

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 21 June 2005

PLAN: 02	CASE NUMBER: 04/06378/OUT
APPLICATION NO. 6.136.92.C.OUT	GRID REF: EAST 441000 NORTH 452550
	DATE MADE VALID: 17.12.2004
	TARGET DATE: 11.02.2005
	WARD: Ribston

APPLICANT: Mr And Mrs R Newby And Mr S Newby

AGENT: Lister Haigh Limited

PROPOSAL: Outline application for 1 agricultural workers dwelling with access and siting considered (site area 0.097 ha).

LOCATION: Ruddings Farm Cowthorpe Lane Kirk Deighton Wetherby North Yorkshire LS22 5HR

REPORT

SITE AND PROPOSAL

This application was deferred from the 8 March 2005 agenda at the request of the applicants solicitor in order to provide financial information which has now been received, although these are (at the request of the applicant), to remain confidential.

Ruddings Farm is an extensive sheep/pig farm extending to 400ha situated close to the A1 and served by a long access drive from Cowthorpe Lane, near to the A1 Interchange for North Deighton.

The farm is situated on the eastern side of the old A1 and the main farm buildings are situated here, along with an existing farm house and a bungalow. 2 further dwellings are situated close to the access road.

The original farmhouse close to the animal buildings is of some age and the adjacent bungalow was granted permission on 21st June 1972 and was subject to an agricultural occupancy condition.

The 2 bungalows at the entrance are also subject to an agricultural occupancy. Originally recommended for refusal by officers (due to the distance of the dwellings from the buildings) they were given approval by the Planning Committee on 25 August 1976.

For Members information, the position of these dwellings is shown on the location plan attached to this report.

The applicants solicitor has requested that Members attention be brought to the fact that all of these dwellings are in agricultural use and not leased away from the farm (it is assumed that this means occupied by agricultural workers).

The current proposal is in outline form, but indicates a substantial detached property, that would form the fifth dwelling on the holding and which is to be erected to the south of the existing dwellings at the farm. The applicant indicates that the dwelling is for Mr S Newby (son) who is to be the key worker with Mr and Mrs Newby (senior) occupying the farmhouse. Other workers on the farm occupy the 2 cottages at the access road entrance. The bungalow at the farm was occupied until the end of October 2004. It is understood that this property was therefore vacant when this application was submitted, but the property has recently been occupied by another agricultural worker.

The applicants agent indicates that there is a need for the dwelling and that the unit is viable.

The agents letter is attached as Appendix 1.

In a series of letters from the applicants solicitors, various comments have been made, which can be summarised as follows:-

1. Having studied the accounts, it will be obvious that the financial test is passed.
2. If this matter goes to appeal, you should be on notice about a costs application on this matter and your approach.
3. Viability of a business is not a planning issue - you do not ask to see the books on a new shop application.
4. The previous report dismisses, rather than grapples with the evidence as to functional need.
5. This is a large pig farm which has survived the trail and tribulations of the industry. It employs good staff who need to be accommodated and they cannot find places in the wider area.
6. There is no reference in PPS7 or the Local Plan to only needing 2 dwellings on a farm or that they need to be within sight and sound of the holding.
7. All the dwellings are occupied by workers on the farm, the conditions are complied with and they "need" to be housed there. An emergency caravan has been brought onto the site.
8. The key worker is forced by business necessity to live on the holding - he needs to be there.
9. The key worker is Mr Newby (and his wife/children). They cannot be accommodated in other dwellings as they are occupied.
10. We would be prepared to resite the position of the dwelling if Members were minded to give permission.
11. Members were not previously given all the relevant information.

MAIN ISSUES

1. Planning Policy - Development in the Countryside
2. Whether there is an Agricultural Justification for a Dwelling
3. Highway Safety

RELEVANT SITE HISTORY

No recent history.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Kirk Deighton

Environment Agency

No comments

Highway Authority

Recommend refusal due to inadequate visibility at the access.

Heritage Unit of NYCC

No known archaeological constraints

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 10.02.2005

PRESS NOTICE EXPIRY: 21.01.2005

REPRESENTATIONS

KIRK DEIGHTON PARISH COUNCIL - No objection subject to agricultural clause being imposed.

