

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 14 December 2004

PLAN: 07	CASE NUMBER: 04/04571/OUT
APPLICATION NO. 6.122.280.A.OUT	GRID REF: EAST 433881 NORTH 450131
	DATE MADE VALID: 07.09.2004
	TARGET DATE: 02.11.2004
	WARD: Spofforth With Lower

Wharfedale

APPLICANT: Mrs A Addyman

AGENT: Louise Hartson

PROPOSAL: Outline application for the erection of 1 no dwelling, with access (Site Area 0.069 ha).

LOCATION: Parks Farm Park Lane Spofforth Harrogate North Yorkshire HG3 1BY

REPORT

This application was moved into special procedures at the last meeting as Members wished to approved the application. Members considered the proposal would assist with the diversification of the farm and accepted the need for a second worker to be on site due to the specialised nature of the business. They considered viability had been shown and would further improve with the construction of the approved new access road. The views of the Cabinet Member (Planning) and Legal Officer have been obtained.

Cabinet Member (Planning): It is up to Members to take their own view on the justification for the second dwelling but if Members feel a second dwelling is justified, it is absolutely essential that both it and the existing dwelling are subject to a Section 106 Agreement which limits their occupation in connection with the proposed equine therapy use.

Solicitor to the Council: The reasons given by Members require subjective planning judgements to be made and as such Members are entitled to reach a different conclusion to officers.

Determination of this application was deferred at a meeting on 26 October 2004 for further financial information in respect of the viability of the equine enterprise.

SITE AND PROPOSAL

The proposal is seeking outline planning permission to build a house at Parks Farm, which is approximately two miles along Park Lane from Spofforth.

Approval is sought for access/siting, design, external appearance and landscaping are matters reserved for future determination.

The proposal is to provide a second house for an equine therapy centre business, based at Parks Farm.

Accompanying the application was a business brochure and an objective appraisal prepared by Acorus for the proposed occupational dwelling, attached as Appendix 1. Since the application was submitted, Acorus have forwarded further information including: letter dated 8 October 2004 (Appendix 2); letter dated 8 November 2004 (Appendix 3); with a projected profit and loss for 2005/6 (attached as Appendix 4) and further confidential financial information being exempt information which is being circulated separately to Members only (Appendix 5).

MAIN ISSUES

1. Policy
2. Justification
3. Site
4. Open Space

RELEVANT SITE HISTORY

6.122.276.FUL - Formation of new access track to serve Parks Farm: Permission 02.08.2004.

6.122.280.COU - Change of use of agricultural buildings to agriculture and equine therapy centre (retrospective): pending determination at time of writing: Permission 19.10.2004.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Spofforth with Stockeld

The British Horse Society

Reply awaited

Ramblers Association

No objection

Highway Authority

Comments that access should be from Hags Road and right of way should be protected

Environment Agency

Reply awaited

Environmental Health

No objections

Yorkshire Water

No objection

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 14.10.2004
PRESS NOTICE EXPIRY: 08.10.2004

REPRESENTATIONS

SPOFFORTH WITH STOCKELD PARISH COUNCIL - No objections

OTHER REPRESENTATIONS - None

VOLUNTARY NEIGHBOUR NOTIFICATION - None

RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles
PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
SPH5 North Yorkshire County Structure Plan Policy H5
SPE9 North Yorkshire County Structure Plan Policy E9
LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
LPGB02 Harrogate District Local Plan (2001, as altered 2004) Policy GB2: The control of development in Green Belt
LPGB04 Harrogate District Local Plan (2001, as altered 2004) Policy GB4: Requirements of Development in Green Belt
LPH07 Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside
LPH18 Harrogate District Local Plan (2001, as altered 2004) Policy H18: Siting and design of dwellings in the countryside
LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development

ASSESSMENT OF MAIN ISSUES

1. POLICY - Government Guidance, Structure Plan and Local Plan Policies strongly resist new houses in remote locations in the countryside away from recognised settlements unless there is an overriding justification for a dwelling in the particular location for some special use, being a use which itself would be appropriate in the countryside.

The site is within Green Belt where again, Government Guidance, Structure and Local Plan Policies have a basic premise against new development, unless the use is appropriate in a rural area and there is some very strong justification to override the normal principles.

2. JUSTIFICATION - Parks Farm is a 61 hectare (152 acre farm) which is run in conjunction with the neighbouring High Park Farm, a well established dairy and sheep farm

primarily run by two brothers who live in the respective farm houses. The main dairy enterprise is based at High Parks Farm. Parks Farm, the application site, is used as a subsidiary unit, mainly utilised for grazing the farm's livestock.

Mrs Addyman, the applicant, established a equine therapy centre at Parks Farm as a rural diversification enterprise in 1998. The business has gradually grown and established over the last six years, utilising some of the traditional and modern farm buildings at Parks Farm for the accommodation and treatment of horses. An outside exercise arena has been constructed, a horse walker installed and recuperating horses graze some of the surrounding fields.

Over the last six years there has been considerable investment in the business involving:-

- 1.The installation in one farm building of 11 stables and a feed room together with £45,000 therapeutic spa machine for the treatment of horses legs.
- 2.Provision of five stables in a traditional stone barn and the installation of a £3,000 solarium.
- 3.Provision of two isolation boxes in an adjoining lean-to building.
- 4.Installation of CCTV within the buildings.

Significant further investment in the business is proposed, including:-

- 5.The construction of a new farm access road (as Park Lane is too long and too pot holed for transportation of injured horses).
- 6.Installation within an existing farm building of further foaling and treatment boxes.
- 7.An adjoining pole barn is used for the storage of hay and straw.

Last winter the adjoining farm building was used for the accommodation of cattle and it is anticipated that there may be some agricultural use of the existing buildings when not required for the equine business.

