



## **DISTRICT DEVELOPMENT SUB-COMMITTEE**

### **AGENDA ITEM 6**

#### **PLANNING APPLICATIONS REFERRED TO THE SUB-COMMITTEE FOR DETERMINATION**

**To determine applications made under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.**

#### **IMPORTANT INFORMATION**

1. Members of the public are entitled to inspect and to obtain a copy for a fee of Background Papers to published reports as well as the reports themselves. The reports are available as soon as the agenda for a Committee meeting has been printed. This is normally one week before the date of the meeting. They can be viewed at Planning Enquiries or at [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning). A list of Background Papers (if any) is set out at the end of each report. This list does not include letters received in response to consultations and publicity given to the application; these are also normally Background Papers which the public are entitled to see. Published documents such as the Harrogate District Local Plan, the Structure Plan, Planning Policy Guidance Statements, Government Circulars and the Council's published Design Guidance are not regarded as Background Papers. However, all this material is available to view at [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning) or for inspection by the public at "Planning Enquiries", Department of Technical Services, Knapping Mount, West Grove Road, Harrogate, North Yorkshire, HG1 2AE. Tel: (01423) 500600, Fax: (01423) 556510. Opening hours: Monday to Friday 8.30am – 4.00pm.
2. The information contained in the reports is a summary of the relevant information available at the time the report is prepared. Any further relevant information received subsequently will be reported at the meeting. This may include correspondence, amended plans and other relevant information.

3. With each report is an A4 size extract from the latest edition of the Ordnance Survey showing the application site. Application plans, drawings and illustration materials will be displayed at the meeting and together with the application reports and other published documents may be viewed on [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning). USE THE SHORT CODE at the head of each report to get quick access to the plans.

## HARROGATE BOROUGH COUNCIL

### DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 6

DATE: 31 May 2007

<b>PLAN:</b> 01	<b>CASE NUMBER:</b> 07/01300/FUL
<b>APPLICATION NO.</b> 6.82.38.B.FUL	<b>GRID REF: EAST</b> 430327 <b>NORTH</b> 460310
<b>CASE OFFICER:</b> Mr M A Warden	<b>DATE MADE VALID:</b> 02.03.2007
	<b>TARGET DATE:</b> 27.04.2007
	<b>WARD:</b> Killinghall

#### VIEW PLANS AT:

**APPLICANT:** Mr J Blakey

**AGENT:** Darby Miller And Bown

**PROPOSAL:** Erection of 1 detached agricultural workers dwelling, detached double garage and installation of new package treatment plant (Revised Scheme) (Site Area 0.4ha).

**LOCATION:** Land At Grid Reference 430327 460310 Town Street Nidd North Yorkshire

#### REPORT

##### INTRODUCTION

At a meeting of Planning Committee on 24 April 2007, Members were wishing to refuse planning permission for the following reasons:-

1 Having regard to the need for special justification for isolated residential development in the countryside it is not considered that sufficient evidence has been submitted to demonstrate that constant all year round supervision of livestock is essential, or that there are overriding security concerns, that justifies the need for a permanent agricultural worker's dwelling at this location. The application therefore fails the functional and financial tests of PPS7 Sustainable Development in Rural Areas and the proposal would be contrary to North Yorkshire County Structure Plan Policy H5, and Policy H7 of the adopted Harrogate District Local Plan.

2 Taking into account national planning policy guidance contained in PPS7 Sustainable Development in Rural Areas, which requires that agricultural dwellings should be of a size commensurate with the established functional requirement of the farm enterprise, it is considered that the proposed agricultural worker's dwelling is unusually large. In the absence of any compelling need for the standard of accommodation proposed, it is held that the dwelling is overlarge relative to the functional needs of the holding. As such the proposal would fail to meet the requirements of Policy H7 of the adopted Harrogate District

Local Plan, and development at this location would constitute inappropriate sporadic development in the countryside contrary to Policies C2, C11, C15, A1, and H7 of the Harrogate District Local Plan.

The Solicitor the Council referred the application to the District Sub Committee for determination.

### **SITE AND PROPOSAL**

The application is seeking planning permission for an agricultural worker's dwelling comprising 4 bedrooms, 1 en suite and 1 house bathroom; lounge, dining hall, kitchen, snug, utility room and office with separate double garage. The site is off an existing agricultural access onto Town Street, Nidd just to the north of Home Farm.

