

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 9 March 2004

PLAN: 13	CASE NUMBER: 04/00039/FUL
APPLICATION NO. 6.83.27.AG.FUL	GRID REF: EAST 432310 NORTH 459080
	DATE MADE VALID: 14.01.2004
	TARGET DATE: 10.03.2004
	WARD: Claro

APPLICANT: Mr Alan Inman

AGENT: Arch-Tech Design

PROPOSAL: Erection of 1no. agricultural workers dwelling with attached garage and farm office (site area 0.38ha).

LOCATION: Moorcock Hall Farm Havikil Lane Scotton Knaresborough North Yorkshire HG5 9HN

REPORT

SITE AND PROPOSAL

The application site is located adjacent to a range of modern agricultural buildings situated at Moorcock Hall Farm Havikil Lane Scotton. The buildings consist of a general purpose steel construction, fibre cement roof concrete block wall with timber boarding above of approx dimensions and 35m x 30m, livestock building and silage clamp. Planning consent has been granted for a further building to the north west side of the existing range of structures.

Access to the site is gained via a track located on the eastern boundary of OS Field 202.

The applicant seeks planning consent for the erection of 1 no. agricultural workers dwelling with attached garage and farm office on land to the immediate north west of these buildings. Access would be gained via an existing field entrance in OS Field 202 from Havikil Lane with the existing access closed off. The proposed new access will require surfacing.

The dwelling will provide 4 bedroom accommodation.

It is stated that the existing farmhouse at Moorcock Hall farm, which is owned by the applicants parents is to be sold and proceeds divided between the family.

The dwelling is required to continue farming operations at the site.

MAIN ISSUES

1. Land Use
2. Agricultural Need
3. Highway Safety
4. Open Space Provision

RELEVANT SITE HISTORY

6.83.27.K.OUT - Redevelopment of farmyard and buildings to provide seven new dwelling houses, two light industrial units, estate road and conversion of farm buildings into one dwelling unit and one office unit: PER 05.12.1995 These dwellings have now been constructed through various individual applications for the plots

6.83.27. - Erection of agricultural workers dwelling: REF 05.12. 1995

6.83.27.V.FUL - Conversion and extension to barns to form 1 dwelling and farm office with associated car parking: PER 29.11.1999

6.83.27.Z.FUL - Erection of one pair of three bedroom semi-detached cottages with new vehicular access: APPEAL ALLOWED 26.03.2002

6.83.27.AC.FUL - Demolition of existing barn and erection of 1 no. dwelling and alterations to existing farm access: PER 06.08.2003

6.83.27.AD.PNA - Erection of agricultural storage building: PANR 01.10.2003

6.83.27.AF. PNA - Erection of agricultural storage building: PANR 03.11.2003

CONSULTATIONS/NOTIFICATIONS

Parish Council

Scotton

English Nature

No comment to make regarding the scheme and as such no objection

DLAS - Open Space

No comments received

Highway Authority

No objection subject to the imposition of a condition

H.B.C Land Drainage

Applicant should confirm that a gravity connection can be achieved to the public sewer from this location

Housing Development

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 13.02.2004
PRESS NOTICE EXPIRY: 13.02.2004

REPRESENTATIONS

SCOTTON PARISH COUNCIL - Object to the development on the following grounds:

The proposed development is well outside the development limits for the village. There appears to be no agricultural tie on this proposed development and the question of establishing a precedent to further infill development on this already overdeveloped site arises in the absence of a permanent agricultural tie.

OTHER REPRESENTATIONS - Two letters received in support of the application from the applicants veterinary officer and the NFU:-

1. It would enhance the welfare of the stock and enable Mr Inman to respond more quickly in the event of an emergency
2. It would improve the level of bio-security
3. Improve the overall security of the livestock
4. Living at the site will help the business prosper.

VOLUNTARY NEIGHBOUR NOTIFICATION -

No properties notified.

RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles
PPG3 Housing
PPG7 The Countryside: Environmental Quality and Economic and Social Development
PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
SPH5 North Yorkshire County Structure Plan Policy H5
SPE2 North Yorkshire County Structure Plan Policy E2
LPH07 Harrogate District Local Plan Policy H7: Housing development in the countryside
LPHX Harrogate District Local Plan Policy HX: Managed Housing Site Release

ASSESSMENT OF MAIN ISSUES

1. LAND USE - The application site is located in the open countryside. Both Harrogate District Local plan Policy H7 and North Yorkshire County Structure Plan Policy H5 identify that in such location new residential property will only be permitted if justified upon agricultural or forestry need.

The enterprise has historically operated utilising the existing farmhouse located at Havikil Lane, however it is stated that this is owned by the applicants parents who now wish to sell the premises. The applicant, who lives at the farmhouse would thus require other suitable accommodation.

