

HARROGATE BOROUGH COUNCIL

DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5

DATE: 16 November 2006

PLAN:	CASE NUMBER:	06/04255/FUL
APPLICATION NO. 6.142.135.A.FUL	GRID REF: EAST	443864 NORTH 450461
	DATE MADE VALID:	13.09.2006
	TARGET DATE:	08.11.2006
	WARD:	Marston Moor

VIEW PLANS AT:

APPLICANT: Mr L Wilson

AGENT:

PROPOSAL: Siting of 1 static caravan for use as dwelling (Site Area 0.01ha).

LOCATION: Land At OS Field Nos 6145, 7444 Part Of 8600 And 0054 Bickerton
Wetherby North Yorkshire

REPORT

SITE AND PROPOSAL

This item was considered at the Planning Committee on 24th October 2006 when the recommendation to refuse permission was not accepted by the Committee who were minded to grant permission.

The applicant owns a land holding of 11 ha (27 acres) and submitted a report in relation to the proposed caravan.

The applicants supporting letter is attached as Appendix 1 at the rear of this report, and a summary of the agricultural enterprise has been provided as Appendix A.

The applicant has also submitted a 3 year business plan outlining his expansion plans.

The site is approximately 1.3 km west of Bickerton and accessed via a gated track (also a bridleway).

The proposal is to site a static caravan in order to establish an organic farm based on pedigree Gloucester Old Spot pigs, sheep and calves, free range poultry and organic vegetables and the static caravan is to be painted green and sited between a farm building (permitted development - 6.142.135.PNA) and a wood to the north.

MAIN ISSUES

1. Policy Matters
2. Agricultural Justification

- 3. Impact on the Landscape
- 4. Highway Safety

RELEVANT SITE HISTORY

6.142.135.PNA - Notification of P.D agricultural buildings: Prior Approval Not Required
30.08.2005.

CONSULTATIONS/NOTIFICATIONS

Parish Council

BILTON IN AINSTY-W-BICKERTON

NYCC Highway Authority

Concern at the inadequate construction of the highway leading to the farm, and proposed improvement works. Further information needed.

Environment Agency

No comments

Environmental Health (Springfield)

No objection - will need site licence.

Yorkshire Water

No comments

Landscape Officer

See Assessment

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Development
PPG3 Planning Policy Guidance 3: Housing
PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
LPH07 Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside
LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 13.10.2006

PRESS NOTICE EXPIRY: 13.10.2006

REPRESENTATIONS

BILTON IN AINSTY-W-BICKERTON PARISH COUNCIL - Does not object or support.
Makes the following comments:-

1. An agricultural occupancy condition should be imposed.
2. The planning application should be granted for a period of 5 years only subject to the continuous use of the land for organic farming purposes.
3. The applicant should re-apply for planning consent at the end of a 5 year period, subject to continuing use of the land for organic farming purposes.
4. A scheme should be formally agreed for the collection and treatment of waste water, in the interim period whilst the proposed reed bed is being established.

OTHER REPRESENTATIONS - None.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

ASSESSMENT OF MAIN ISSUES

1. POLICY MATTERS - The main thrust of policy advice contained within PPS7, Structure Plan Policy H5 and Harrogate District Local Plan Policy H7 is that isolated dwellings (whether permanent or temporary) in the open countryside, require special justification, such as the essential needs of agriculture.

The site is a "Greenfield" one, and Policy HX seeks to resist the release of such sites except for affordable housing or agricultural dwellings.

Policy R4 seeks a contribution to open space normally via a Section 106 Obligation.

PPS7 in paragraph A12 indicates that caravans and other "temporary" dwellings should only be permitted (normally for up to 3 years) in order to establish a viable agricultural enterprise, and then only when the Local Planning Authority is satisfied that the proposed agricultural enterprise provides:-

- i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm building is often a good indication of intentions);
- ii) functional need (see paragraph 4 of this Annex);
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerns; and
- v) other normal planning requirements, e.g on siting and access, are satisfied.