To date there has been in excess of £83,000 of capital investment into the equine therapy business. The main activity is the provision of equine therapy treatments to injured, sick and problematic horses and associated livery that enables full recuperation. The Centre provides all year round treatments to all performance and leisure horses, including racehorses, eventers and bloodstock for various injuries and conditions, particularly leg injuries, providing treatments including therapeutic spa, physical therapy, dentistry, solarium and homeopathy and a physiotherapy clinic. The business has developed working relationships with various equine specialists, including a horse dentist, physical therapist, farrier and physiotherapist. There are no standard lengths of time required for the various therapies; the horse's stay depends on the extent and type of injury/condition being treated.

In addition, a brood mare foaling service has been started, bringing in horses for five weeks

prior to foaling and keeping them for approximately ten weeks.

This equine business has been created making use of the specialist skills of the applicant and lives very well alongside the farming activities of the applicant's husband. A planning application for the change of use to form an equine therapy centre has been granted planning permission.

The capacity of the business for therapy is presently eleven horses and the business generally operates on between 75% and 100% capacity. The Centre has a waiting list for horses throughout the winter months. The delicate nature of the injured horses brought for treatment requires a high labour input. The foaling operations have extended to approximately two foalings a year, but it is hoped to extend this side of the business once a foaling box has been installed in one of the farm buildings.

The business also operates a limited livery for horses from a local private school during holiday periods with the horses normally kept out at grass; indoor accommodation only being provided should the stables be available.

A number of equine specialists attend the Centre to provide specialist services, such as dentistry, physiotherapy and shoeing.

Labour for the business is provided by the applicant, Mrs Addyman, who lives in the farmhouse and one full time employee, who lives in an (unauthorised) static caravan and one occasional part time helper, who lives in another (unauthorised) static caravan on the farm. The applicant's husband is employed full time on the farm but may be available to give assistance.

It is claimed that the need for a second dwelling will enable continuation of the present business and ensure sufficient workers are available immediately to:-

1. Monitor horses with particular emphasis on sick/injured stock receiving therapy treatment, including regular checks to vulnerable stock throughout the night.
2. The injured nature of the horses on site makes them more susceptible to incidents that can cause injury, stress or death including becoming panicked, choking and colic. Horses with colic need to be kept on their feet and require regular half hour checks throughout the day and night; to be immediately on hand to deal with incidents of panic, and other emergencies such as escaped animals, wind damage, etc. Many incidents require more than one person to handle the horse.
3. The site's security particularly as three footpaths meet at Parks Farm.

The agent has stated that the nature of the horses accommodated at Park Farm necessitate a high level of care and supervision, and that there is a need to deal quickly with emergencies that could otherwise cause serious injury or fatality. The requirement for supervision is largely associated with horses suffering from injury/illness and that potential customers will be requiring the provision of the necessary supervision. The agent has submitted information that the

business requires at least two full time workers, is a viable business and has been operated profitably for the last three years.

I conclude that this is a good, rural diversification business, utilising the specialist expertise of the applicant, utilising existing farm buildings and land and is ideally suited to this rural location. There has been considerable capital investment in this young business and I accept that the business generates employment for at least two full time workers.

This application is seeking permission for a house in an isolated location in the countryside in Green Belt. The question at issue is whether this business really requires two full time workers to live within sight and sound of the business now and in the future.

At any time there may be up to eleven horses receiving therapeutic treatment and at present for twenty weeks of the year a foaling mare will be on site. There may well be other horses in the stables or in the neighbouring fields. The normal treatments and clinics will take place during the working day and even when this extends to the evening inspection between 9 and 10 O'clock in the evening, such supervision can be covered by staff working on a shift system to provide the necessary cover, as other businesses would have to do. There are intentions to expand the business in the future in a number of directions, including taking on additional horses, and these intentions should be encouraged. However, this application must be assessed against the present circumstances, not on future intentions.

The applicant and her husband already live in the farmhouse and are available to supervise horses outside the normal working day. At present, it is considered that the scale of the business does not justify a need for a second permanent house to service the equine business. In circumstances where expansion is proposed, Council's Policy and Government Guidance suggest temporary permission for a mobile home to allow the business to develop but this application is seeking permission for a permanent dwelling and not a mobile home and Members must determine the application before them and not be influenced by future intentions. There may be a case for a second dwelling once the business has developed further. As this application is for a house and not for a mobile home, at this stage it is recommended that permission be refused for lack of sufficient justification.

3. SITE - The proposed site has been the subject of discussion and negotiation with the applicant. Suffice to say that if there were good justification for a second house, the proposed site is perhaps the best to serve the equine business and satisfy other policies and is acceptable.

4. OPEN SPACE - If permission were granted for a house, there would be a requirement for the provision of open space in accordance with Policy R4.

CONCLUSION - The equine therapy centre is a laudable new business, well suited to its rural location, utilising the applicant's specialist skills, existing farm buildings and adjoining land in a way which is commensurate with planning policies and Government Guidance to seek a diversity of suitable businesses in the countryside.

The current equine business is not considered to be of a scale to justify a new dwelling in

the countryside in green belt and, because the application is for a permanent house, it is recommended that permission be refused.

However, if Members resolve to approve this application, it is strongly recommended that the application be deferred for a Section 106 Agreement to link the existing and proposed dwelling to the Equine Therapy business and the farm enterprise. In addition appropriate conditions would need to be imposed.

CASE OFFICER: Mr M A Warden

RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-

- 1 The Local Planning Authority are not satisfied that there is sufficient justification for a dwelling to serve the equine business and, therefore, the development would be contrary to North Yorkshire County Structure Plan Policies H5 and E9 and Harrogate District Local Plan Policies H7, GB2 and GB4.