Accompanying the application is a letter from the agent; a design and access statement prepared by the agent; supplementary agricultural information prepared by the agent; and an Appraisal of the Agricultural Justification for a Permanent Dwelling prepared by Windle Beech Winthrop, consultant chartered surveyors.

During the course of the planning application additional information has been submitted both by the agent and by the consultant Chartered Surveyors and has been incorporated into this report.

### **MAIN ISSUES**

1. Policy
2. Agricultural Justification
3. Siting/Design
4. Open Space
5. Archaeology

### **RELEVANT SITE HISTORY**

06/00399/FUL - erection of 1 detached agricultural worker's dwelling with integral double garage: withdrawn 24.2.2006

06/04403/FUL - erection of 1 detached agricultural worker's dwelling, detached garage - revised scheme: refused 24.10.2006 for the same reasons for which members wished to refuse permission again. The reasons are set out in full above in the Introduction to this report.

### **CONSULTATIONS/NOTIFICATIONS**

#### **Heritage Unit of NYCC**

See Assessment of Main Issues

#### **Parish Council**

Nidd

#### **DCS - Open Space (Brandreth)**

Commuted sum is valued at £3,033.10 of which £911.57 is for provision of Open Space facilities and £2121.53 is for provision of Village Halls

**Environment Agency**

Reply awaited

**Environmental Health (Springfield)**

No objections

**NYCC Highway Authority**

Provided LPA satisfied applicant has right of access, recommends condition requiring approved access, turning and parking is to be provided and retained.

**Yorkshire Water**

No objections

**RELEVANT PLANNING POLICY**

PPS1	Planning Policy Statement 1: Delivering Sustainable Development
PPS07	Planning Policy Statement 7, Sustainable Development in Rural Areas
SPE4	North Yorkshire County Structure Plan Policy E4
LPC02	Harrogate District Local Plan (2001, as altered 2004) Policy C2, Landscape Character
LPC11	Harrogate District Local Plan (2001, as altered 2004) Policy C11, Landscaping of Development Sites
LPC15	Harrogate District Local Plan (2001, as altered 2004) Policy C15, Conservation of Rural Areas not in Green Belt
LPHD20	Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPR04	Harrogate District Local Plan (2001, as altered 2004) Policy R4, Open Space Requirements for New Residential Development
LPIMP2	Harrogate District Local Plan (2001, as altered 2004) Policy IMP2, Provision of Infrastructure Needs Generated by Development
LPA01	Harrogate District Local Plan (2001, as altered 2004) Policy A1, Impact on the Environment and Amenity
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
LPH19	Harrogate District Local Plan (2001, as altered 2004) Policy H19, Agricultural Occupancy

**APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 06.04.2007

**PRESS NOTICE EXPIRY:** 06.04.2007

NIDD PARISH COUNCIL - Objects for the following reasons:-

1. At Nidd the applicants only own 30 acres, 165 acres is held on a short term lease with no right of renewal.
2. The applicants have not been tenants at Nidd for as long as 26 years.
3. The Parish Council have not seen the agricultural justification.

4. Pro rata the labour hours at Nidd are 17.8 hrs/week.
5. The partnership owns 2 houses, one within 9 miles of Nidd.
6. There are several cottages in Nidd to rent.
7. The landlord has a number of former farmhouses which are rented out.
8. The former farmhouse, Home Farm, was severed from the applicant's rented land.
9. The scale of the dwelling is disproportionate to the proposed use to suit the personal needs of the applicants family.
10. The site is visible from the drive to Nidd Hall, a listed building.

#### OTHER REPRESENTATIONS -

Harrogate Civic Society - may be more appropriate to find a nearby property to enable expansion of the farming enterprise in the locality.

C.P.R.E. have made representations including: -

1. The site and proposal is almost identical to the previous application.
2. The proposal would harm the character and appearance of the local landscape.
3. The original farmhouse was sold as it was claimed it was no longer required.
4. The application does not reflect a farm worker's dwelling.
5. Mr Blakey's sons have houses at Copt Hewick and Littlethorpe.
6. There is a house for sale beside the church and Nidd Hall close to the land.
7. There are several houses to rent in the village and local area.
8. The site is outside the village in open countryside away from farm buildings.
9. Nidd is not recognised as sustainable in the LDF.
10. Nidd Hall parkland is extremely important to the character of the area and should be protected.
11. The house is very large for a farm worker's house.
12. The house would be viewed from the busy driveway to Nidd Hall.
13. 12 ha owned by the applicant is not sufficient to maintain a dwelling of this size.
14. The tenancy agreement may cease in the future.