PPS7 establishes functional and financial "tests" to determine whether a proposed agricultural business is likely to become economically viable. This is discussed in the following section.

2. AGRICULTURAL JUSTIFICATION - The unit is a small one on which to establish an agricultural enterprise that would meet the functional and financial tests of PPS7. The approved agricultural building has not yet been erected. The information submitted by the

applicant has been reviewed and I would comment as follows:-

The assessment is based on the information submitted as part of the planning application and from information submitted by the applicant as part of an earlier Prior Notification for an Agricultural Building.

The applicant purchased, in October 2003, 27 acres of land approximately 1,300m along a gated track from the centre of the village of Bickerton. In March 2005, the applicant gave prior notification of an intention to erect an agricultural building measuring 20m x 20m on the land partly for Winter accommodation of livestock and partly to store machinery.

The applicant advises that the intention is; to develop a diverse farming enterprise with a view to becoming organic, running a herd of pedigree pigs for meat and breeding purposes; rearing suckled calves to 18 months old; running a flock of sheep producing lambs; starting a free range poultry enterprise; market gardening for organic vegetable production; and that he would like to create a learning environment for individuals with learning disabilities.

At present on the farm there are 6 Gloucester Old Spot sows, 2 boars and their progeny; 5 Shorthorn cows multiple suckling with 30 calves of mixed ages and a flock of 20 ewes and their lambs.

The intended changes over the next 3 years involve increasing the pig herd to 14 breeding sows, retaining the suckler cows at their existing level; increasing the sheep numbers by an unspecified number to produce 90 lambs per annum; introducing a laying flock of, in one letter 200 and in a second letter 400, hens producing free range eggs for sale.

Labour on the holding comprises the applicant and his wife who currently live in Tadcaster. The applicant has advised that they have experienced trespassing, poaching and stray dogs worrying sheep. Government advice states that security is not in itself a justification for an agricultural worker's dwelling. Members should be aware the applicant did purchase this land, which is away from any houses or settlement, is along gated track and abuts 2 separate public bridleways. The issue of isolation and security would no doubt have been a matter the applicant took into account when he purchased the land.

At present there are only 6 breeding sows, 5 cows and 20 ewes and their progeny on the holding. Clearly there can be no exceptional need for an agricultural worker to live on land to supervise and manage such a small number of breeding livestock.

The applicant has submitted a Business Plan of the costs and sales for 2006, 2007 and 2008.

At least 3 of the 27 acres, and possibly more, is woodland. The applicant has advised that he intends to create a pond and a reed bed which will take more land out of agricultural production. The area he has allocated for the static caravan, agricultural building, turning area and wooden building enclosed by 2 hedges (which are indicated on his application plan) would take out of agricultural production even more land. The intention is to convert the holding to organic production.

Based on the information that the applicant has submitted with regard to his intentions, by the end of 2008 the suggestion is that the holding would be carrying 14 breeding sows and

280 pigs reared to pork and/or bacon weight, a total of nearly 300 pigs; 5 suckler cows and 60 0-18 month old cattle, a total of 65 cattle; and approximately 60 breeding ewes and 90 lambs, a total of 150 sheep. The applicant also intends to run a flock of free-range hens, which will require ranging areas, and organic vegetable production. If the farm is to be converted to organic production, agricultural output on the holding will be significantly reduced certainly over the initial years, by comparison with non-organic production. In my opinion the agricultural holding would not be able to carry the level of stocking that the applicant has suggested in support of his planning application for a residential caravan. I consider the potential output from the holding will not reach a level at which there is a reasonable justification for an agricultural worker to live on the holding in order to supervise and manage the livestock enterprises. I do not consider that the agricultural justification for a residential caravan for an agricultural worker has been substantiated and I strongly recommend that planning permission be refused.

