

HARROGATE BOROUGH COUNCIL
DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5
DATE: 25 April 2006

PLAN:	CASE NUMBER:	06/00896/FUL
	GRID REF: EAST	429219 NORTH 451015
APPLICATION NO. 6.134.105.E.FUL	DATE MADE VALID:	20.02.2006
	TARGET DATE:	17.04.2006
	WARD:	Washburn

VIEW PLANS AT: <http://tinyurl.com/f7qv5>

APPLICANT: Ms J Clough

AGENT: Carter Jonas

PROPOSAL: Stationing of 1 static caravan for use as dwelling for a temporary period of 3 years (revised scheme).

LOCATION: Crimple Lodge Farm Brackenthwaite Lane Pannal Harrogate North
Yorkshire HG3 1PG

REPORT

The Planning Committee considered this application on 11 April 2006, when members were minded to grant planning permission contrary to the officer recommendation. This application was a resubmission of an application refused by the former Planning Area 3 DC Committee in October 2005, but with no material change to the application proposals; and there are strong policy objections in the form of green belt and special landscape designations. For these reasons the application was referred to the District Development Sub-Committee.

Members considered there was special justification for a temporary 3 year approval for a mobile home due to the need to be on hand for mares foaling and, due to the siting, it would not be intrusive in the Green Belt.

SITE AND PROPOSAL

The application site is located in open countryside to the southwest of Pannal and forms grazing land on the south side of Brackenthwaite Lane (on the opposite side of the road from Brackenfoot Farm). The site lies within the green belt and the special landscape area.

The applicant owns some 35 acres of grazing land which contains an agricultural building, constructed in timber and blockwork, situated approximately 55m to the south of the Brackenthwaite Lane. According to the supporting information submitted with the application, the applicant bought the land and building three and a half years ago, and in May 2004 the agricultural building was converted into 10 loose boxes and a storage area.

This application is a resubmission of an application refused planning permission in May 2005 for the temporary siting of a 'mobile home' for a period of 3 years. There are no changes to the previous application in that the proposed residential accommodation is to allow the applicant to live on site - to provide a 24 hr presence on site as part of the development of a horse breeding/stud business. The proposed mobile home would be sited close to the existing building. Due to the falling land levels is at a lower level than the road and not readily visible from it. However, there is a public footpath close by.

The application is supported by a 'Business Appraisal' that has been prepared to demonstrate the viability of the proposed business and confirms the amount of investment that has been put into the business, plus the projected income/expenditure over the next three years. The applicant considers that if the business achieves these targets at the end of this 3 year period it would be appropriate to consider a permanent dwelling - subject to an occupancy condition.

There are no material changes to the business plan as previously presented; in summary the applicant established the stud/breeding business in 2003 and currently keeps 11 horses at the stables. There are two elements to the business, the breeding of specialised foals and a stud service. The breeding side of the business involves establishing a rolling programme whereby 5 mares are bought in and 3 sold each year. The mares will be bought at two to three years of age and covered by her stallions to produce two to three foals each. At five to six years they will be broken in and sold. This process will gradually increase the number of brood mares as the business develops. The stud enterprise will involve the applicant's stallions being offered for stud and it is proposed that by year 3 of the business there could be 18 visiting mares per stallion. Many of these visiting mares will be kept at Crimple Stud until they foal.

The applicant has a current business as a saddle fitter, which she currently runs from home (in Harrogate), and it is intended that she would continue to operate this business, relocating it to the site should the application be approved. It also suggested that there is potential to offer livery facilities to supplement the business, and that the business will provide work for 4 full time employees.

As a change to the original application, there is submitted with the current application an additional report - a 'Commentary on Planning Policy' - to address issues relating to PPS7, and in which reference is made to other planning decisions and appeals which the applicant's agents consider to be relevant to establishing "very special circumstances" justifying a dwelling within the greenbelt.

MAIN ISSUES

1. The principle of residential development at this location, having regard to national and local planning policy to safeguard the greenbelt and open countryside.
2. The impact of the proposed development on the character and appearance of the surrounding landscape.
3. Whether adequate access and parking provision can be made.
4. Open Space requirements.

