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Your ref:
Our ref: J0041705

31 August 2021

Dear Sirs

**RE: CHANGE OF USE OF AN AGRICULTURAL BUILDING AND LAND TO MIXED USE AT ANIMAL FARM,
LONG LANE, POLLINGTON, DN14 0DF**

Introduction

We act on behalf of Mr Boasman and have been instructed to submit a planning application for the change of use of an existing agricultural building and associated land around the building to a 'sui generis' mixed use comprising light industry (Use Class E g (iii)), general industry (Use Class B2), storage (Use Class B8) and agricultural use. The description of development is as follows:

“Change of use of building and land from agriculture (Sui Generis) to a mixed-use comprising light industry (Use Class E g (iii)), general industry (Use Class B2), storage and agriculture (Use Class B8).”

In addition to this covering letter, the following documents have been submitted as part of this planning application:

- Application Form & Ownership Certificate
- Planning Application Fee of £462
- Location Plan
- Block Plan (drawing no: MB121BP.1 Rev D)
- Proposed Building Plan (drawing no: MB21PB.1 Rev D)

The land and building form part of a wider agricultural and equine business. In order to provide the applicant with flexibility to respond to demands the applicant proposes to seek to formally vary the use of one of the existing agricultural buildings.

The Site

Animal Farm is located to the north of the development limits of Pollington within an area of Countryside.

Animal Farm is accessed to the west from Long Lane and comprises a dwelling, several agricultural buildings and equine related infrastructure including stables and an outdoor menage.

To the north of the application site lies Sorrel Lodge, an equestrian worker's dwelling approved under application reference: 09/01672/PLF on 16 July 2009, which is linked to the equine operations at Animal Farm and is occupied by the Applicant of this application. To the east of the site is land associated within the equine business at Animal Farm, to the south of the site is Saint Laurence House comprising a dwelling in third party ownership and sui generis buildings used for light and general industry, storage, and agriculture. To the west of the site is Long Lane and a single dwelling.

Based on the Environment Agency's flood map, the site is located partly within Flood Zone 1 meaning the site has a less than 1 in a 1,000-annual probability of river or sea flooding. The rest of the land is identified as being 'land benefiting from flood defences'.

A Location Plan and aerial image of the site is included in Figures 1 and 2.



Figure 1 – Location Plan

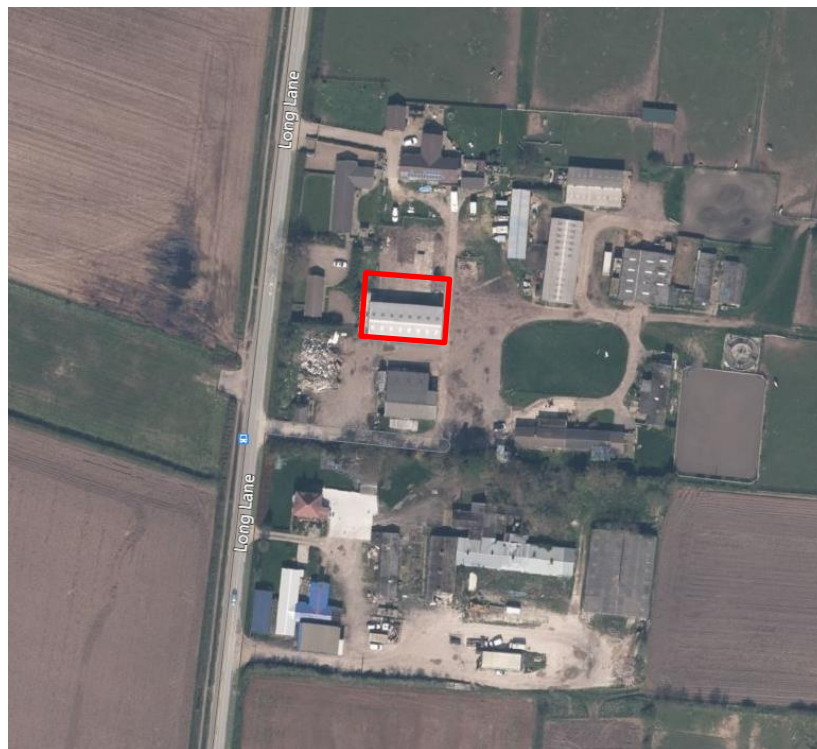


Figure 2 – Aerial Image of Site taken from Google Earth

The Proposal and Application Site

Retrospective planning permission was granted on 20 April 2021 under application ref: 21/00582/PLF for the *'Erection of two agricultural buildings, erection of a lean-to extension to a stable block and construction of an extended menage'*.

Whilst this planning application did not remove permitted development rights, as the permission was only granted in 2021, permitted development in the form of Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, which enables the change of use of agricultural buildings to a flexible commercial use is not available as the buildings have been brought into use after 3rd July 2012 for a period of less than 10 years.

The Applicant wishes to apply for the change of use of one of the agricultural buildings (labelled Building B on drawing MB121BP.1 Rev D), to a mixed-use building comprising light and general industry, storage and agriculture to reflect the flexibility required by the Applicant.

The change of use would not require any external alterations to the building to be carried out and access to the building would remain the same, with access taken from Long Lane.

The extent of land being sought to change use surrounding the existing building is limited to a service strip located to the north of the building measuring approximately 180sqm, as it is recognised by the Applicant that

there may be times when the manoeuvring of goods within the building will involve the temporary holding of materials in this location. The service strip is labelled Area B on drawing MB121BP.1 Rev D.