VOLUNTARY NEIGHBOUR NOTIFICATION -  
Mountgarret Estate Green Lane South Stainley  
Nidd Park House  
Nidd Park Stud  
Nidd Park Stables

#### **ASSESSMENT OF MAIN ISSUES**

1. POLICY - Structure and Local Plan policies resist new dwellings in the countryside unless there is a special justification for a dwelling in the particular location.

2. AGRICULTURAL JUSTIFICATION - Planning permission was refused in October 2006 for an agricultural worker's dwelling because the house was considered too big for the needs of the enterprise and because for that application the applicant had failed to show there was an exceptional need for a dwelling in the particular location. The onus is on the applicant to establish a special justification and in that case, insufficient information had been submitted with the application to prove a reasonable case for a dwelling.

On the other hand this application is accompanied by an agricultural appraisal with detailed information on the extent of the agricultural holding, the month on month operations based at Nidd, and financial information that the agricultural enterprise is financially sound.

The farming business farms a total of 1,154 hectares split between two main centres of operation; at Greenhow, and at Nidd Park Farm, Nidd. Nidd Park Farm comprises 64 hectares (160 acres) of which 12 hectares is owner occupied by the applicant, the rest is tenanted on an Farm Business Tenancy which has recently been renewed for a further 18 year period. At Greenhow 175 hectares (433 acres) is owner occupied, the remainder being rented from the same landlord as that at Nidd on a Farm Business Tenancy with approximately 18 years unexpired. The land at Greenhow comprises 75 hectares of Severely Disadvantaged Less Favoured Area Land and 1,014 hectares of moor land.

The agent advised that the farm tenancy is in the name of Mr J Blakey Senior with both the tenanted land at Greenhow and at Nidd held on Farm Business Tenancies with an unexpired term of 18 years. A letter has been forwarded by the agents of the landlord stating that if Mr Blakey has to withdraw from his lease of Home Farm due to death or ill health, the agents would allow his son to take over the lease and continue farming at Home Farm. The agent goes on to state that it is Estate's policy to allow families to continue farming through the generations wherever possible.

The farm is run by Mr J Blakey senior who lives at Greenhow and Mr J Blakey junior who lives at Bridge Hewick, approximately 9 miles from Nidd Park Farm. There is one regular part-time employee as well as Mrs V Blakey who assists.

The farm business is in the names of Mr J Blakey (Senior), Mrs V Blakey and Mr J Blakey (Junior) trading as J & V Blakey and Son. It is not uncommon in farming situations for the tenancy to be in one name and the farm business to incorporate other members of the family. Usually no rent is paid by the farming business to the tenant as that would be tantamount to subletting but the rent will be paid out of the profit of the business.

The Agent advises that the planning application is in the name of J & V Blakey and son John. Exactly who the applicant is, it is strictly not a planning consideration. The application is considering the agricultural justification for the dwelling based on the present business enterprise. The application site is actually owned by the landlord whose agent has advised that upon grant of planning permission, the landlord would sell the site to the applicant. If members grant planning permission and the site is conveyed to the applicant, the applicant will own both the site and a further 12ha land at Nidd, the remaining 52ha being held on a Farm Business Tenancy (FBI) with 18 years still to run. 18 years is a long period for an FBT, they are usually only granted for 10 years. An 18 year tenancy does indicate a longer than normal commitment by the landlord. We also have information that the landlord would wish to transfer the tenancy to Mr Blakey (junior) if the present tenancy were to cease. While such an undertaking is not legally binding, the conclusion to be drawn is that the present farming relationship between the landlord and the tenant (or his successor) is likely to continue for a considerable period of time.

Government guidance in PPS7 advises that it is important to establish whether the stated intentions to engage in farming are genuine, reasonably likely to materialise and are capable of being sustained for a reasonable period of time. The Chartered Surveyors advise that the unit and agricultural activity have been established for many years and the

partnership has successfully developed this business in recent years. I conclude the farming intentions are genuine and likely to continue for a considerable period of time.

The two farms are run as a single unit and carry 840 pure bred Swaledale ewes; 420 Beulah ewes which are put to a Texel ram; approximately 400 Swaledale Gimmer lambs, and 27 Swaledale and Texel rams; 45 Limousin cross suckler cows and their calves; 41 store cattle; and 2 stock bulls.