RELEVANT SITE HISTORY

6.134.105.FUL - Siting of a mobile home - Refused 17.09.1991

6.134.105.A.OUT - Erection of farmhouse - Withdrawn 02.08.1993

6.134.105.B.OUT - Erection of farmhouse - Refused 06.09.1994

6.144.105.D.FUL - Siting of mobile home for temporary period of 3 years - Refused
06.05.2005.

CONSULTATIONS/NOTIFICATIONS

Parish Council

North Rigton

Environment Agency

No objections

Environmental Health (Springfield)

No comments received

DCS - Open Space (Brandreth)

NYCC Highway Authority

Awaited, but no objections to previous application subject to standard conditions.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 24.03.2006

PRESS NOTICE EXPIRY: 24.03.2006

REPRESENTATIONS

NORTH RIGTON PARISH COUNCIL - Objection, for the reasons "as laid down in the refusal reasons given to the previous application. The revised application indicates no change in circumstances and therefore the Council sees no reason to change its objection. This is still green belt land. A major concern is that the application is for a 'temporary dwelling for three years'. Is the establishment and development of the business for which it is required similarly 'temporary'. If not what happens at the end of three years. The previous experience of this Council in relation to a similar application is that leads us to believe that this application may be used as a mechanism to extend development in the green belt."

OTHER REPRESENTATIONS - None

VOLUNTARY NEIGHBOUR NOTIFICATION - None undertaken.

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Development

PPG2	Planning Policy Guidance 2: Green Belts
PPG3	Planning Policy Guidance 3: Housing
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
LPC09	Harrogate District Local Plan (2001, as altered 2004) Policy C9: Special Landscape Areas
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
LPR04	Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
LPH07	Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside

ASSESSMENT OF MAIN ISSUES

1. PRINCIPLE OF DEVELOPMENT AT THIS LOCATION- The previous application was refused on the grounds that the principle of development was contrary to greenbelt and countryside protection policies. There are no changes to the actual proposals, or to the relevant national and local planning policy guidance, and consequently the same considerations apply. The main planning issue is whether there are very special circumstances to justify residential development as an exception to the normal presumption against inappropriate development in the green belt/open countryside. To this end the applicant has drawn attention to a number of other cases involving similar issues and consequently these should be addressed as part of the analysis.

The application site lies outside the development limits of any settlement, and is located within the Green Belt to the southwest of Harrogate. Policies GB2 and GB4 are therefore relevant to proposals for development in this location. The green belt affords the strictest level of protection to the countryside, and states that planning permission will only be granted for the erection of new buildings necessary for agriculture, forestry, or other compatible uses of land preserving the openness of the green belt.

Development involving horses, whilst not falling within the definition of agriculture or forestry, can be considered to be an activity appropriate to a rural area. PPS7 recognises that horse training and breeding businesses have a role in diversifying rural economies, and advises that local planning authorities should adopt policies for supporting equine enterprises that maintain environmental quality and countryside character. Policy H7 is relevant to the proposal for the proposed mobile home, and requires that special justification be demonstrated for dwellings within the countryside. PPS7 advises that in considering applications such as this that local planning authorities should apply the same levels of assessment as they would to applications for agricultural and forestry worker dwellings. These are as follows: -

- i) Clear evidence of a firm intention and ability to develop the enterprise concerned
- ii) Functional need
- iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis
- iv) The functional need cannot be met elsewhere

The supporting information provided with the application includes the same 3 year business plan for the applicants breeding business as submitted with the original application. It is still considered that the supporting information demonstrates that there is a firm intention and ability to develop the enterprise concerned, and that the enterprise has been planned on a sound financial basis. However, as regards the essential 'functional' need for a dwelling, the main thrust of the applicant's case remains as before - that the breeding of horses requires constant (i.e. 24 hour) supervision to ensure the "health and welfare" of the horses, as supported by letters from the applicant's vets. Additionally, there are other security issues that the applicant's consider would be addressed by having a residential presence on site. For this reason the applicant believes that 'very special circumstances' have been demonstrated to justify new development in the green belt.

Additional to the last planning application, is the applicant's submission of a 'Commentary on Planning Policy'. This report refers to recent Planning Inspector's decisions to grant permission for a dwelling at Follifoot Riding and Livery Stables; the retention of a mobile home at Birdwell Farm, Kirkby Overblow, and an appeal case in East Hertfordshire where an existing barn was demolished and a dwelling allowed on equine business viability grounds. The applicant suggests that these cases demonstrate that dwellings required in association with equestrian businesses (for 24 hour care) are considered to be 'very special circumstances' that justify their development in the green belt. In particular they highlight that "previous appeal cases have shown that enterprises having foaling have the strongest case for 24-hour supervision."

