

HARROGATE BOROUGH COUNCIL

**DISTRICT DEVELOPMENT SUB – COMMITTEE – AGENDA ITEM 5**

**DATE: 12 July 2007**

<b>PLAN:</b> 01	<b>CASE NUMBER:</b> 06/04255/FUL
<b>APPLICATION NO.</b> 6.142.135.A.FUL	<b>GRID REF: EAST</b> 443864 <b>NORTH</b> 450461
<b>CASE OFFICER:</b> Mr R Forrester	<b>DATE MADE VALID:</b> 13.09.2006
	<b>TARGET DATE:</b> 08.11.2006
	<b>WARD:</b> Marston Moor

**VIEW PLANS AT:** <http://tinyurl.com/2pvlwr>

**APPLICANT:** Mr L Wilson

**AGENT:**

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

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

## **REPORT**

### **SITE AND PROPOSAL**

This application for an agricultural workers caravan has had a particularly complex history which can be summarised as follows:-

Planning application 6.142.135.A.FUL was originally submitted on 13 September 2006 and related to the temporary siting of a residential caravan for use by an agricultural worker.

There was no significant evidence submitted with the application to justify an agricultural need as noted in the "tests" contained in PPS7 Annex A.

The matter was discussed with the applicant and the application referred to the Planning Committee of 24 October 2006 with a recommendation for refusal.

The applicant provided some further information which was submitted after the preparation of the committee report and the information was therefore presented to Members at the Planning Committee as part of the case officer's update.

Whilst officers indicated that the information was insufficient for them to change their recommendation, Committee Members were minded to support approval of the application.

On the advice of the legal officer the application was referred to the District Development

Sub-Committee on 16 November 2006. Refusal of permission was recommended.

The Committee considered the officer report, and further comments made by the applicant, and Members considered that officers had failed to show that the agricultural holding was not economically viable, and the resolution was to grant permission.

However, a complaint was made to the Council's Monitoring Officer that the District Development Sub-Committee had not correctly addressed the issue and the Monitoring Officer suspended the Committee decision.

Following an investigation by the Monitoring Officer, his report was referred back to the District Development Sub-Committee on 25 January 2007 and his recommendation to reconsider the planning application (as the original consideration was considered to be invalid) was accepted by the Committee.

It is considered to be essential that an appropriate justification of the agricultural need for the caravan is provided for Committee to consider. This is because the onus is on the applicant to demonstrate that his operation is viable, and meets the tests of PPS7 and Policy H7 (rather than for officers to show that it does not).

Following the Committee on 25 January 2007, a letter was sent to the applicant outlining the issues that needed to be addressed. In a subsequent discussion with the applicant on 29 January 2007, he indicated an intention to appoint a consultant to undertake an appraisal of his enterprise.

The following list indicates the course of events which at that time had not resulted in an appraisal being submitted.

26.01.2007 - Letter to applicant suggesting that a consultant be appointed to prepare an agricultural appraisal.

29.01.2007 - Applicant indicates consultant to be appointed.

05.02.2007 - Case Officer discussed matter with applicant. Applicant held in abeyance until consultant prepares report.

12.02.2007 - Letter received from agent indicating report to be submitted within 4 weeks (by 10.03.2007).

02.03.2007 - Email sent to agent indicating that agenda deadline was approaching and the report was needed urgently - no response.

12.03.2007 - Email sent to agent indicating that his deadline had passed and requesting an indication of when the report would be available.

13.03.2007 - Email from agent indicates report will be ready within 21 days (by 04.04.2007).

21.03.2007 - Reminder email sent to agent indicating that 04.04.2007 deadline was essential such that report could be appended to Committee agenda for 23.04.2007

(deadline for publication 13.04.2007). Deadline not adhered to.

23.03.2007 - Further email to agent asking for indication by return, as to when report would be available - no response received.

04.04.2007 - Site meeting held between applicant and officers to review current situation. Applicant indicates that he would pursue agent for report.

16.04.2007 - Letter sent to applicant/agent indicating that Chief Planning Officer had agreed to delay consideration until May and deadline for end of April set for receipt of report.

30.04.2007 - Case Officer rang applicant to say report not received. Applicant to chase up agent.

Due to the lack of progress in relation to the provision of an appraisal, the matter was referred back to the District Development Sub-Committee of 31 May 2007 when the Committee agreed the following course of action:-

1. That the applicant be informed that an appraisal should be submitted by 20 June 2007.
2. That the application be referred to the District Development Sub-Committee of 12 July for determination and
3. In the absence of an appraisal, the application be determined on 12 July 2007, on the information received to date.

