

Item Number: 11
Application No: 14/00125/FUL
Parish: Westow Parish Council
Appn. Type: Full Application
Applicant: Mr J Lambert
Proposal: Siting of a two bedroom mobile home for use as a temporary agricultural workers dwelling.
Location: Westfield Farm Low Lane Westow Malton YO60 7LX

Registration Date:
8/13 Wk Expiry Date: 2 April 2014
Overall Expiry Date: 13 March 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Highways North Yorkshire No objections include previous conditions
Environmental Health Officer No views received to date
Parish Council Comments

Neighbour responses: None

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SITE:

Low Farm is situated in the open countryside to the south of Westow which lies within the Area of High Landscape Value. Access is via a steep drive from Low Lane. The applicants business is based at Haybridge Mill Farm Skirpenbeck and Low Farm Westow. The land holding at Skirpenbeck is on a farm business tenancy and comprises 51 hectares with a further 97 hectares nearby. The land at Westow amounts to 6.5hectares and was purchased by the applicant in 2006. The applicant has advised that because the land is free draining it is suitable for livestock to be out wintered.

PROPOSAL:

Permission is sought for the siting of a temporary two bedroom mobile home for occupation by an agricultural worker. The mobile home will be sited between an existing timber yard (in separate ownership), and an existing agricultural building on the site.

HISTORY:

07/00865/AGNOT Erection of agricultural building

07/00949/AGNOT Erection of agricultural storage building

10/00691/FUL Permission granted for the erection of a circular livestock building

11/00618/FUL Appln withdrawn for the erection of a 3 bedroom agricultural workers dwelling

12/00331/FUL Permission refused for the erection of a two storey three bedroom dwelling. Dismissed on appeal.

POLICY:

National Planning Policy Guidance

National Planning Policy Framework:

Section 3: Supporting a prosperous rural economy

Section 6: Para 55 - Sustainable development in rural areas

Ryedale Plan -Local Plan Strategy

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and distribution of new housing

Policy SP9 The Land based and Rural Economy

Policy SP13 Landscapes

Policy SP16 Design

Policy SP19 Presumption in favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

APPRAISAL:

It is considered that the main issues in relation to the application are:

- Has the applicant demonstrated an essential need for a rural worker to live permanently at or near the site?;
- The impact of the proposed agricultural workers dwelling on the area of high landscape value
- The impact of the development on existing amenities of neighbouring occupiers; and
- Highway implications

It is also noted that the Parish Council has advised the following:

Whilst appreciating that the mobile home application is for a temporary siting, we feel it is important to point out that we will not sanction any permanency for this building.

Demonstration of essential need for an agricultural worker to live on site.

The National Planning Policy Framework at section 3 states:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit*

Policies in the Local Plan Strategy also support development that benefits the local economy. Policy SP9 – The Land Based and Rural Economy is particularly relevant in relation to new buildings. Policy SP2 supports new build dwellings necessary to support the land based economy where an *essential* need for residential development in that location can be justified.

Paragraph 55 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside.

The key word is 'essential', it should not be merely convenient for the applicant to live on site. Annexe A to the PPS7 contained guidance on the methodology for assessing 'essential need'. This included a functional and a financial test. No guidance is given in the NPPF nor the NPPG as to how 'essential' need can be assessed. Nevertheless it is generally accepted that the functional and financial tests set out in the Annex to the now superseded PPG7: Sustainable Development in Rural Areas, is a reasonable basis for assessing essential need.

The previous application sought permission for a two storey *permanent* dwelling and was dismissed on appeal. The Inspector stated that there was no substantiated evidence of security of tenure of the rented acreage and the submitted information did not indicate a need for a continuous presence on the appeal site all the year round at that time. She further stated that it had not clearly been shown that the work needed at Westow itself was sufficient to need a full time worker at the site. Turning to the financial aspects she concluded that the submitted information related to the business as a whole and the figures did not demonstrate that a cattle rearing business solely at Westow, would be profitable and could support the construction of the proposed house.

As stated previously, the only guidance on defining essential need is in the superseded Annexe A to PPG 7. There is a specific section on temporary agricultural dwellings:

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings 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 concerned; and*
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.*

It is noted that the requirements for a temporary dwelling are different to that for a permanent dwelling. The rationale for that is that if the unit does not develop in accordance with the submitted financial information, or if stock numbers fail to materialise, the dwelling can be removed from the site. Nevertheless the supporting information still needs to demonstrate a functional requirement for a dwelling, and to demonstrate that the business is planned on a sound financial basis.

In relation to point (i), it is considered that there is clear evidence of a firm intention and ability to develop the enterprise. The land was purchased in 2006 and an agricultural storage building erected under an agricultural notification soon after. Permission was granted in 2010 for a round house which was erected soon after. The applicants have advised that the round house improves the efficiency of the beef enterprise, and indeed there is no doubt that it involved significant investment. An application has also been submitted to alter the existing storage building to allow the housing of livestock, and members will note that there is a further application on the agenda for a new livestock building. The applicant has advised that the existing roundhouse will continue to be used for the suckler herd and the beef young stock progeny. The suckler herd will be maintained at 80 head with a proportion of the cows being out-wintered on the land at Westfield Farm.