The Appraisal included a month by month description of the operating system of the unit, clearly explaining when stock are moved between the two farms. All the sheep are lambed and all the suckler cows are calved at Nidd Park Farm. All the horned sheep and Benlah ewes with single lambs are summered at Greenhow. Younger cows and calves and store cattle are also returned to Greenhow for summer grazing. Sheep with twins and the older cows and their calves remain at Nidd Park Farm. At Nidd Park Farm, for significant parts of the year there are a total of 1260 ewes, many with lambs, 200 ewe lambs, up to 800 fattening lambs, 45 suckler cows and calves and also up to 80 younger cattle.

The sheep at Nidd Park Farm will be sheared there. After weaning all the ewes are returned to Greenhow to be dried off. Lambs not retained for breeding will be fattened at Nidd Park and will be housed at Nidd Park Farm over winter being sold at intervals when they reach the required confirmation.

The information clearly shows that at Nidd Park Farm, there is a very substantial headage of livestock wintering, much of it housed. Thereafter, all the sheep lamb and cattle calve at Nidd Park Farm. Only the hardier cattle, sheep and ewes with a single lamb are taken to Greenhow to summer. The remainder of the livestock remain at Nidd Park Farm. I conclude that there is a year round need for a responsible agricultural worker to be on hand at Nidd Park Farm to manage and care for the livestock.

PPS7 advises that the unit and agricultural activity should have been established for at least 3 years, have been profitable for at least 1 of them, be currently financially sound, and have a clear prospect of remaining so. Accompanying the application is confirmation from chartered accountants to show that the farming partnership profits in 2005 were substantial, the accounts for 2006 are in the course of preparation. It would be reasonable to assume that this is a large, successful and profitable farming business.

In response to the suggestion that the stock figures are not accurate, are not cable of being supported and have been adjusted in some way to present the currently application is best light, the consultant chartered surveyors point out that previous applications on other land at Nidd within the applicant's ownership have been submitted for an agricultural workers dwelling in March 2001 and again in November 2002.

In 2001 the stocking consisted of 39 suckler cows and calves and 500 breeding ewes at Nidd Park Farm again. In November 2002 the numbers kept and Nidd Park Farm had increased to 600 half bred breeding ewes and 39 suckler cows compared with 2001.

The Agent considered that the stocking figures as put forward in this application is entirely consistent with the figures provided for the previous applications by a different firm of surveyors in 2001 and 2002. The Agent states that he has acted for the applicant for a number of years, particularly with submissions for various subsidy applications, and the



land areas and stock numbers included in this appraisal are entirely consistent with the areas and numbers declared on those applications forms and would substantiate the stocking figures and evidence at appeal should planning permission be refused.

Many years ago Home Farm was purchased by Lord Mountgarrett who then severed the land from the house and farm buildings. The land was sold to the Estate. The house and farm buildings were sold quite separately for development. The trustees of the Estate purchased the land belonging to Home Farm long before Mr Blakey took the tenancy of the land. It is not clear what the relationship between Lord Mountgarrett and the trustees of the Estate either were or are today. Suffice to say that the severance of the land, house and buildings was carried out more than 15 years ago. The current owners, the Trustees of the Estate were not responsible for severance of the land from the house and buildings. The elapse of time between severance and today is such that it would be unreasonable to suggest that severance was to secure a new dwelling in the countryside having sold the rightful dwelling for the purpose.

The agent for the Estate has advised that the Estate does not have any 4 bed roomed vacant properties in the Hamlet of Nidd or Town Street adjacent to Home Farm land that would be suitable for a farm house, and that all the cottages belonging to the estate are currently let. None of the dwellings at Home Farm are available for sale or rent. Whatever other properties may or may not be for sale or to let in the immediate vicinity, with the exception of the former house and converted farm buildings at Home Farm, in my opinion no other house in the locality would be suitable to serve the agricultural needs of the present holding.