On 19 June 2007, the applicants agent emailed the long awaited appraisal.

The report will be available in full in the Members Room from Monday 2 July 2007 for Members information and the agents conclusion is as follows:-

"A functional test is required to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. It is submitted that this report has identified the need and the evidence has met the required standard. It is further presented that there is even now an existing functional need and this will incontrovertible given the expansion plans.

The appraisal identifies that there is already need for at least a full time worker.

It has to be accepted that there is no alternative of any existing accommodation nearby or which is suitable and able to meet the functional need.

The farm plan financial statement for the enterprises is reasoned and in part supported by actual data and the experience on the unit and accordingly considered to be well planned. There is existing evidence of sustainable demand for the premium products at retail prices which set this unit above bare commodity production where the generality is of little margin.

The location of the proposed dwelling within sight and sound the established farm buildings is considered appropriate especially noting the management and security requirements of the farm.

The location is compliant with Clause 18 of Annex A and relates well to the local landscape and which will assimilate the caravan or any future replacement residential unit which will largely be obscured by the farm buildings and recent plantings".

The applicants land holding is some 11ha (27 acres) and is situated approximately 1.3 km to the west of Bickerton village, and accessed via a gated track, which is in part of a bridleway.

The original proposal was 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.

All the other buildings on the site are unauthorised as no permission has been applied for.

The applicants business is described in the submitted appraisal and summarised at Appendix A attached to this report.

## **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

### **Environment Agency**

No comments

### **Environmental Health (Springfield)**

No objection - will need site licence.

### **Yorkshire Water**

No comments

### **NYCC Highway Authority**

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

## **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** - Originally stated:-

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.

In a further letter dated 24.04.2007 the Parish Council state:-

"Councillors and the Local Community support the above application and wish to encourage the applicant with his business venture albeit with the safeguards as outlined in the original application return".

#### **OTHER REPRESENTATIONS** - One letter of support has been received which states:-

- i) Bickerton is an agricultural village that would benefit from the enterprise and locally grown produce.
- ii) This is a young couple who have attempted to build an agricultural business when many farms are going out of business.
- iii) Will create needed rural employment.

- iv) It is outside of the village and overlooks no one.
- v) They have improved the area since moving to the site.
- vi) Building up a farm takes time and money and the applicants are supported by the community.
- vii) We enjoy seeing the progress on the farm, and the applicants encourage visits to see the animals close up.

**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 IMP2 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;
- 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** - This assessment is based on several sources of information, namely:-

1. The information submitted by the applicant as part of a prior notification for an agricultural building (PAR 30.08.2005).
2. The information submitted by the applicant as part of this planning application;
3. Information submitted as part of an Agricultural Appraisal prepared for the applicant by Mr B Bartle, a Chartered Surveyor and Agricultural Valuer;

#### 4. Information given at a site visit on 4 April 2007.

A copy of the application, supporting information and Agricultural Appraisal has been placed in the Members Room of the Council Offices at Crescent Gardens. A summary of the information is set out in Appendix A attached to this report.

The applicant purchased 11 hectares of land which lie approximately 1,300m along a track, which is gated and locked, 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. The building was intended partly for livestock accommodation in winter and partly to store machinery. This building has been partly erected but is yet to be completed.

The applicant submitted a further notification of an intention to erect a second-hand Dutch barn on the site. The applicant was advised on 17.10.2006 that the development required planning permission and was invited to submit a planning application. To date no valid application has been received.

Since purchase of the land in October 2003, the applicant has erected, without giving any prior notification or formally submitting any planning application, a series of sheds, structures, cabins, and caravans as well as putting a dismantled Dutch barn on the site. All these require planning permission and this is pursued independently of this application, which is before this committee and is seeking consent to site a static caravan for use as a dwelling.

The applicant originally advised that his intention was 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 creating a learning environment for individuals with learning disabilities.

The agent advised that stocking had developed in different directions to that originally proposed and that while the original ethos stands of seeking to provide distinctive identifiable farm produce for which links have been set up with local butchers and direct sales to customers, organic is probably being overtaken by 'natural', 'free range' and 'local' as the main distinctive characteristics and consolidating and majoring on rare breeds such as Gloucester Old Spot pigs.

Labour on the holding comprises the applicant full time, and his wife part time. Currently they live in Tadcaster some 8 miles from the site.

The applicants state that they have experienced trespassing, poaching and stray dogs worrying sheep. Government Advice to planning authorities 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 house or settlement. The issue of isolation and security should have been a matter the applicant took into account when he purchased the land.