OTHER REPRESENTATIONS - None.

VOLUNTARY NEIGHBOUR NOTIFICATION- None.

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Communities

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

LPT01 Harrogate District Local Plan (2001, as altered 2004) Policy T1: The Highway Network

LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character

LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity

ASSESSMENT OF MAIN ISSUES

1. PLANNING POLICY - DEVELOPMENT IN THE COUNTRYSIDE - The site, whilst being

close to the farm complex is in fact an isolated position within the Countryside.

PPS7 indicates that very careful consideration is needed in such instances and the protection of the Countryside is a primary concern.

The site is a 'greenfield' one and Council Policy HX seeks to resist the release of such sites except where the proposal is for an agricultural dwelling that complies with Policy H7.

Policy H7 indicates that new dwellings in the countryside will not be permitted except where there is an essential agricultural need.

The principle issue in this instance is whether the dwelling is essential in terms of agricultural need and this is discussed in the following section.

2. WHETHER THERE IS AN AGRICULTURAL NEED FOR A FURTHER DWELLING -

The applicants letter (attached as Appendix 1) indicates that the unit is a large established one needing some 7.66 man-units to operate it.

Whilst this is not disputed, there is a significant difference between the number of workers needed to run the farm and the number of key workers that need to be accommodated close to the buildings in order to supervise the livestock.

Clearly with a large farm, and substantial numbers of livestock, this generates a requirement for agricultural workers to feed the animals, to muck them out, and to store feed, harvest crops etc. Such matters are generally undertaken by the workers 'during the course of a normal working day'.

An agricultural "justification" for a dwelling, to allow a worker to live on site is derived from the need to be able to tend to animals at short notice and at hours when the normal workers are not available.

The fundamental issues as to whether an agricultural dwelling is justified, is given in Annex A to PPS7, which indicates that Local Planning Authorities should apply strict functional and financial tests in order to judge whether a dwelling is needed or not.

(i) THE FUNCTIONAL TEST:

It is the application of a functional test that is causing some concern, and there is a distinct anomaly between the comments of the agent and the solicitor in this respect.

The agent is suggesting that there is a functional need for a key worker to be housed close to the unit in order to supervise the livestock.

It is unquestionable, that a farm of this size would justify a functional need for a key worker due to the numbers of livestock involved, and clearly that need is full time, and well established as required by PPS7.

The solicitor acting for the application appears to be making an entirely different case, as he states that all of the workers need to be housed on the farm although no information has been received to verify such a claim.

The applicants solicitor has been requested to clarify exactly what agricultural case is being made and how many workers/dwellings they are seeking to justify in agricultural terms.

It is not considered that adequate justification has been submitted to demonstrate that more than 1 key worker is needed at the farm, although the agents case for a single key worker is compelling.

PPS7 makes specific reference to the fact that an assessment of the functional need for an agricultural workers dwelling should be "dependent on the needs of the enterprise involved and not the personal preferences or circumstances of the individuals concerned".

Whilst the applicants desire to provide accommodation for all of his workers is admirable, this does appear to be a personal preference rather than being justified in essential agricultural terms, bearing in mind that the need for agricultural dwellings arises due to 'out of hours' cover in case of emergencies.

This is the crux of the matter as there is currently the farmhouse, (occupied by Mr and Mrs Newby-senior) and a modern bungalow in close proximity to the farm buildings. These 2 dwellings would offer any managerial accommodation for a key worker that the holding needs.

There are 2 other dwellings on the holding that could accommodate the key worker. The applicants attention has also been drawn to the existence of a nearby agricultural dwelling (with an agricultural occupancy condition in place) that would also meet the need. The removal of the occupancy condition has recently been refused (and is currently the subject of an appeal) as the Council sought to ensure that the dwelling remained available to the agricultural community for occasions such as the current situation.

Members attention is drawn to the appeal decision attached at Appendix 2 wherein the Inspector discussed at length, the existence of other dwellings (see paragraphs 8-17) and concluded that other property in the locality could meet the agricultural need of that holding. That appeal has direct comparison with the current case.

The bungalow close to the livestock buildings at Rudding Farm, (occupied until Oct 2004) and was recently re-let. The applicants clearly had a dwelling available that could readily have met the needs of a key worker, and yet they chose not to retain it for that purpose. Clearly the dwellings at the farm are within the applicants ownership/control and could be made available to the key worker.

