPF requiring views into and out of the Green Belt to be considered. Such an approach is appropriate on the edge of Conservation Areas but not on the edge of the Green Belt. It's either inside the Green Belt where the NPPF applies or it's not. The NPPF sets out the types of development which are not inappropriate within the Green Belt. Some of these are only appropriate if they preserve the openness of the Green Belt. Openness is about the lack of built form within the Green Belt.

The site is not in the Green Belt although the land across the road to the west is within the Green Belt. As such there is no need to apply any Green Belt considerations.

- 2. Appraisal of the application fails to provide any information as to how this massive installation for drying of grain will be heated.*

Officer Response

The applicant has stated that "It is hoped that the grain store will be heated using heat from the proposed biomass scheme, which the proposed fan house will allow for. Should the biomass scheme not be approved then the grain store will be heated using LPG, which is the current arrangement for the existing grain store on site. The proposed fan house will allow for either heat use."

It should be noted that the installation of a boiler for agricultural use only does not require planning permission.

3. *All site matters should be held in "status-quo" mode until the August Appeal hearing is determined.*

Officer Response

Initially the applicant was advised that because the existing grain storage building was the subject of an appeal for an alternative use it would not be appropriate to determine this application. However, the applicant considers that the agricultural grain store is fully justified whether or not the appeal succeeds. They have provided further information to justify this which has been scrutinised by an agricultural consultant on behalf of the council. The Council's Agricultural Consultant has changed from the original position in September 2018 and now considers the size and scale of the building can be justified even if the appeal fails and the existing buildings become fully available again. This report before members today assesses the application on this basis.

4. *If the Woody Fuel appeal is upheld and the drying capacity is retained on Woody Fuel then and only then is the 3000 metric tonnes drying capacity required. This is a clear indication that the result of the Appeal is critically related to the justifiable size of the dryer and that if the appeal were to be dismissed a 3000te dryer cannot be justified and this is fundamental to the determination of the Planning Application*

Officer Response

The original assessment in September 2018 by the Agricultural consultant for the Council agreed with the above approach.

Para 5.15 of the report acknowledges this and states

"Given that a large portion of the buildings are currently occupied by an unauthorised change of use, this scheme could only be supported if the new grain store is justified over and above the capacity of the existing buildings which have been taken up by the Biomass Boilers which are not associated with the agricultural use of the site".

However, further information has been received and site meetings and discussions have taken place with the Agricultural Consultants, the agents and the applicants. Following this the main differences established the following;

- Central section of building one should be excluded from the calculations because sufficient evidence has been provided to show it is needed for fertiliser, seed corn and machinery previously stored in building 3 (open sided and subject to water damage).

Calculations of storage capacity have been made in cubic metres.

- Total capacity of the site including the building with the Biomass boilers but excluding the central section and including the new grain store would give a grain storage capacity of 8,905 cubic metres.
- Information provided in 2020 indicates a storage requirement of 8,679 cubic metres (based on actual 2019 yields and not dissimilar to 2015 good year yields).

- It makes good sense to continue to rent out the potato store (so this is now excluded from the calculations of area available).

In addition Para 5.24 of the report highlights – 3 key changes

- Increased grain production across the business
- Further 200 hectares added to the holding
- Need to store grain for longer – not just short period at harvest time

Therefore the officer's report concludes the application can be determined ahead of the appeal decision because there is clear evidence of sound agricultural justification for the new grain store even if the Appeal is dismissed and the Biomass building is again available for agricultural use.

Item 4.2.

APPLICATION NUMBER:	2020/0475/FUL	PARISH:	Wistow Parish Council
APPLICANT:	Mr Lee Hirst	VALID DATE: EXPIRY DATE:	15th May 2020 10th July 2020
PROPOSAL:	Conversion of the existing barn into a dwelling house after Class Q permitted approval (retrospective)		
LOCATION:	Lodge Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RS		
RECOMMENDATION:	GRANT		

Since the Officers Report was written amendments have been made to Section 7 of the report. These changes include an update to condition 5 requiring works to be carried out in accordance with the drainage plan provided, as follows:

05. Prior to the first occupation of the dwelling hereby approved the drainage details as approved on plan reference, 1938 D 20 011 shall be implemented, operational and retained for the lifetime of the development.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

In addition, an informative has been added as follows:

INFORMATIVE(S):

01. The applicant should note that, the Environment Agency have advised that an Environmental Permit may be required for the septic tank and that the proposals would need to comply with the 'General Binding Rules'.

In considering all of the above, this information this is not considered to alter the assessment made.