2. AGRICULTURAL NEED - In this instance the applicant has provided an agricultural appraisal in support of the scheme. The land farmed by the business extends to approximately 91 hectares (234 acres) of arable and grassland. Some 195 acres is used to

support up to 200 head of cattle, the remaining 38 acres are used to grow cereals. In addition approximately 120 acres of silage is cut each year.

The labour force consists of the applicant in both a managerial and labour capacity with a small amount of casual labour employed during the busy silage making time.

The dwelling is to be located within sight and sound of the cow yards to assist with calving, it is close to the follower and fattening yards and would utilise the existing yards.

In summary the supporting agricultural statement concludes:

- * With a suckler herd of 70 cows, calving between October and April, 135 followers including young calves at foot, stores and in calf heifers. It is considered essential that one agricultural worker is available on the holding at all times.
- * Moorcock Hall farm is a viable holding, the size of the enterprises support this statement.
- * The applicant has made substantial investment in modern farm buildings, fixtures and equipment and livestock. Further investment is intended with the expansion of the pedigree herd from 8 to 40 cows and the construction of two further buildings.
- * The applicant satisfies the functional test set out in Para 6 of Annex I to PPG7
- * The applicant satisfies the financial test set out in Para I to PPG7.
- * Para 5 of Annex I to PPG7 sets out the basic criteria necessary to obtain planning consent for an agricultural dwelling. These are:
 - (1) Is there a clearly established existing functional need? - yes
 - (2) Is there a need for one agricultural worker to live on site? - yes

Your officer has no doubt that the existing farming enterprise requires an agricultural worker to live on or near the site.

Concern is expressed however regarding the circumstances resulting in the need for the dwelling. Moorcock Hall Farm has historically operated utilising the existing farmhouse. The applicant states that this farmhouse is owned by his parents and will be sold and proceeds divided between their family. PPG7 Annex I advises that it is essential to examine the farming enterprise concerned and not the personal preferences or circumstances of any of the individuals involved prior to determining applications for agricultural dwellings.

The functional test contained within PPG7 clearly identifies that new dwellings should only be allowed if the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. If the applicant's parents intend to sell the farmhouse then this would clearly be available for the applicant to purchase the property and hence avoid the severance of the unit from the house that is presently proposed under the current circumstances.

Furthermore in cases where the local planning authority is particularly concerned about possible abuse of the planning system, PPG7 advises that it would be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings. The site history clearly indicates that land and buildings have been sold separately to provide open market residential units. The advice within PPG7 states that such sale could constitute evidence of lack of agricultural need.

3. HIGHWAY SAFETY - Access to the site would be gained via an existing field access located within OS Field 202. The access drive would be constructed across the field for an approximate length of 200metres. The highway authority has been consulted and has no objection subject to the imposition of a condition

4. OPEN SPACE PROVISION - Harrogate District Local Plan Policy R4 is applicable in this instance, but at the time of writing this report the comments of the Department of Leisure and Amenity Services are awaited.

CONCLUSION - It is considered that there is a clear requirement for a dwelling to serve the enterprise, however concern is expressed regarding the functional need for a new dwelling. The enterprise has historically operated utilising Moorcock Hall Farmhouse situated on Havikil Lane. This property is owned by the applicants parents. It is their intention to sell the property but if this does not materialise then on death the property will be sold and the proceeds divided between the family. This dwelling has previously met the functional requirements of the enterprise and could continue to do so if under the applicants control.

The advice contained within PPG7 advises that it is the requirement of the enterprise and not the individual preferences or circumstances of the individuals involved that would dictate if consent was forthcoming for a new dwelling. The functional test clearly states that a dwelling should not be allowed if another dwelling on the unit or any other existing accommodation in the area could fulfil it, which is suitable and available for occupation. Clearly the existing farmhouse is suitable and would be available as the applicants parents have stated that they wish to sell the property. Furthermore land and buildings have been sold for residential purposes on the former holding itself, these units could also have met the functional need for the dwelling.

It is your officers opinion that although there is clearly a requirement for a worker to live on or close by the enterprise, the functional test as identified by PPG7 has not been satisfied. The functional need can be met by occupation of the existing farmhouse.