The applicant has been requested to indicate (as required by PPS7) why existing dwellings at the farm or others in the locality, could not meet the agricultural need, but has so far failed to do so.

On the basis of the above, and the existence of 4 dwellings that meet the needs of the enterprise in terms of any functional need, the conclusion must be that there is no case in agricultural terms for a further dwelling. The issue appears to be one of management of the existing dwellings on the holding and which workers occupy which dwelling. The key worker needs to be accommodated within one of the dwellings close to the livestock in order to provide out of hours cover for emergencies. It is considered that the other workers do not "need" to be accommodated there.

Additionally, the proposed dwelling is considerably separated from the livestock buildings and might not offer a suitable location for a key worker who generally is accommodated within sight and sound of the buildings. The proposed dwelling is some 150m from the livestock buildings with 2 other dwellings in between and would therefore be unsuitable for a key worker due to the location, or alternatively, if the key worker can live so far from the livestock buildings, he could also live further away in other locations.

On the basis of the above points it is considered that the applicant has failed to make a functional case for a further dwelling (although a need for a key worker is not disputed).

(ii) THE FINANCIAL TEST:

PPS7 also requires a financial test be applied, to establish that the holding is currently economically viable (and likely to remain so in the future) and that the demonstrated income can justify a dwelling of the size proposed.

The applicant has supplied some financial details, which amply demonstrates that the holding is financially viable and it is obvious from the history (the bungalow was approved in 1972) that its long term profitability is assured.

Assessing whether the income generation of the holding justifies the dwelling proposed is very difficult. In instances where large numbers of livestock are involved, or separate operations such as cattle and sheep rearing are involved, large farming enterprises can occasionally justify a second dwelling. A third dwelling is on very rare occasions also justified but, in your officers opinion, a request for a fourth - or as in this case a fifth dwelling on the holding is unheard of. There are therefore no appeals or case-law nor indeed any other precedent on which to base an assessment.

The dwelling proposed is of substantial proportions, and even with the demonstrated income of the holding, it is not considered that there is a financial case for a fifth dwelling on the holding.

The functional and financial tests have not been met and there is therefore no justification for a further agricultural workers dwelling. The proposal consequently conflicts with Policies H7 and HX.

3. HIGHWAY SAFETY - The Highway Authority have concerns regarding the access and state:-

"On a recent site visit it was noted that visibility from the existing access onto Cowthorpe Lane is restricted to 2.4m x 82m in a south easterly direction whereas the Highway Authority considers a sight line of 2.4m x 160m is appropriate.

Bearing in mind the increase in trips that the creation of a residential dwelling will create (business, social, domestic, pleasure etc) it is recommended that the application be refused".

Clearly, if the access is substandard, any intensification of the use of the access would be unacceptable and as such would conflict with Policy T1 which requires new development to be served by a suitable access.

CONCLUSION - The proposal relates to the development of a dwelling in the countryside where very careful scrutiny is needed, and where special justification - such as the proven and essential needs of agriculture are necessary to warrant the granting of permission.

Whilst the applicant has demonstrated an agricultural need for a key worker to provide out of hours emergency cover for care of the livestock, they have quite obviously failed to justify why the 4 existing dwellings on the holding, and indeed other dwellings available in the area cannot meet this need.