In the consideration of the original application, the local planning authority was not convinced of the functional need for a permanent dwelling on the site. It was acknowledged that during foaling there may need to be a 24hr presence on site, but that this is not held to be sufficiently frequent an occurrence as to justify a permanent dwelling, that would endure for many years and possibly outlast the currently associated use. It is understood that the applicant has used a small touring caravan for use when needed, and it is considered that such a facility - provided it was removed when not in use - might be a more appropriate solution, (it is believed the caravan in question was previously used by a family member when lambing).

It was further held that whilst most guidance on horse related activities occurs in PPS7, it is PPG2 relating to Green Belts which has the primacy in cases such as these. Thus, where in un-protected countryside this type of activity might be supported, in Green Belt stricter tests are applied. A mobile home, which does not meet the criteria in PPG2, as in this case, i.e. it is not associated with agriculture or horticulture does not comply with adopted Local Plan Policies and is thus unacceptable. In this case it is considered that there is clear conflict with Harrogate District Local Plan Policies H7, GB2 and GB4.

As regards the new policy interpretation document introduced by the applicant, it is acknowledged that the three appeal cases referred to by the applicant do relate to the need for on-site presence for animal welfare reasons. However, there are material differences in the examples given and the application proposal. In all the cases quoted there were long established businesses and facilities already on site, and the scale of enterprise involved much greater. In the case of Follifoot the application was to replace an existing temporary mobile home and the Inspector describes the business as a "substantial complex"; that equestrian activities and buildings were established in the late 1970's"; and that the

applicant's were originally resident close by. Similarly, the Kirkby Overblow case was for the retention of a mobile home, and the Hertfordshire example (a 1996 case) was to redevelop the site of an existing building at an existing livery business that had a complex planning history and recently "trebled in size". Therefore, whilst these cases are examples where it was resolved that 'very special circumstances' had been established such as to "outweigh the general presumption against inappropriate development in the countryside", this does not alter the material circumstances in relation to the current application. In particular, the enterprise is based on an area of pasture, rather than any existing group of buildings or previous use of developed land, and an equine business of any significance has yet to be properly established.

2. IMPACT ON LANDSCAPE - The site lies within the Special Landscape Area. The mobile home is proposed to be located away from the road close to the existing building where levels fall to the river. The land slopes quite steeply at this point, and the applicant has suggested that a flat 'platform' could be created, by cutting into the slope, and the mobile home sited on this area. The structure and associated works would therefore not be readily visible from Brackenthwaite Lane. There would be longer distance views of the site from the public footpath across the valley, although from here the mobile home will be seen in close association with the existing building. Whilst the structure would be visible in the landscape, as a temporary feature it is not considered that the building would be so visually intrusive in the landscape as to cause serious harm, and therefore on balance is not considered to contravene Policy C9 of the Local Plan.

3. ACCESS AND PARKING - There is an existing field access and adequate space for turning and parking within the site to serve the proposal. The Highway Authority has no objections on highway safety grounds, subject to standard conditions.

4. OPEN SPACE - A commuted sum of £251.00 has been requested. The unilateral undertaking has been signed and returned and therefore the proposal is compliant with Policy R4. The commuted sum would be targeted towards provision of leisure area and youth and adult facilities at Brackenthwaite Lane verges and Crimple Meadows.

CONCLUSION - In the absence of any material change to the application proposals it is considered that the re-submission has failed overcome the previous policy objections to the stationing of a mobile home at this location. The application is therefore still considered to be unacceptable in that it represents inappropriate development within the green belt, and approval would be contrary to Government Guidance and Adopted Local Plan Policies. Refusal is therefore recommended.