Of the 11 hectares owned by the applicant, 1 hectare is woodland. The applicant has advised that he intends to create a pond and a reed bed which together will take land out of agricultural production. The site which he has allocated for the static caravan together with the permitted agricultural building, together with sheds, shacks, cabins and caravans, as well as the turning area and wooden building enclosed by two hedges (which are indicated on his application plan) would take even more land out of agricultural production).

The applicant has purchased annually an additional 18 hectares of grazing from 1 April to 31 October at the Lincroft Grange and purchases 3 hectares of field corners close by.

At present on the holding there are only 12 sows and gilts, 3 cows and 46 sheep together with their progeny. The intention over the next three years is to increase the pig herd to 16 sows, the suckler cows to 5 and the breeding flock to 75 ewes. The intention is to bring onto the land a skid based poultry hut to accommodate 3-400 laying hens; and to convert some of the land to the commercial production of vegetables.

The applicants submitted a Business Plan of the costs and sales from 2006, 2007 and 2008. The agent has produced projected gross margins for 2007, 2008 and 2009. The applicant currently markets 50% of his finished livestock direct to a butcher, the other 50% is slaughtered and returned. He has established direct retail sales of boxed meat. The intention would be to add to his direct sales both eggs and vegetables produced on the unit.

The applicant is to be commended for initiating direct sales of meat but all finished livestock is sent away to be slaughtered and butchered and would not need to be returned to the holding for onward marketing. Even if all the intentions are achieved in 2009, there will still only be on the holding 16 sows and/or gilts, 5 multiple suckle beef cows, 70 ewes and their progeny together with up to and 400 laying hens. Even with the specialised direct marketing, the projected gross profit at the end of 3 years will only amount to £18,000.

The government objectives in PPS7 for rural areas is to raise the quality of life and the environment in rural areas through the promotion of sustainable rural communities, promoting more sustainable patterns of development, focusing most development in or next to existing towns and villages, preventing urban sprawl, discouraging the development of 'greenfield' land and promoting sustainable diversion of agricultural sectors where farming achieves high environmental standards.

The two issues in this case are whether the proposed unit will be sustainable and whether the unit could be effectively managed from a dwelling in the locality.

From the information submitted, this 11 hectares will provide a limited enterprise based on direct marketing of meat products and possibly eggs and vegetables too. The question that Members have to consider is the likelihood of the unit continuing should there be a change in agricultural circumstances or ownership. The personal circumstances of the applicant should not be taken into account. The decision should be based on the likelihood that the unit will continue for at least the foreseeable future. The unit developed from nothing by the enterprise of the applicant. The stocking levels currently are low and the profitability of the enterprise depends more on sales of products rather than the actual rearing of the livestock. Many of the livestock rearing activities may be labour intensive, but are not



considered to be so intensive that they could not be managed from a dwelling in the locality with perhaps temporary accommodation provided on site in the form of a "lunch hut".

The projected figures for 2009 suggests that the holding will be carrying a total of 18 mature pigs producing 320 pigs per annum; 5 cows and 36-40 18 month old cattle, 75 ewes and 120 lambs; and 400 laying hens together with vegetable production. I consider these objectives optimistic, unlikely to be achieved or maintained for any length of time. And yet the figures project a profit of only £18,000 in 2009. Any shortfall in targets will impact on this projected profit and would further reduce the future viability of the unit.

The need for a person to live on this unit year round, and the likely need persisting for the foreseeable future are not accepted.

The agent has advised that there have been houses in the locality but has commented that the cost of those houses has been beyond the means of the applicant. The good planning of the area should not be dependent on the financial limitations of the applicant. I am also conscious that in part the unit has developed with a scatter of sheds, structures, cabins, all without the benefit of planning permission and none of which contribute to raising the quality of the environment in this area.

I do not consider the agricultural activities on the holding will 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 consider the livestock enterprise on this land could quite adequately be supervised from a dwelling in the locality, the nearby village 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. I do not consider that the agricultural unit will be sustainable in the foreseeable future. An agricultural enterprise based on a holding of 11 hectares 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 market fluctuations such enterprises incur. To be viable for the foreseeable future, a much larger agricultural holding would be essential.

There is thus a conflict with Policy H7 of the Harrogate District Local Plan and North Yorkshire County Structure Plan Policy H5.

**3. LANDSCAPE IMPACT** - As an agricultural case that would ultimately justify a dwelling 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 the landscape pattern. The static caravan is not appropriately sited being at the apex of the woodland where it does not sit harmoniously in the landscape.

Whilst it would be viewed against the background of agricultural buildings, these are themselves unauthorised.

Open views of the caravan from the PROW to the east would be possible and a caravan will appear as an alien feature.

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.