Mr J Blakey Junior runs a haulage business. The consultant Chartered Surveyors advised that in approximately 2000, and financed DEFRA Grant to encourage farm diversification, Mr Blakey started a timber haulage business. He advised that the day to day running of the business is actually carried out by a transport manager and that Mr Blakey and his son only have a supervisory role in this business as both are employed full time on the farm. He considers the operation of the haulage business was sensible diversification enterprise which has increased the farm income from a related type of business. The consultant advises that the haulage business would not relocate to land at Nidd; if planning permission is granted for this current application, the transport manager will move into the house at Bridge Hewick and Mr J Blakey Junior would move into the new agricultural workers dwelling at Nidd Park Farm.

I am satisfied that there is a reasonable as opposed to an unreasonable agricultural justification for a farm worker to be on hand throughout the year and, in my opinion, a full agricultural justification has been made. Consequently the principle of an agricultural worker's dwelling is accepted. Normally policies resist a new house in the countryside, but given the agricultural justification in this case, an agricultural occupancy condition should be included in any permission.

3. SITE/DESIGN - Normally one would seek to site a new agricultural worker's dwelling close to the farm buildings. Unfortunately in this case the farm buildings, which in any case were an adjunct to Home Farm (which was sold) are in clearings in the woodland where it would be impractical to site a new house. A number of locations have been explored. None are ideal and the proposed site is considered to be as good as can be achieved, with access off the existing track to the farm buildings, given the constraints of the area.

The size of the dwelling has been reduced from that previously proposed only slightly. The proposed dwelling is substantial, and of a "Victorian Esk" style with strong over-sailing eaves; pronounced gables and gable dormers with barge boards. The architect states that the Mountgarrett estate was developed in the late 19th century and most of the estate buildings are in a similar style with natural coursed stone walls, red plain clay tiled roofs, expressed rafter ends at the eaves, painted timber barge boards with carved panels and cast iron gutters.

Comment has been expressed that the main farm house is at Greenhow and that this application does not reflect a second dwelling for a key worker, the dwelling not being modest but very large for a second farm worker. The design is primarily of a farmhouse, rather than a farm worker's cottage, nevertheless I consider the size commensurate with the needs of the farming activities at Nidd Park Farm given the details of the agricultural activities set out in the agricultural appraisal and I consider the design appropriate for the locality.

Concern has been expressed that Nidd Hall park land is important to the character of the area and should be protected and that the proposal will harm the character and appearance of the rural landscape and rural heritage of the area; that Nidd is not recognised as a sustainable settlement in the LDF and is without shop, school or public transport. Even if these comments are accepted, in balancing these issues against the agricultural needs of the holding, I give the latter greater weight.

4. OPEN SPACE - In accordance with Policy R4 and IMP2 provision of open space should be a requirement if permission is granted. A unilateral undertaking for the payment of open space has been received.

5. ARCHAEOLOGY - The site is adjacent to the deserted medieval settlement of Nidd and in a formal park created circa 1772. Consequently the potential for archaeology in the vicinity is high and a watching brief therefore is recommended.

## **CONCLUSION**

A reasonable, as opposed to unreasonable agricultural case has been submitted with the application to justify the need for an agricultural worker to live in the proposed location to serve Nidd Park Farm. The size of the dwelling is commensurate with the needs of the holding and the siting is considered acceptable. Permission should include an agricultural occupancy condition.