Members should also be aware of the potential precedent that an application such as this might otherwise set. A small isolated area of accommodation land away from any village, settlement or group of houses has only recently been purchased on the applicant's own advice. The capital for the enterprise and the investment costs to date have been financed not from the holding but from other sources. Output from the holding itself could not finance the purchase, investment to date and intended investments in the future. Although there has been a long history of non-farming money being invested in agriculture, in the past it was to maintain existing agricultural holdings.

An agricultural enterprise based on a holding of 27 acres is only likely to be viable in the long-term if it is devoted to some intensive rearing system (most likely pigs or poultry) and even then would be at the mercy of the large cyclical market fluctuations. To be viable for the foreseeable future, a much larger agricultural holding would be essential and to grant permission for anything less would set a precedent.

The livestock enterprise on this land could quite adequately be supervised from a dwelling in the nearby village which is only 1,300m away and the agricultural activities should be more tailored to a person living nearby rather than trying to suggest some livestock production system that cannot be adequately managed from an existing dwelling in the locality.

It is apparent from the above comments, that whilst the applicants endeavours to establish an organic holding are to be applauded, due to the modest land holding, and numbers of livestock, the unit will not generate a need to live on site that can be justified in essential agricultural terms. There is also some doubt as to whether the applicant could achieve the stocking levels stated on the land available.

In view of the above it is considered that a permanent dwelling is unlikely to be justified, and therefore there is no justification to allow the caravan either. There is thus conflict with Policies HX and H7 of the Harrogate District Local Plan and North Yorkshire County Structure Plan Policy H5.

3. LANDSCAPE IMPACT - As an agricultural case has not been established, there is no need for a caravan, and whilst small, and viewed from a distance, it nevertheless constitutes an alien intrusion into the countryside which PPS7 indicates should be protected for the sake of its intrinsic character and beauty.

The site lies in an area of intensively managed farmland. It is relatively flat and well wooded. Fields are medium to large and relatively random suggesting early enclosure. They are predominantly open with hedges in varying condition. There are several scattered farmsteads. Due to the reasonably well-wooded nature of the landscape, the flat landform, a lack of extensive views and the strong landscape pattern, the area has some capacity to accept change without detracting from its character. However the proposed development does not conform to landscape pattern. The static caravan is not appropriately located at the open and visible apex of existing woodland where it does not sit harmoniously in the landscape. In this location it is likely to impose on views to and from Ingmanthorpe Hall and its associated parkland. Further development that will impact further upon the rural setting of the hall should be avoided. The caravan would also detract from the landscape setting of the woodland. Open views of the caravan from the PROW to the east would be possible

As stated above, the countryside is flat and relatively open and would be harmed by the proposed development, which is not justified and contrary to Policies C2 and C15 of the Harrogate District Local Plan.

4. HIGHWAY SAFETY - The site is quite isolated and whilst the track is merely that, a single track 'lane', due to the modest number of vehicle movements, there is unlikely to be a significant impact on highway safety.

CONCLUSION

The development consisting of a caravan in the open countryside, is not justified by the modest nature of the agricultural holding which is unlikely ever to become viable or warrant a permanent residence.

As the proposal is not justified by agriculture, it must be reviewed against policies of restraint in the countryside. The application does not accord with Policy and refusal is strongly recommended.