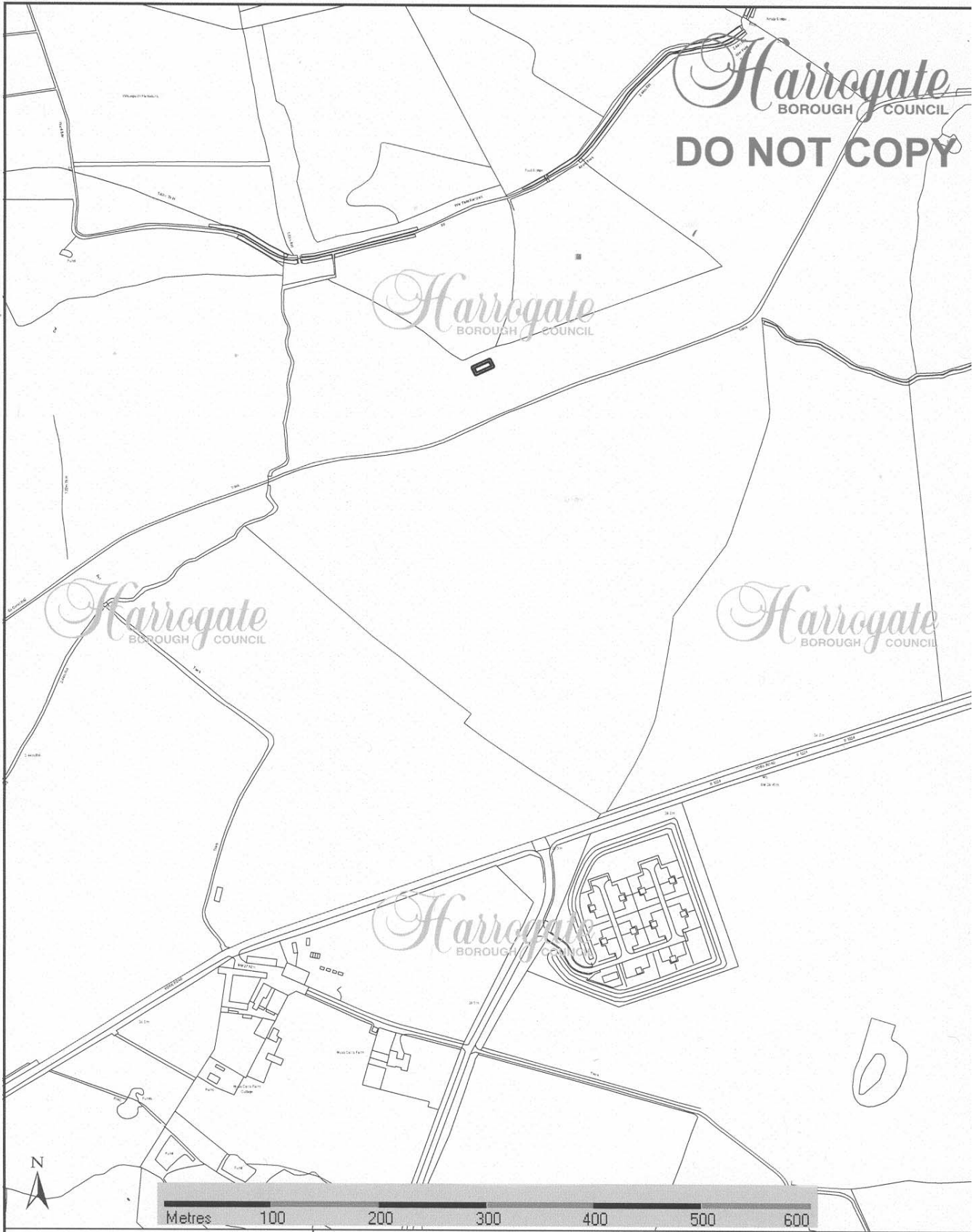
As the proposal is not justified by agriculture, it must be reviewed against policies of restraint in the countryside. The application does not accord with Policy and refusal is strongly recommended.

**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 Policy H7 and the aims of PPS7 - Sustainable Development in Rural Areas.
- 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, and the aims of PPS7 - Sustainable Development in Rural Areas.



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<b>PLANNING COMMITTEE</b>			
Item No. <b>1</b>			
<b>App No./Case No.</b>		06/04255/FUL 6.142.135.A.FUL	
<b>Scale (at A4 size)</b>	1:5000	<b>Site area</b>	0.01ha
<b>Drawn</b>	MDTT	<b>Site boundary</b>	<input type="checkbox"/>
<b>Date</b>	24.10.2006		