The existing storage building will house 50 store cattle, and the proposed livestock building will accommodate up to 80 head of cattle ranging in age from 2 week old calves to 12 month beef cattle.

Clearly, permission for a building does not in itself ensure that it will be built, nor indeed the proposed stock levels increased on site. It does however demonstrate that the business plan is sound and demonstrates a commitment to significant investment. The temporary nature of the proposed dwelling will enable the business plan to be implemented.

In terms of the functional need for a dwelling on site, the applicants have stated that this is essential to attend animals throughout the day, and cows/heifers during calving. They have further advised that on site presence is required for site security. The labour requirements for the holding at Westfield Farm have been calculated on the basis of the accepted methodology contained within the John Nix Farm Management book. This demonstrates that there is a labour requirement in excess of one worker.

In relation to the requirement to demonstrate that the functional requirement for a dwelling could not be provided by an existing dwelling elsewhere, it is noted that the site is a short distance from Westow village, nevertheless, if the proposed number of livestock is established officers accept that an on site presence is required.

In relation to the financial basis for the enterprise, the applicant has operated the farming enterprise at Skirpenbeck since 1986, and therefore has a detailed first hand experience of farm management. The holding at Westow has been established for 8 years. The previous application which was dismissed on appeal, was for a permanent dwelling, and failed to demonstrate that the operation at Westow could be viable on its own. If the holding is developed in accordance with the information now submitted, the beef enterprise budget demonstrates that not only will the unit be viable, independently from the land holding at Skirpenbeck, but it will return a profit. Again the temporary nature of the dwelling will enable the applicant to develop the business and increase the stock levels as intended. Accordingly, it is considered that the current proposal has satisfied the guidelines in the annexe to PPG 7, and accordingly complies with local and national policy in relation to supporting the rural economy.

Impact of development on the character of the Area of High Landscape Value

The recently published National Planning Policy Guidance states:

One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside

The site is situated in the Wolds Area of High Landscape Value. Policy SP13 of the Local Plan Strategy states that the Council will carefully consider the impact of development proposals on such areas. The appeal inspector on the previous application took account of concerns expressed regarding the impact of that development on the character of the Area of High Landscape Value. She advised the buildings are on land which is higher than the adjoining road and would therefore be seen from near and distant points. However she advised that sporadic farmsteads are a characteristic feature of a rural landscape. She therefore disagreed with views that the proposed dwelling would harm the character of the Area of High Landscape Value. In this case, permission is not sought for a traditional two storey dwelling, but a temporary mobile home. Accordingly whilst the design would not be considered favourably on a permanent basis, it is acknowledged that its relatively small scale is such that it will not be readily viewed in the landscape. It is also noted that the building will be sited between an existing wood yard, and the existing agricultural storage building on the site. As such it will not be readily visible from key viewpoints such as the Norton to Stamford Bridge Road. Accordingly it is not considered that the development would have a significant adverse impact on the character of the Area of high landscape Value.

Neighbour Impact

The site lies within the open countryside with no near residential properties.

Highway Considerations

The site is accessed via a steep driveway from Low Lane. The Highways Authority has not objected to the application, however they have recommended a condition requiring the cutting of the grass to ground level over a distance of 30 metres either side of the access.

Other material considerations

Members will note that the Parish Council has stated whilst the mobile home application is for a temporary siting, they will not sanction any permanency for the building. The applicants have stated that because the farm business is developing and expanding, the intention will be to apply for a permanent dwelling in the future. This decision can however, only be made on the basis of the application as submitted, i.e. for a temporary period. Any future applications cannot be pre-judged. Accordingly it is considered that the proposed development accords with both local and national policy, and the recommendation is one of approval.

RECOMMENDATION: Approval

- 1 The building hereby permitted shall be removed and the land restored to its former condition at or before unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason:- To enable the applicants to further develop the business to ensure its long term viability, and because the design of the building would not be acceptable on a permanent basis. In order to comply with the NPPF, the NPPG and Policy SP2 of the Local Plan Strategy.

- 2 The occupation of the mobile home hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality of agriculture (as defined in Section 336 of the Town & Country Planning Act 1990) or forestry or a widow or widower of such a person, or to any resident dependants.

Reason:- The development would be unacceptable unless justified by the local needs of agricultural or forestry, and to satisfy the requirements of the NPPF and the Local Plan Strategy.

- 3 Prior to the mobile home being brought into use, or such longer period as may be agreed in writing by the Local Planning Authority, grass cutting down to ground level along the full width of banking shall be undertaken over a distance of 30 metres each side of the access/exit points. Within 8 weeks of the first occupation of the mobile home a management plan for the cutting of the grass bank shall be submitted to and approved in writing by the Local Planning Authority, and thereafter complied with.

Reason: To ensure that visibility entering and leaving the site will not be obstructed, and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location plan scale 1:2500 Lambert - 06;
Plans and Elevations Lambert - 04; and
Block plan Lambert - 05.

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
Regional Spatial Strategy
National Planning Policy Framework
Responses from consultees and interested parties