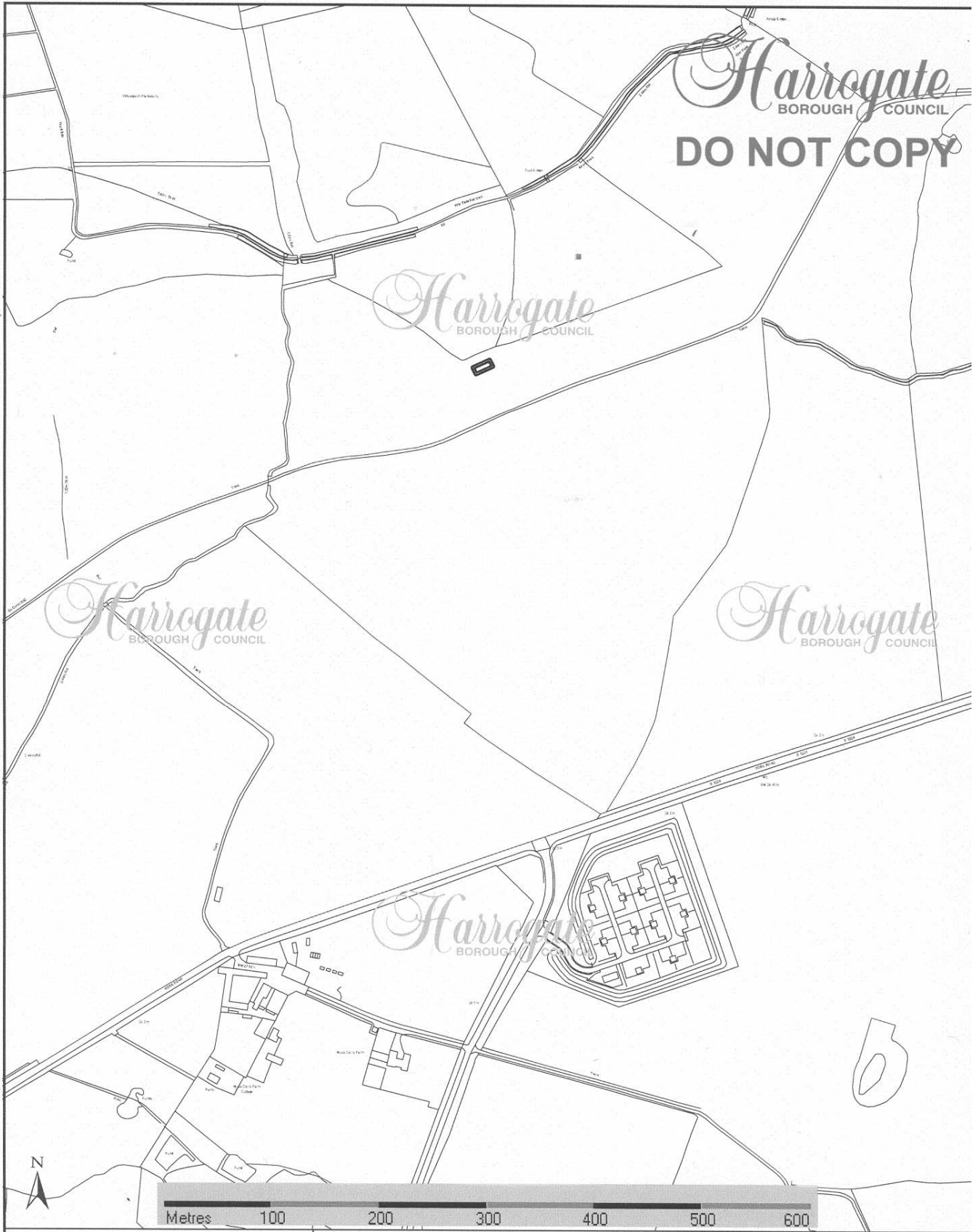
CASE OFFICER: Mr R Forrester

RECOMMENDATION

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

- 1 The Local Planning Authority do not consider there is special justification for a residential caravan for an agricultural worker in the proposed location. As a result the proposal relates to new residential development in the countryside in an unsustainable location that is not justified in agricultural terms and would be contrary to North Yorkshire County Structure Plan Policy H5 and Harrogate District Local Plan Policies HX and H7.
- 2 The caravan would constitute a visual intrusion into the open countryside in an

exposed location, and as such would be harmful to the visual appearance of this historic landscape contrary to the provisions of Policies C2 and C15 of the adopted Harrogate District Local Plan.



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PLANNING COMMITTEE

Item No. **1**

App No./Case No.		06/04255/FUL 6.142.135.A.FUL	
Scale (at A4 size)	1:5000	Site area	0.01ha
Drawn	MDTT	Site boundary	
Date	24.10.2006		