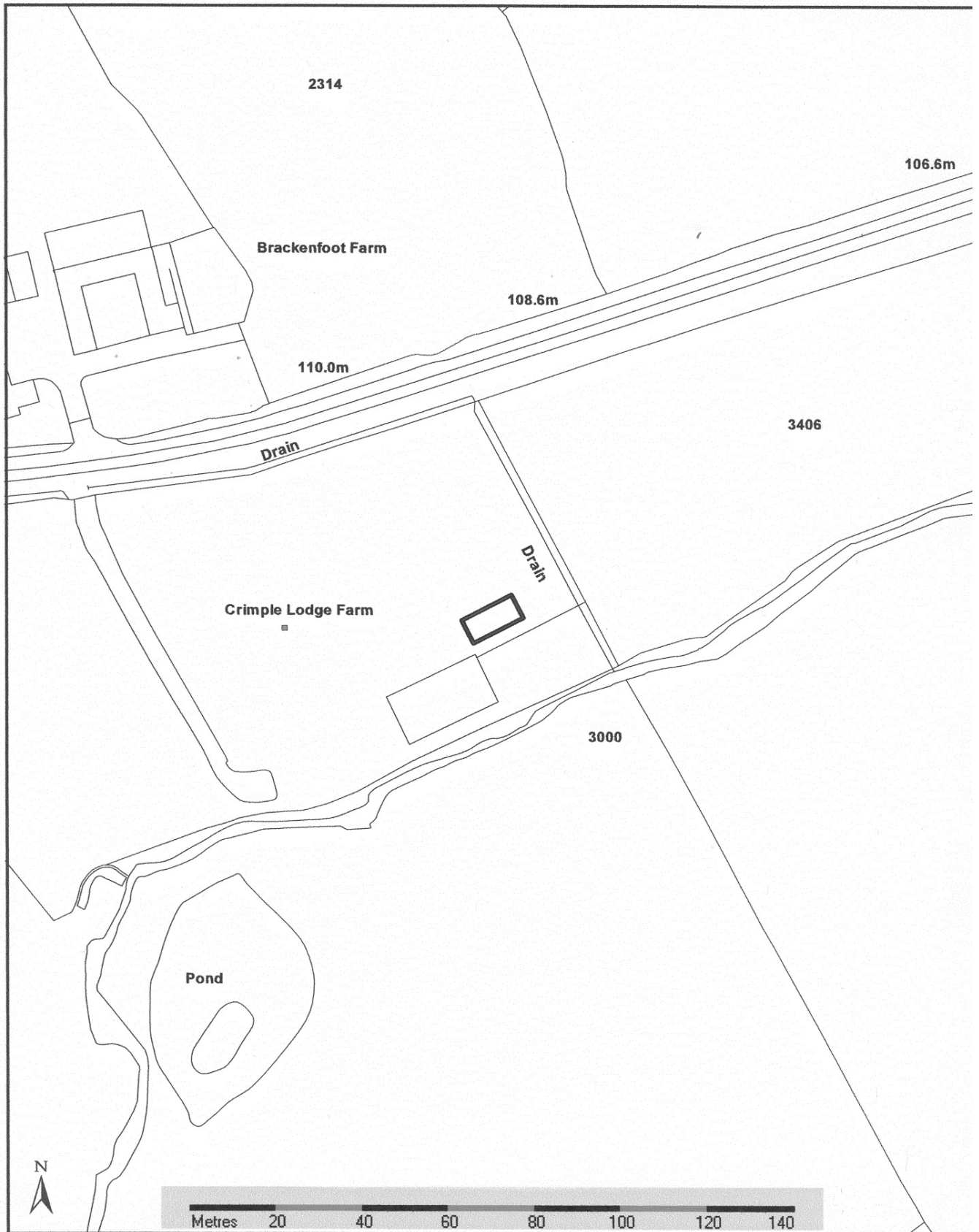
CASE OFFICER: Mr Roger France

RECOMMENDATION

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

- 1 The site is located in the green belt as identified in the adopted Harrogate Local Plan where, having regard to national and local planning guidance, there is strict control of

new development. In the absence of any compelling need for residential development as a functional need of the equine business, the Local Planning Authority consider that there is no special justification for a dwelling at this location and that the application proposal is contrary to Policies H7 and GB2 of the Local Plan.



Department of Development Services


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Harrogate Borough Council 1000 19628 2005.

PLANNING COMMITTEE

Item No. 1

App No./Case No.		06/00896/FUL 6.134.105.E.FUL	
Scale (at A4 size)	1:1250	Site area	0.007ha
Drawn	MDTT	Site boundary	
Date	25.04.2006		