Planning Policy

The application site lies within the East Riding district within an area of 'Countryside', located to the north of the development limits of Pollington. The current local plan for this area comprises the East Riding Local Plan Strategy Document which was adopted in April 2016 and covers the period to 2029.

In terms of planning policy designations, according to East Riding's policy map the site falls within a Mineral Safeguarding Area (Policy EC6) and Robin Hood International Airport (Policy EC5). There are no other planning designations which impact the site.

Planning Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the development plan unless material considerations indicate otherwise.

Given this obligation, we consider national planning policy guidance relevant to the application, which is a material consideration in the determination of this application, as well as the statutory development plan.

Principle of Development

The proposed development is consistent with the NPPF's core planning principles which include supporting the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings (Paragraph 84).

Policy S3 part (c) of the East Riding Local Plan Strategy Document (ERLP) (2016) lists several forms of development that are supported in the Countryside where the proposals respect the intrinsic character of their surroundings; this includes the conversion of buildings for economic development.

Policy EC1 of the ERLP seeks to support the growth of the rural economy, and outside development limits, supports economic development that involves the conversion of existing buildings which is of an appropriate scale to its location and respects the character of the surrounding landscape.

The proposed change of use of Building B is considered to accord with the aforementioned policies as it would enable the re-use of an existing building in the Countryside and provide the applicant with flexibility to respond to demands, thus supporting the rural economy. The scale of the building will remain the same with no external alterations proposed. The proposal is therefore considered to be in keeping with the character of the area and in compliance with Policy EC1.

We note that Saint Laurence House, Long Lane, Pollington, located to the south of Animal Farm was granted planning approval in April 2020 for the 'Change of use of buildings and yard from agriculture to sui generis comprising light and general industry, storage and agriculture (retrospective application)' under application ref: 20/04234/PLF.

Within the Officer Report prepared for this application, the Planning Officer writes:

"The scale of the proposal is related to the scale of the existing buildings which is considered to be suitable with no external alterations. The proposal is therefore considered to be in keeping with the character of the area and is in compliance with part (D) of policy EC1."

In the case between Guildford Borough Council v Secretary of State of Community and Local Government 2009, it was held:

"in the exercise of planning judgement a relevant consideration may be the local authority's own approach to similar applications in the locality. Public law principles demand consistency in the application of policies by public bodies such as local planning authorities, unless there are good reasons to the contrary. Consistency is required as a broad principle of good administration and derives from general principles of fairness in the treatment of citizens."

Whilst it is recognised that planning applications should be determined on their own merits, the above planning permission at Saint Laurence House provides evidence that the principle of this development at this location is acceptable, and the above case reinforces that local planning authorities should consider the approach taken in similar planning applications and apply consistency.

Impact on the Character of the Area

Policy ENV1 of the ERLP relates to integrating high quality design and respecting the character and appearance of the area. This policy sets out that development will be supported where it has regard to the specific characteristics of the site's wider context and the character of the surrounding area.

The change of use is limited to Building B and a service strip to the north of this building measuring approximately 180sqm. The change of use is therefore not considered to have an impact on the site's wider context and the character of the surrounding area, especially given the fact the building is not visible from Long Lane and is surrounded by other buildings associated with the agricultural and equine operations on the site including the agricultural building located to the south labelled Building A on drawing: MB21PB.1 Rev D.

Impact on Residential Amenity

Policy ENV1 of the ERLP states that development will be supported where it achieves a high-quality design that optimises the potential of the site and contributes to a sense of place. This will be accomplished by having regard to the amenity of existing properties.

The proposed 'sui generis' mixed use comprising light and general industry, storage and agriculture is not considered to impact on the existing properties surrounding the site. There is only one dwelling nearby to the site which is the bungalow located to the west. However, the proposed change of use is not considered to result in any significant impact on the amenity of this property or the other surrounding properties within Pollington. The building is currently in agricultural use and therefore the impact on residential amenity as a result of this change of use is considered to be minimal.

Impact on Highway Safety

Part B9 of Policy ENV1 of the ERLP sets out that development should promote safe access, movement and use.

The existing access from Long Lane will remain unaltered by the proposed change of use. The existing access has good visibility and width for vehicles, and therefore no highways issues are likely to arise as a result of this development.

The purpose of this planning application is to solely regularise the flexible use of the building and will not result in increased trip generation. Therefore, no highways issues are considered to arise as a result of this planning application.

Conclusion

This application seeks the change of use of an existing agricultural building and land at Animal Farm to a 'sui generis' mixed use comprising light and general industry, storage and agriculture.

This letter seeks to address the main elements of the proposed application and to provide an overview of the planning policy framework against which the application will be assessed.

We consider that the principle of the development is supported by policies S3 and EC1 of the ERLP which support the re-use of existing buildings in the Countryside. Furthermore, as the change of use will not involve any external alterations to the building, the character of the area will not be impacted. In addition, the change of use is considered to be appropriate and would not cause a detrimental harm to the amenity of neighbouring properties and highway safety.

In view of this, we respectfully request that the application be recommended for approval. We look forward to

receiving confirmation of receipt of this application shortly. In the meantime, please do not hesitate to contact me should you have any queries in relation to this application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Harriet Frank', enclosed in a simple oval shape.

Harriet Frank

Senior Planner

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