**CASE OFFICER:** Mr M A Warden

## **RECOMMENDATION**

That the application be APPROVED subject to the following conditions:-

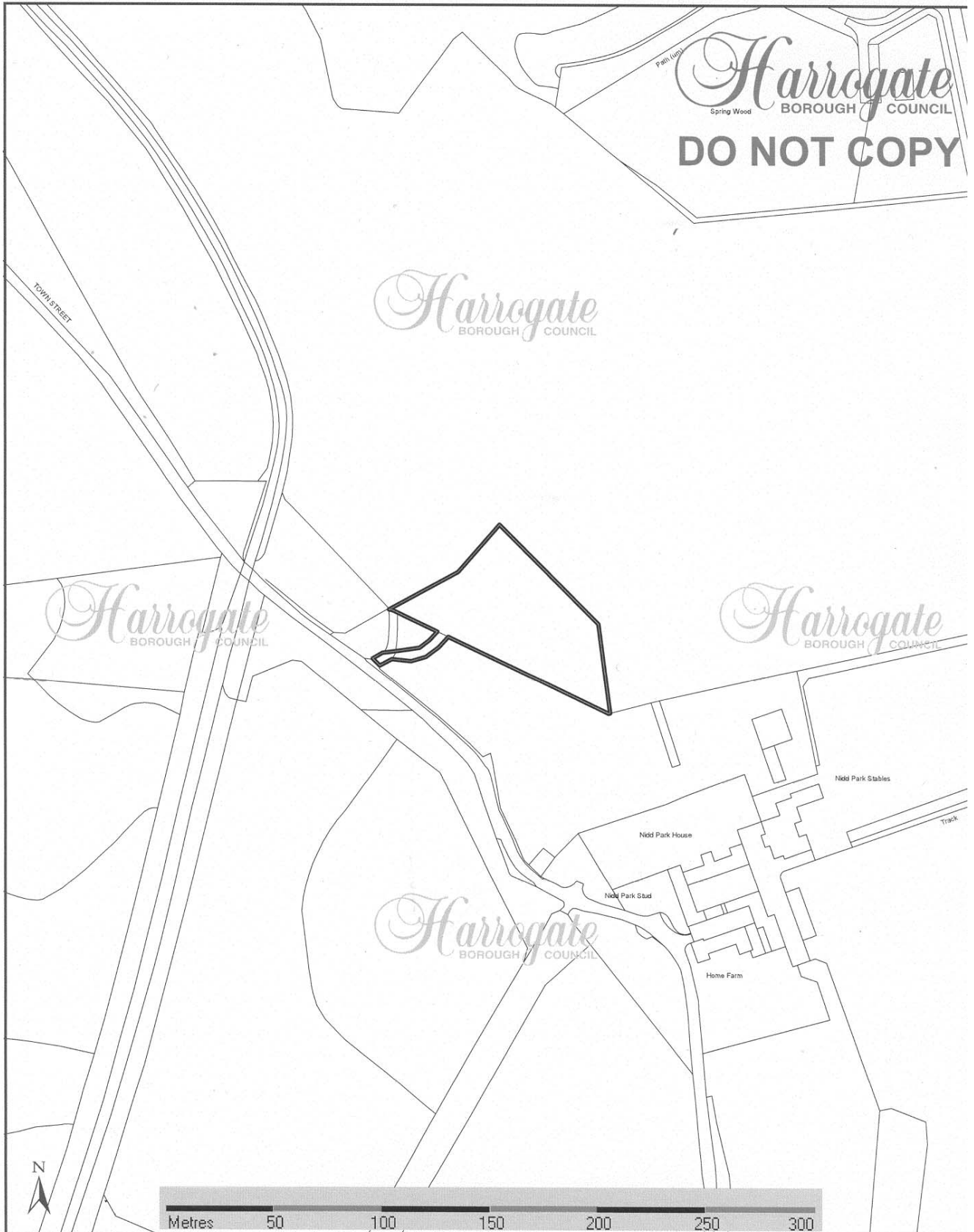
- 1 The development hereby permitted shall be begun on or before 3 years.
- 2 Samples of the materials it is intended shall be used externally in the construction of the roof and walls of the development hereby approved, shall be submitted for the

written approval of the Local Planning Authority and the development shall not be started before any such approval.

- 3 All new doors and windows shall be set back a minimum of 75 mm from the external face of the walls to form reveals to the satisfaction of the Local Planning Authority.
- 4 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing [Reference 645:1]. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 5 The occupation of the dwelling shall be limited to a person solely or mainly working, or permanently retired but last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
- 6 The developer shall (a) give not less than 10 working days notice in writing of the commencement of works to a professional archaeologist to be nominated by the developer and agreed with the Planning Authority and no works shall commence on site until the 10 working day notice period has expired, and (b) afford safe access within the site to the nominated archaeologist at all reasonable times and allow the archaeologist to observe any excavations and record finds and features of archaeological interest.
- 7 The curtilage shall be defined by a hedge comprising native hardwood species and should be planted within the first planting season following the substantial completion of the development.

#### Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 3 In the interests of visual amenity.
- 4 To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.
- 5 The development would be unacceptable unless justified by the local needs of agriculture or forestry.
- 6 The site is of archaeological interest.
- 7 In the interests of amenity.



Harrogate  
Spring Wood  
BOROUGH COUNCIL  
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**Department of Development Services**

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Harrogate Borough Council 1000 19628 2007.

**PLANNING COMMITTEE**

Item No. **7**

App No./Case No. 07/01300/FUL 6.82.38.B.FUL

Scale (at A4 size)	1:2500	Site area	0.4ha	Site boundary	
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Drawn	MDTT	Date	24.04.2007
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