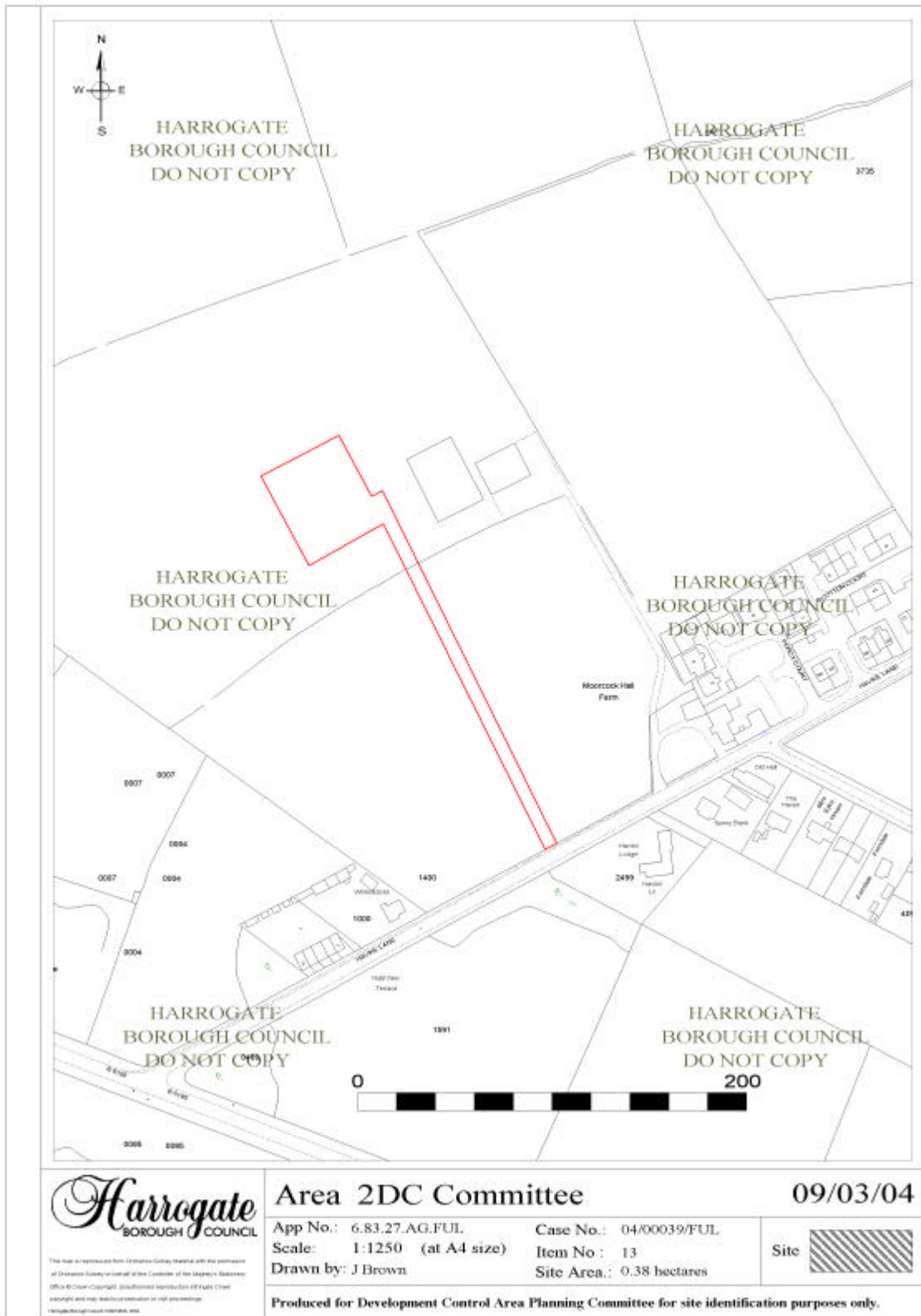
In the absence of any justification to warrant approval of this scheme the development is contrary to the provisions of HDLP Policy H7 and North Yorkshire County Structure Plan Policy H5 and refusal of the application is recommended.

CASE OFFICER: Mr A Hough

RECOMMENDATION

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

- 1 The proposed development fails to meet the functional requirements for a new dwelling required for agricultural purposes as identified by PPG7 and in the absence of any justification to warrant approval of the scheme, represents the establishment of a new residential dwelling in the open countryside contrary to the provisions of North Yorkshire County Structure Plan Policy H5 and Harrogate District Local Plan Policy H7.



Harrogate
BOROUGH COUNCIL

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey, a Crown Copyright. All Rights Reserved. Ordnance Survey, a Crown Copyright. All Rights Reserved. Ordnance Survey, a Crown Copyright. All Rights Reserved. Ordnance Survey, a Crown Copyright. All Rights Reserved.

Area 2DC Committee

09/03/04

App No.: 6.83.27.AG.FUL

Case No.: 04/00039/FUL

Scale: 1:1250 (at A4 size)

Item No: 13

Drawn by: J Brown

Site Area: 0.38 hectares

Site



Produced for Development Control Area Planning Committee for site identification purposes only.