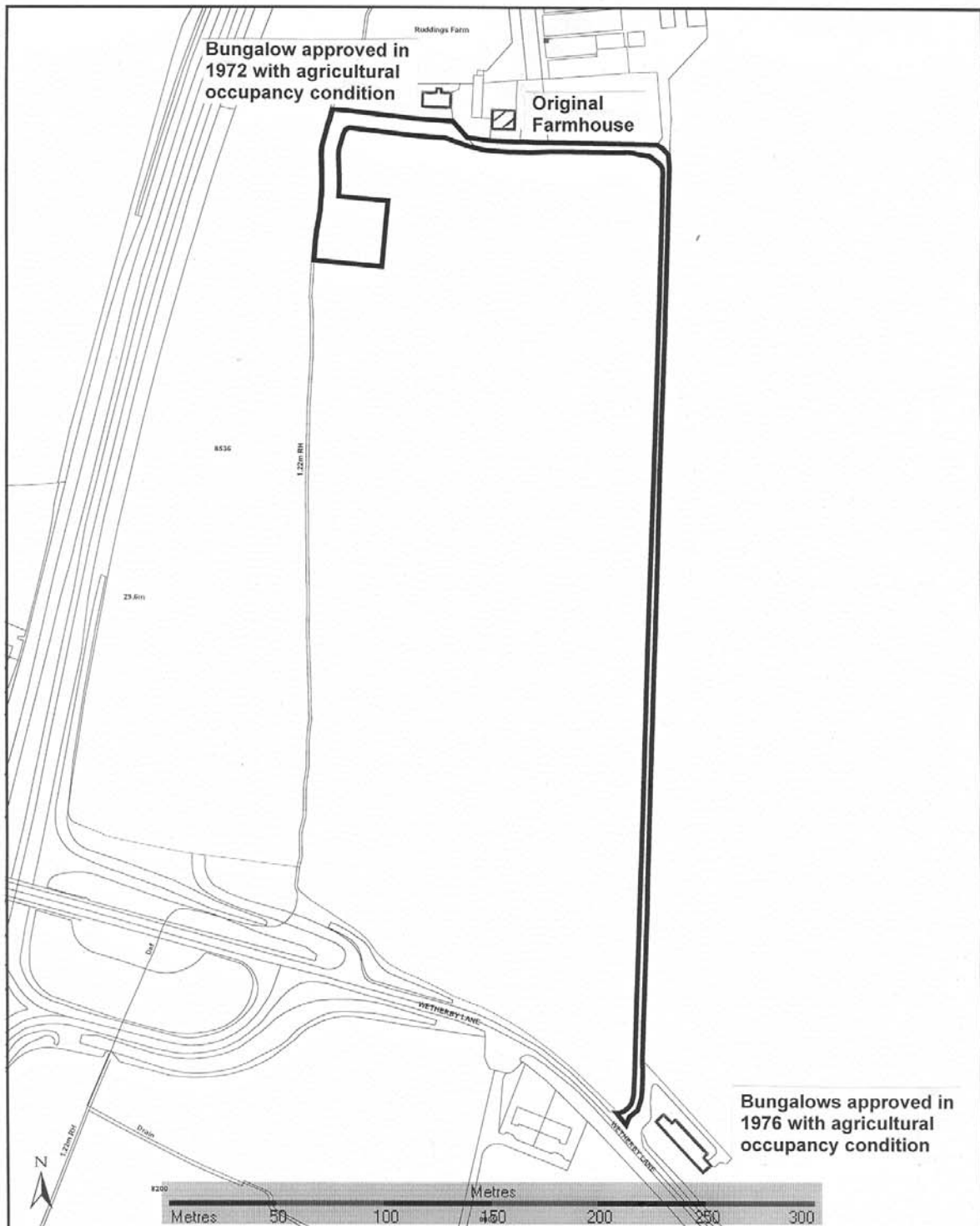
Based upon the advice contained in PPS7, there is simply no justification to allow a fifth agricultural workers dwelling at this holding. To do so would be contrary to policies relating to new dwellings in the countryside.

CASE OFFICER: Mr R Forrester

RECOMMENDATION

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

- 1 The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2.4m x 160m cannot be achieved at the junction with the County Highway in a south easterly direction and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety, contrary to Policies A1 and T1 of the adopted Harrogate District Local Plan.
- 2 The proposal relates to the provision of a new dwelling in the countryside in an isolated Greenfield location where a new dwelling would be an alien intrusion, harmful to the character of the countryside. The dwelling has not been justified in terms of agriculture and fails the tests in Annex A to PPS7 - Sustainable Development in Rural Areas and therefore conflicts with Policies HX, H7 and C2 of the adopted Harrogate District Local Plan (as Amended May 2004).



Harrogate
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

AREA 2 DC COMMITTEE			
Item No. 2			
App No./Case No.	6.136.92.C.OUT 04/06378/OUT		
Scale (at A4 size)	1:2500	Site area	0.097 ha
Drawn	MDTT	Date	21/06/2005
		Site boundary	